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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri.

PRAYER

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

Let us pray.

Eternal Father, who is above all, You are the source of our joy. Continue to lead our lawmakers on the right road. Enter their hearts and enlighten their minds so that they become instruments of Your glory. Strengthen them to take up their daily cross with willing hearts and open hands. May they abandon all of life's petty concerns and embrace Your loving providence. Make them exemplary models of merciful service. May the matter-of-fact orientation of this scientific age never blind them to the glory, the wonder, and the mystery of life.

We pray in Your faithful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE MCCASKILL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE MCCASKILL, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

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

The assistant legislative clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

SCHEDULE

Mr. REID. Madam President, this morning, following any time used by the two leaders, the Senate will resume consideration of the two motions to proceed to H.R. 800 and S. 1639. Debate time will extend until 11:30 this morning. That time will be equally divided and controlled between Senators KENNEDY and ENZI or their designees. At 11:30, the two leaders will control 10 minutes each, with the Republican leader controlling the time from 11:30 to 11:40 and the majority leader controlling the time from 11:40 to 11:50. Therefore, if the leaders use the time available to them, the first vote will occur about 11:50. The first vote will be on the motion to invoke cloture on the motion to proceed to H.R. 800, the Employee Free Choice Act. Regardless of the outcome of that vote, even if cloture is invoked on that motion, the Senate will then proceed to vote on the motion to proceed to S. 1639, the immigration bill. Following the second vote, the Senate will then recess until 2:15 in order to permit the respective party conference meetings.

The schedule is difficult. Last week, we worked things out so we didn't have to be in on the weekend, and that was because the cloture vote did not succeed and we saved some 30 hours. Had that succeeded, we would have had to work into the weekend.

IRAQ

Mr. REID. Madam President, yesterday the U.S. Conference of Mayors highlighted the toll of the Iraq war, the toll it is taking on our health, safety, and well-being here at home, by voting for a resolution to bring the war to a responsible end. Stanford, CT, Mayor Dan Malloy said the war has drained desperately needed funds from classrooms and municipal services. David Cicilline, Mayor of Providence, RI, said:

Continued U.S. military presence in Iraq is resulting in the tragic loss of American lives and wounding of American soldiers . . . reducing federal funds for needed domestic investments in education, health care, public safety, homeland security and more.

The mayors understand this as much as any other political body in the country. They are the ones who are seeing that desperately needed funds are not going to projects they believe are so important to their constituents, the people who live within those cities, because the money is going at the rate of $10 billion a month to Iraq. I appreciate the Conference of Mayors for taking the important stand they did.

Finally, last evening, just before the Senate went out, RICHARD LUGAR, former chairman of the Agriculture Committee, the Foreign Relations Committee, and ranking member on the Foreign Relations Committee today, made a very important speech, one of the most important speeches we have had in the Senate in a long time. He is a soft-spoken man and doesn't really talk a lot. He is a Rhodes scholar, a brilliant man, an academic with experience, prior to coming here, as

mayor of one of the major cities in America. I appreciate what he did last night, what he said last night. On foreign policy, he has the credentials to speak.

Yesterday, he gave voice to the growing sentiment among his Republican colleagues that we must change course in Iraq and change now—not in September but now. Senator LUGAR said:

Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I recommend and suggest to all Senators, Democrats and Republicans, that they read the brilliant speech given by DICK LUGAR last night. It was very good. It was, I am sure, prepared by him, every word. I understand it is not easy to speak out against the war. I can vouch for that. I also recognize how difficult it is for Republicans to speak out against the war. It has been hard enough for this Democrat to speak out against the war. Senator LUGAR's comments and those of a handful of other Republicans who share his view—to this point, two have said so publicly—takes real courage. Courage is the only way we will change course in Iraq.

Some floor speeches go unnoticed. Most floor speeches go unnoticed. Senator RICHARD LUGAR's speech last night is not one of them. When this war comes to an end—and it will come to an end—and the history books are written—and they will be written—Senator LUGAR's words yesterday could be remembered as a turning point in this intractable civil war in Iraq. But that will depend on whether more Republicans take the stand Senator LUGAR took, a courageous stand, last night.

I look forward to working with Senator LUGAR—and hope and believe a growing number of Republicans—to put his words into action by delivering a responsible end to the war that the American people demand and the American people deserve.

RESERVATION OF LEADER TIME

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

EMPLOYEE FREE CHOICE ACT OF 2007—MOTION TO PROCEED

COMPREHENSIVE IMMIGRATION REFORM ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume en bloc the motions to proceed to H.R. 800 and S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

Motion to proceed to the consideration of S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 will be equally divided between the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Wyoming, Mr. ENZI, or their designees, with the time from 11:30 to 11:40 reserved for the Republican leader and the time from 11:40 to 11:50 for the majority leader.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

Mr. GREGG. Mr. President, if the Senator will respond to an inquiry, would it be possible to have an order set up so that we could know when we are going? If I could get Senator KENNEDY's attention, would it be possible that Senator ALEXANDER be recognized and I be recognized, both for 5 minutes, at some point after Senator SPECTER, on Senator ENZI's time? Is that possible?

Mr. KENNEDY. That is agreeable. We will try to accommodate the time. Senator SPECTER wanted 15 minutes; others are 5 minutes. But we will be glad to accommodate, so if he goes for 15, you can go for 5.

Mr. GREGG. Senator ALEXANDER can be recognized for 5 and then I can be recognized for 5.

Mr. KENNEDY. That would be fine.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank the distinguished chairman for yielding time. I have sought recognition to speak on the legislation entitled the ''Employee Free Choice Act.'' I have had numerous contacts on this bill, both for it and against it, very impassioned contacts. People feel very strongly about it. The unions contend they very desperately need it. The employers say it would be an abdication of their rights to a secret ballot. I believe there are a great many important issues which need to be considered on this matter, and that is why I will vote, when the roll is called, to impose cloture so that we may consider the issue. I emphasize that on a procedural motion to invoke cloture—that is, to cut off debate—it is procedural only and that my purpose in seeking to discuss the matter is so that we may consider a great many very important and complex issues. I express no conclusion on the underlying merits in voting procedurally to consider the issue.

In my limited time available, I will seek to summarize. I begin with a note that the National Labor Relations Act does not specify that there should be a secret ballot or a card check but says only that the employee representative will represent in collective bargaining where that representative has been ''designated or selected'' for that purpose. The courts have held that the secret ballot is preferable but not exclusive.

In the case captioned ''Linden Lumber Division v. National Labor Relations Board,'' the Supreme Court held that ''an employer has no right to a secret ballot where the employer has so poisoned the environment through unfair labor practices that a fair election is not possible.''

The analysis is, what is the status with respect to the way elections are held today? The unions contend that there is an imbalance, that there is not a level playing field, and say that has been responsible in whole or in part for the steady decline in union membership.

In 1954, 34.8 percent of the American workers belonged to unions. That number decreased in 1973 to 23.5 percent and in 1984 to 18.8 percent; in 2004, to 12.5 percent; and in 2006, to 12 percent. In taking a look at the practices by the National Labor Relations Board, the delays are interminable and unacceptable. By the time the NLRB and the legal process has worked through, the delays are so long that there is no longer a meaningful election. That applies both to employers and to unions, that the delays have been interminable.

In the course of my extended statement, I cite a number of cases. In Goya Foods, the time lapse was 6 years; Fieldcrest Cannon, 5 years; Smithfield—two cases—12 and 7 years; Wallace International, 6 years; Homer Bronson, 5 years.

In the course of my written statement, I have cited a number of cases showing improper tactics by unions, showing improper tactics by employers. In the limited time I have, I can only cite a couple of these matters, but these are illustrative.

In the Goya Foods case, workers at a factory in Florida voted for the union to represent them in collective bargaining. Following the election, the company refused to bargain with the union and fired a number of workers for promoting the union. The workers filed an unfair labor practices case in June of 2000, seeking to require the employer to bargain.

In February of 2001, the administrative law judge found the company had illegally fired the employees and had refused to bargain. But it was not until August of 2006 that the board in Washington, DC, adopted those findings, ordered reinstatement of the employees with backpay, and required Goya to bargain in good faith—a delay of some 5 years.

In the Fieldcrest Cannon case, workers at a factory in North Carolina sought an election to vote on union representation. To discourage its employees from voting for the union, the company fired 10 employees who had vocally supported the union. The employer threatened reprisal against other employees who had voted for the union and threatened that immigrant

workers would be deported or sent to prison if they voted for the union. The union lost the election in August of 1991. Although workers filed an unfair labor practice case with the NLRB, the administrative law judge did not decide the case until 3 years later, in 1994, and his order was not enforced by the Fourth Circuit until 1996—a lapse of some 5 years. In my written statement, I cite seven additional cases.

Similarly, there have been improper practices by unions. On the balance, I have cited nine on that line, the same number I cited on improper activities by employers.

At a Senate Appropriations subcommittee hearing, which I conducted in Harrisburg, PA, in July of 2004, we had illustrative testimony from an employee, Faith Jetter:

> Two union representatives came to my home and made a presentation about the union. They tried to pressure me into signing the union authorization card, and even offered to take me out to dinner. I refused to sign the card . . . shortly thereafter, the union representatives called again at my home and visited my home again to try to get me to sign the union authorization card. I finally told them that my decision was that I did not want to be represented . . . despite that . . . there was continuing pressure on me to sign.

At a hearing of the House Committee on Labor this February, witness Karen Mayhew testified about offensive pressure tactics by the unions. I would cite some of my own experience with the issue. When I was an assistant district attorney in Philadelphia, I tried the first case against union coercive tactics to come out of the McClellan Committee investigation. The McClellan Committee had investigated Local 107 of the Philadelphia Teamsters Union, found they had organized a goon squad, beat up people, and exercised coercive tactics to form a union. That case was brought to trial in 1963 and resulted in convictions of all six of the union officials and they all went to jail. Without elaborating on the detailed testimony, it was horrendous what the union practices were in that case.

There is no doubt if you take a look at the way the National Labor Relations Board functions—it is not functioning at all—but that it is dysfunctional.

If you take a look at the statistics, on the one category of intake, it declined from 1,155 in 1994, to 448 in 2006. In another category, it declined from almost 41,000 in 1994, to slightly under 27,000 in 2006. On injunctions, where the NLRB has the authority to go in and get some action taken promptly, it is used very sparingly, and again there is a steep decline: from 104 applications for injunctions in 1995, to 15 in 2005, and 25 in 2006. The full table shows a great deal of the ineptitude as to what is going on.

So what you have, essentially, is a very tough fought, very bitter contest on elections, very oppressive tactics used by both sides and no referee. The National Labor Relations Board is inert. It takes so long to decide the case that the election becomes moot, not important anymore. What they do is order a new election and they start all over again and, again, frequently the same tactics are employed.

If there is an unfair labor practice in a discharge, the most the current law authorizes the NLRB to do is to reinstate the worker with backpay. That is reduced by the amount the individual has earned otherwise, which is in accordance with the general legal principle of mitigation of damages. But there is no penalty which is attached. So when you take a look at what the NLRB does, it is totally ineffective.

Those are issues which I think ought to be debated by the Senate. We ought to make a determination whether the current laws are adequate and whether there ought to be changes and whether there ought to be remedies. We ought to take a look, for example, at the Canadian system. When I did some fundamental, basic research, I was surprised to find that 5 of the 10 provinces of Canada employ the card check; that is, there is no right to a secret election. One of the provinces had the card check, rejected it, and then I am told went back to the card check. So their experiences are worthy of our consideration.

In Canada, elections are held 5 to 10 days after petitions are filed. I believe this body ought to take a close look at whether the procedures could be shortened, whether there could be mandatory procedures for moving through in a swift way—justice delayed is justice denied, we all know—whether there ought to be the standing for the injured parties to go into court for injunctive relief. That is provided now in the act, but only the NLRB can undertake it.

This vote, we all know, is going to be pro forma. We have the partisanship lined up on this matter to the virtual extreme. There is no effort behind the debate which we are undertaking today to get to the issues. There is going to be a pro forma vote on cloture. Cloture is not going to be invoked. We are going to move on and not consider the matter. We know there are enough votes to defeat cloture. The President has promised a veto. So it is pro forma.

But that should not be the end of our consideration of this issue because labor peace—relations between labor and management—is very important, and we ought to do more by way of analyzing it to see if any corrections are necessary in existing law.

It is worth noting, in the history of the Senate, there has been considerable bipartisanship—not present today. But listen to this: In 1931, the Davis-Bacon Act was passed by a voice vote. In 1932, the Norris LaGuardia Act was passed by a voice vote. In 1935, the National Labor Relations Act, also known as the Wagner Act, was passed by a voice vote. In 1938, the Fair Labor Standards Act was passed, again, by a voice vote. In 1959, only two Senators voted against the Landrum-Griffin bill.

A comment made by then-Senator John F. Kennedy, on January 20, 1959, commenting on the Landrum-Griffin bill, is worth noting. I quote only in part because my time is about to expire, but this is what Senator John F. Kennedy had to say:

> [T]he necessity for bipartisanship in labor legislation is a principle which should guide us all. . . .The extremists on both sides are always displeased. . . .Without doubt, the future course of our action in this area will be plagued with the usual emotional arguments, political perils, and powerful pressures which always surround this subject.

Madam President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. In conclusion, it would be my hope we would take a very close look at this very important law in this very important field and recognize that harmonious relations between management and labor are very important. That is not the case today, with a few illustrations I have given in my prepared statement. We ought to exercise our standing, which we pride ourselves as the world's greatest deliberative body.

Although that will not be done today because cloture is not going to be invoked, I intend to pursue oversight through the subcommittee where I rank which has jurisdiction over the NLRB.

Madam President, I ask unanimous consent that my extensive statement be printed in the RECORD.

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

STATEMENT OF SENATOR ARLEN SPECTER—S. 1041, THE EMPLOYEE FREE CHOICE ACT

Mr. SPECTER. Mr. President, I seek recognition today to discuss the legislation entitled the Employee Free Choice Act. The Senate will later today vote on Cloture on the Motion to Proceed to this important legislation. The Senate prides itself on being the world's greatest deliberative body, and I am voting for cloture to enable the Senate to deliberate on this legislation and the important issues it raises in an open and productive manner.

The Employee Free Choice Act is an issue of deep and abiding interest to labor organizations and to employers. There has been intense advocacy on both sides. At the field hearing in Pennsylvania in July 2004, and in the many discussions that I have had with labor leaders and employers since that time, I have heard evidence indicating that employees are often denied a meaningful opportunity to determine whether they will be represented by a labor union. There are many stories and cases about employers asserting improper influence over their employees prior to an election, and there are also many cases of unions attempting to assert undue influence over workers in an attempt to establish a union. I am talking about threats, spying, promises, spreading misleading information, and other attempts to coerce workers and interfere with their right to determine for themselves whether they wish to be represented by a labor organization. Based on what I have heard, I have concerns that we have lost the balance of the National Labor Relations Act's fundamental

promise—that workers have the right to vote in a fair election conducted in a non-threatening atmosphere, free of coercion and fear, and without undue delay. Workers should be assured that their decisions will be respected by their employer and the union—with the support of the government when necessary. The overwhelming evidence demonstrates that the NLRB is not doing its job and is dysfunctional.

In light of the numerous contacts I have had with constituents on both sides of this issue, and in consideration of the evidence that has been presented by both sides, I have decided to hold off on cosponsoring the Employee Free Choice Act in the 110th to give more opportunity to both sides to give me their views and to give me more time to deliberate on the matter. At a time when union membership is decreasing and when employers face increasing competition in a global economy, it is our duty in Congress to have a vigorous debate and to reach a decision on the issues that the Employee Free Choice Act purports to resolve.

The 1935 Wagner Act guarantees the right of workers to organize, but it does not require that unions be chosen by election. Instead, Section 9 provides more broadly that an employee representative that has been ''designated or selected'' by a majority of the employees for the purpose of collective bargaining shall be the exclusive representative of those employees in a given bargaining unit. The Act further authorizes the National Labor Relations Board to conduct secret ballot elections to determine the level of support for the union when appropriate. Since 1935, secret ballot elections have been the most common method by which employees have selected their representatives.

Labor organizations have experienced a sharp decline in membership since the 1950s. Unions represented 34.8 percent of American workers in 1954, 23.5 percent in 1973, 18.8 percent in 1984, 15.5 percent in 1994, 12.5 percent in 2004, and 12 percent in 2006. In Senate debate, we should consider whether labor laws have created an uneven playing field that has led to this dramatic decline.

We should also consider where the fault lies in deciding what changes, if any, should be made to our labor laws. There are certainly abuses by both unions and employers. The Supreme Court described the problem in *NLRB* v. *Gissel Packing Co*., 395 U.S. 575 (1969), noting that ''we would be closing our eyes to obvious difficulties, of course, if we did not recognize that there have been abuses, primarily arising out of misrepresentations by union organizers as to whether the effect of signing a card was to designate the union to represent the employee for collective bargaining purposes or merely to authorize it to seek an election to determine that issue.'' The following cases and testimony are illustrative of this problem:

At a July 2004 Senate Appropriations Subcommittee I held in Harrisburg, Pennsylvania entitled ''Employee Free Choice Act—Union Certifications,'' a letter from employee Faith Jetter was included in the record. In that letter, Ms. Jetter testified: ''Two union representatives came to my home and made a presentation about the union. They tried to pressure me into signing the union authorization card, and even offered to take me out to dinner. I refused to sign the card . . . shortly thereafter, the union representatives called again at my home and visited my home again to try to get me to sign the union authorization card. I finally told them that my decision was that I did not want to be represented . . . despite that . . . I felt like there was continuing pressure on me to sign.''

In testimony before the Senate Committee on Health, Education, Labor, and Pensions on March 27, 2007, in a hearing entitled ''The Employee Free Choice Act: Restoring Economic Opportunity for Working Families,'' Peter Hurtgen, a former chairman of the NLRB, testified that ''in my experience, neutrality/card check agreements are almost always the product of external leverage by unions, rather than an internal groundswell from represented employees.''

On February 8, 2007, at a hearing of the House Committee on Labor, Education and Pensions entitled ''Strengthening America's Middle Class through the Employee Free Choice Act,'' Karen Mayhew, an employee at a large HMO in Oregon, testified that local union organizers had misled many employees into signing authorization cards at an initial question-and-answer meeting. She said: ''At the meeting, employees asked the union agents questions about the purpose of the cards. The union agents responded by telling us that signing the card only meant that the employee was expressing an interest in receiving more information about the union, or to have an election to decide whether or not to bring the union in. It was made clear to all of us there in attendance that those authorization cards did NOT constitute a vote right there and then for exclusive representation by SEIU.''

A May 22, 2007 National Review article by Deroy Murdock entitled ''Union of the Thugs'' quoted Edith White, a food-service worker from New Jersey who recalled being visited by a union organizer who told her that she ''wouldn't have a job'' if she did not sign the authorization card and that ''the Union would make sure'' that she was fired.

A June 29, 2006 Boston Globe article by Christopher Rowland entitled ''Unions in Battle for Nurses'' reported that organizers at a local hospital had told nurses that signing an authorization card would ''merely allow them to get more information and attend meetings.'' The nurses were quoted as saying that the process ''left [them] feeling deceived and misled.''

On February 8, 2007, at a hearing of the House Committee on Labor, Education and Pensions entitled ''Strengthening America's Middle Class through the Employee Free Choice Act,'' Jen Jason, a former labor organizer for UNITE HERE, testified that she was trained to create a sense of agitation in workers and to capitalize on the ''heat of the moment'' to get workers to sign union support cards. She compared the American system of free ballots to the check card system in Canada, where she also worked as a union organizer, noting ''my experience is that in jurisdictions in which 'card check' was actually legislated, organizers tend[ed] to be even more willing to harass, lie, and use fear tactics to intimidate workers into signing cards.'' She also noted that ''at no point during a 'card check' campaign is the opportunity created or fostered for employees to seriously consider their working lives and to think about possible solutions to any problems.''

At that same hearing before the House Committee on Labor, Education and Pensions, a former union organizer, Ricardo Torres, testified that he resigned because of ''the ugly methods that we were encouraged to use to pressure employees into union ranks.'' He testified that ''I ultimately quit this line of work when a senior Steelworkers union official asked me to threaten migrant workers by telling them they would be reported to federal immigration officials if they refused to sign check-off cards during a Tennessee organizing drive . . . . Visits to the homes of employees who didn't support the union were used to frustrate them and put them in fear of what might happen to them, their family, or homes if they didn't change their minds about the union.''

Enactment of the Landrum-Griffin Act in 1959 followed extensive Senate hearings by the McClellan Committee on union abuses. Based on evidence compiled by that Committee, where Senator John F. Kennedy was a member and Robert F. Kennedy was General Counsel, I secured the first convictions and jail sentences from those hearings for six officials of Local 107 of the Teamsters Union in Philadelphia. That union organized a ''goon squad'' to intimidate and beat up people as part of their negotiating tactics. Their tactics were so open and notorious that my neighbor, Sherman Landers, with whom I shared a common driveway, sold his house and moved out, afraid the wrong house would be fire-bombed. The trial, which occurred from March through June 1963, was closely followed by Attorney General Kennedy who asked for and got a personal briefing on the case and then offered me a position on the Hoffa prosecution team.

Similarly, there are many examples of employer abuses during campaigns and initial bargaining. Each of the following cases illustrates the principle often attributed to William Gladstone: ''Justice delayed is justice denied.''

In the Goya Foods case, 347 NLRB 103 (2006), workers at a factory in Florida voted for the union to represent them in collective bargaining negotiations. Following the election, the company refused to bargain with the union and fired a number of workers for promoting the union. The workers filed an unfair labor practices case in June of 2000, seeking to require the employer to bargain. In February of 2001, the Administrative Law Judge found that the company had illegally fired the employees and had refused to bargain. It was not until August of 2006, however, that the Board in Washington, D.C. adopted those findings, ordered reinstatement of the employees with back pay, and required Goya to bargain in good faith—six years after the employer unlawfully withdrew recognition from the union.

In the Fieldcrest Cannon case, 97 F.3d 65 (4th Cir. 1996), workers at a factory in North Carolina sought an election to vote on union representation in June of 1991. To discourage its employees from voting for the union, the company fired at least 10 employees who had vocally supported the union, threatened reprisal against employees who voted for the union, and threatened that immigrant workers would be deported or sent to prison if they voted for the union. The union lost the election in August of 1991. Although workers filed an unfair labor practice case with the NLRB, the Administrative Law Judge did not decide the case until three years later, in 1994, and his order was not enforced by the Fourth Circuit until 1996—five years after the election.

In the Smithfield case, 447 F.3d 821 (D.C. Cir. 2006), employees at the Smithfield Packing Company plant in Tar Heel, North Carolina filed a petition for an election. In response, the employer fired several employees, threatened to fire others who voted for a union and threatened to freeze wages if a union was established. The workers lost two elections—one in 1994 and one in 1997. Workers filed an unfair labor practices case. The administrative law judge ruled for the workers in December of 2000, but the NLRB did not affirm that decision until 2004, and the Court of Appeals did not enforce the order until May of 2006—twelve years after the first tainted election.

In another case involving the Smithfield Company, 347 NLRB 109 (2006), employees at the Wilson, North Carolina location sought an election for union representation. Prior to the election, the company fired employees who were leading the union campaign and threatened and intimidated others. The

union lost the election in 1999. The workers filed an unfair labor practices case and the Administrative Law Judge found in 2001 that the employer's conduct was so egregious that a Gissel bargaining order (which mandates a card check procedure instead of an election) was necessary because a fair election was not possible. However, by the time the NLRB affirmed the ALJ's decision in 2006, it found that the NLRB's own delay in the case prevented the Gissel bargaining order from being enforceable and—7 years after the employer prevented employees from freely participating in a fair election—the remedy the Board ordered was a second election.

In the Wallace International case, 328 NLRB 3 (1999) and 2003 NLRB Lexis 327 (2003), the employer sought to dissuade its employees from joining a union by showing its workers a video in which the employer threatened to close if the workers unionized and the town's mayor urged the employees not to vote for a union. The union lost an election in 1993. The Board ordered a second election, which was held in 1994, that was also tainted by claims of unfair labor practices. The employees brought unfair labor practice cases after the election. In August 1995, the ALJ found against the employer and issued a Gissel bargaining order because a fair election was impossible. However, as in the Smithfield case, by the time the NLRB finally affirmed the ALJ's decision, in 1999, the Gissel order was not enforceable. In subsequent litigation, an ALJ found that the employer's unlawful conduct, including discriminatory discharge, had continued into 2000—7 years after the first election.

In the Homer Bronson Company case, 349 NLRB 50 (2007), the ALJ in 2002 found that the employer had unlawfully threatened employees who were seeking to organize that the plant would have to close if a union was formed. The Board did not affirm the decision until March 2007, again noting that a Gissel order, though deemed appropriate by the NLRB General Counsel, would not be enforceable in court because of the delays at the NLRB in Washington, D.C.

The National Labor Relations Board found unlawful conduct by employers in a number of recent cases in my home state of Pennsylvania:

In the Toma Metals case, 342 NLRB 78 (2004), the Board found that at least eight employees at Toma Metals in Johnstown, PA were laid off from their jobs because they voted to unionize the company. In addition, David Antal, Jr. was terminated because he told his supervisor that he and his fellow employees were organizing a union. He was laid off the same evening the union petition was filed.

In the Exelon Generation case, 347 NLRB 77 (2006), the Board found that the employer in Limerick and Delta, PA threatened employees during an organizing campaign that they would lose their rotating schedules, flextime, and the ability to accept or reject overtime if they voted for union representation.

In the Lancaster Nissan case, 344 NLRB 7 (2005), the Board found that the employer failed to bargain in good faith following a union election victory by limiting bargaining sessions to one per month. The employer then unlawfully withdrew recognition from the union a year later based on a petition filed by frustrated employees, automotive technicians.

In addition to showing employer abuses, these cases demonstrate the impotency of existing remedies under the NLRA to deal effectively with the problem. Further, the convoluted procedures and delays in enforcement actions make the remedies meaningless.

In 1974, in Linden Lumber Division v. NLRB, 419 U.S. 301 (1974), the court made it clear that an employer may refuse to recognize a union based on authorization cards and insist upon a secret ballot election in any case, except one in which the employer has so poisoned the environment through unfair labor practices that a fair election is not possible. In those cases involving egregious employer conduct, the Board may impose a ''Gissel'' order that authorizes card checks. This remedy takes its name from NLRB v. Gissel Packing Co., which I cited earlier.

Most often, however, when the Board finds that an employer improperly interfered with a campaign, it typically only orders a second election, often years after the tainted election, and requires the employer to post notices in which it promises not to violate the law.

The standard remedy for discriminatory discharge, the most common category of charges filed with the NLRB, is an order to reinstate the worker with back pay, but any interim earnings are subtracted from the employer's back pay liability, and often this relief comes years after the discharge.

The other common unfair labor practice case involves an employer's refusal to bargain in good faith. The remedy is often an order to return to the bargaining table.

In relatively few cases each year, the NLRB finds that the unfair labor practices are so severe that it chooses to exercise its authority under Section 10(j) of the NLRA to seek a federal court injunction to halt the unlawful conduct or to obtain immediate reinstatement of workers fired for union activity. The NLRB too rarely exercises this authority, and the regional office must obtain authorization from Washington, D.C. headquarters to seek injunctive relief.

Additionally, under the procedures of the Act, after the union wins an election, the employer may simply refuse to bargain while it challenges some aspect of the pre-election or election process. The union must then file an unfair labor practice charge under Section 8(a)(5), go through an administrative proceeding, and ultimately the matter may be reviewed by a Federal court of appeals, since a Board order is not self-enforcing. All of this takes years.

The following tables reflect that from 1994 to 2006 the number of cases handled by the NLRB regional offices declined steadily from 40,861 cases in 1994 to 26,717 in 2006. Yet, despite this decline in workload, in 2005 the median age of unresolved unfair labor practice cases was 1232 days, and for representation cases the median age was 802 days. In 1995, the NLRB sought 104 injunctions; in 2005, it sought 15; and in 2006, 25 injunctions. In Washington, D.C., the Board's caseload declined from 1155 cases in 1994 to 448 cases in 2006.

The number of decisions issued declined from 717 in 1994 to 386 in 2006. The backlog hit a peak of 771 cases in 1998 and declined to 364 in 2006, but that decline must be viewed in the context of a case intake for the Board that had fallen to only 448 cases in 2006.

TABLE 1: REGIONAL OFFICE STATISTICS

	1994	1995	1996	1997	1998	2003	2004	2005	2006
Case Intake	40861	39935	38775	39618	36657	33715	31787	29858	26717
ULP (Case Age in Days)	758	893	846	929	985	1030	1159	1232	—
Representation (Case Age in Days)	152	305	369	370	473	473	576	802	—
Section 10(j)	83	104	53	45	17	14	15	25	—

TABLE 2: WASHINGTON OFFICE STATISTICS

	1994	1995	1996	1997	1998	2003	2004	2005	2006
Case Intake	1155	1138	997	1084	1083	818	754	562	448
Decisions	717	935	709	873	708	543	576	508	386
Case Backlog	585	459	495	672	771	673	636	544	364

What has the Board been doing? Although many cases are resolved at earlier stages out in the regions where the NLRB may be generally effective, one must ask why it took years for the Board to order reinstatement in the cases cited earlier?

During the Senate's debate on the Employee Free Choice Act, it is important that we focus on the employees' interests, not on the employers' or the unions' interests. We must protect employees from reprisals from either side. We must ensure they have an environment in which they may make a free choice. We must ensure that employees' decision, whether it is for or against representation, is respected. And we must ensure that if the employees do choose to be represented, they can have confidence that their employer will bargain with the union, and that the employer will not try to undermine the union by threatening the employees during bargaining for an initial agreement.

And finally, we must ensure that the Federal statute designed to provide this protection of employees—and the government agency tasked with the statute's enforcement—are effective. If the statute needs to be modified to provide stronger remedies or more streamlined procedures, then that should be addressed. If the NLRB itself is causing delay and confusion as to what the law is, then that should be addressed. We do not need symbolic votes. We need meaningful debate and careful consideration of these important issues. America's workers deserve nothing less.

It is worthwhile to look at the experience of our neighbor, Canada, where five of the ten provinces use the card check procedure instead of secret ballot elections. In hearings this year before the Senate and the House concerning the Employee Free Choice Act, witnesses testified that unions are more successful in their organizing campaigns under the card check system—perhaps an indication that card check prevents employers from exercising undue influence over workers to prevent unionization. On the other hand, there was testimony suggesting that the Canadian card check system has allowed

unions to exert undue influence on employees in order to obtain their signatures on union recognition cards.

In a 2004 study of the gap between Canadian and U.S. union densities, an economics professor from Ontario found that simulations suggest that approximately 20 percent of the gap could be attributed to the different recognition procedures—card check or secret ballot elections—in the two countries. She further noted that the election procedures in Canada are not identical to those of the U.S. I am intrigued by the fact that union elections in Canada must take place within 5 to 10 days after an application or petition is filed, depending on the province. In the U.S. there is no such statutory time limit between petition and voting, and it may be several months before the election is held. This creates a wider window of opportunity for the employer to influence workers, using legal or illegal means. The professor also notes that when unfair labor practices occur, the differences in procedures and the role of the courts in the two countries mean that it is faster and less expensive to process complaints in Canada than in the U.S.

In 2001, another economics professor published a study in which he noted that in the previous decade, an increased number of Canadian provinces had abandoned their longstanding tradition of certification based on card check by experimenting with mandatory elections. In British Columbia, for example, legislation requiring elections was enacted in 1984 and then abandoned in 1993. In examining the impact of union suppression on campaign success in British Columbia, the professor tested whether the length of an organizing drive had an impact on organizing success. The evidence demonstrated that the probability of a successful organization of employees decreased by 1 percent for every two days of delay when an unfair labor practice was involved. The unfair labor practice itself decreased the probability of success even further. The professor observed that mandatory elections, as compared with a card check system, were detrimental to unions' success. He found that not only did success rates fall, but the number of certification attempts fell substantially as well. He concluded that unions believe organizing will be more difficult under mandatory voting as so are less willing to invest in it. He concluded his paper with this observation:

It seems more likely, however, that the recent trend towards compulsory voting represents a shift in beliefs towards elections as a preferable mechanism for determining the true level of support within the bargaining unit. . . . If governments are opting for a more neutral stance towards unions, our results suggest that stricter employer penalties should be considered. Currently even when an [unfair labor practice claim] is found to be meritorious, penalties for illegal employer coercion are largely compensatory. . . . Furthermore, our evidence shows that strict time limits form a useful policy tool in encouraging neutrality in the organizing process since the combination of union suppression and a length certification process is quite destructive.

I also note a 2006 study published in the Industrial Law Journal by an Oxford professor who has studied the statutory recognition procedures in England's Trade Union and Labour Relations Act of 1992. He compares the English, Canadian and American systems, and states at page 9: ''Indeed, the law itself has erected the most substantial barriers to unions' organizational success, and this is manifest in the dilatoriness of legal procedures. Delay erodes the unions' organizational base by undermining workers' perceptions of union instrumentality.'' These studies of the Canadian and the English experiences are instructive if we are to carefully consider the many aspects of the secret ballot election process.

Since 1935, there have been two major substantive amendments to Federal labor law. In 1947, Congress passed the Taft-Hartley Act and, in 1959, it passed the Landrum-Griffin Act. These additions to the law strengthened workers' right to refrain from union activity and regulated the process of collective bargaining and the use of economic weapons during labor disputes, but Congress has not amended the provisions of federal labor law that protect the right of self-organization.

On July 18, 1977, President Carter asked Congress for labor law reform legislation. His proposals were incorporated into H.R. 8410, which was introduced on July 19, 1977. An identical bill, S. 1883, was introduced that same day by Senators Williams and Javits. Ten days of hearings by the Subcommittee on Labor-Management Relations began on July 25, 1977.

UNIONS, FORMER SECRETARIES OF LABOR, CIVIL RIGHTS AND THE RIGHT TO WORK COMMITTEE TESTIFIED AGAINST H.R. 8410

In the House alone, from 1961 through 1976, over 60 days of hearings were held on the National Labor Relations Act. Nineteen days of hearing were held between July 15, 1975 and May 5, 1976, concerning, among other bills: H.R. 8110, to expedite the processes and strengthen the remedies of the Labor Act with respect to delegation and treble damages; H.R. 8407 to include supervisors within the protection of the Act; H.R. 8408, to improve the administration and procedures of the Board in terms of technical amendments; H.R. 8409, to strengthen the remedial provision of the Act against repeated or flagrant transgressors; and H.R. 12822, to amend the National Labor Relations Act to expedite elections, to create remedies for refusal-to-bargain violations, and other purposes. In 1978, H.R. 8410 was debated for 20 days in the Senate. After failing 5 cloture votes on the bill and amendments, the bill was returned on June 22, 1978 to the Senate Committee on Human Resources, and there it died. We should try again to address the problems raised during these extensive hearings and debates.

The National Labor Relations Act created a system of workplace democracy that to a large extent has served our nation well for more than 70 years. American labor unions, with a strong history of social progress and accomplishments in improving the workplace, have made America and the American economy strong. Yet, despite these successes, the NLRA is too often ineffective at guaranteeing workers' rights in the face of bad conduct by some employers and some unions.

The essential plan and purpose of the Wagner Act was described by President Franklin Roosevelt when he signed the measure into law:

''This act defines, as part of our substantive law, the right of self-organization of employees in industry for the purpose of collective bargaining, and provides methods by which the government can safeguard that legal right. It establishes a National Labor Relations Board to hear and determine cases in which it is charged that this legal right is abridged or denied, and to hold fair elections to ascertain who are the chosen representatives of employees.

A better relationship between labor and management is the high purpose of this act. By assuring the employees the right of collective bargaining, it fosters the development of the employment contract on a sound and equitable basis. By providing an orderly procedure for determining who is entitled to represent the employees, it aims to remove one of the chief causes of wasteful economic strife. By preventing practices which tend to destroy the independence of labor it seeks, for every worker within its scope, that freedom of choice and action which is justly his . . .''

It has been too long since the Senate has fully and freely debated whether our labor laws continue to adequately safeguard workers' rights. It is important that we focus on the real problems with the NLRA and try to achieve a result that can garner bipartisan support. Just take a look at the bipartisan support that has been a necessary basis of any successful labor legislation:

In 1926, only 13 Senators voted against the Railway Labor Act.

In 1931, the Davis-Bacon Act was passed by voice vote.

In 1932, the Norris-LaGuardia Act was passed by voice vote.

In 1935, the National Labor Relations Act (also known as the Wagner Act) was passed by voice vote.

In 1936, the Walsh-Healey Public Contracts Act was passed by voice vote.

In 1938, the Fair Labor Standards Act was passed by voice vote.

In 1947, the Taft-Hartley Act was passed when 68 Senators voted to override President Truman's veto.

In 1959, only 2 Senators voted against the Labor-Management Reporting and Disclosure Act (also known as the Landrum-Griffin Act).

In 1965, the McNamara-O'Hara Service Contract Act was passed by voice vote.

In 1974, not a single Senator voted against the Employee Retirement Income Security Act.

On January 20, 1959, Senator John F. Kennedy introduced a section of the Landrum-Griffin Act. His remarks in his floor speech were instructive and prophetic:

''[T]he necessity for bipartisanship in labor legislation is a principle which should guide us all. . . . So let us avoid . . . unnecessary partisan politics or uninformed or deliberate distortions. This is particularly true in the controversial field of labor—which is precisely why no major labor legislation has been passed in the last decade. The extremists on both sides are always displeased. . . . [But] in the words of Business Week magazine . . . 'wise guidance in the public interest can be substituted for concern over wide apart partisan positions.' I wish to mention the key provisions of the bill introduced today—the basic weapons against racketeering which will be unavailable in the battle against corruption if such a measure is not enacted by the Congress this year: . . . Secret ballot for the election of all union officers or of the convention delegates who select them. . . . This is, in short, a strong bill—a bipartisan measure—a bill that does the job which needs to be done without bogging down the Congress with unrelated controversies. Without doubt, the future course of our action in this area will be plagued with the usual emotional arguments, political perils, and powerful pressures which always surround this subject.''

I am voting for cloture today because I believe that it is time for Congress to thoroughly debate this issue and to address the shortcomings in the National Labor Relations Act in a bipartisan and comprehensive manner.

Mr. SPECTER. Madam President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Madam President, I thank the Senator from Wyoming.

I have enjoyed the remarks, as always, by the Senator from Pennsylvania. It is not a bad idea to consider labor-management relations in a bipartisan way. A good place to start doing that is in the Senate committees, where this discussion belongs, rather than bringing directly to the floor the question of whether we should just one day decide to get rid of the secret ballot in elections.

The Senator from Pennsylvania has done a beautiful job of looking at history. Let me point to some history as well.

May 13, 1861, was the day set aside in North Carolina for the election of delegates to the State Convention on Secession from the Union. This is a book by William Trotter about bushwhackers. Part of the United States in which I grew up and my family has come from is where counties and families were divided during the Civil War.

On that day, May 13, 1861, according to Mr. Trotter's book, there was to be a vote about secession, and one of the most visible people in the square on that misty spring day was the sheriff, who was an ardent spokesman for secession. He had been elected, according to the author, and supported by the wealthier farmers and merchants, nearly all of whom favored the idea of secession.

The sheriff had gotten a little whiskey and was boisterous and encouraged by his supporters. He went around town making it clear the prevailing sentiment in the county was for secession. He was in an exuberant mood because he knew, at the end of day, secession would be ratified. So exuberant was he, that he shot one of the Unionists, and that person's father then shot the sheriff. That day is called ''Bloody Madison'' in western North Carolina.

But the point is that when the secret ballots were counted, despite the sheriff and the wealthy farmers and merchants, there were only 28 votes for secessionist delegates, and 144 voted to stay with the United States of America. The secret ballot they exercised that day was for a reason. It made a difference.

In a little more personal way, a few months ago, we had a contest here among friends for our No. 2 position on the Republican side of the aisle. I sought it. So did my friend of 40 years, TRENT LOTT, the Senator from Mississippi. Going into the election, I had 27 votes. When the votes were counted, I had 24. The secret ballot we employ in our Senate caucus we employ for a reason. It makes a difference.

The unions, in the 1930s, when they were gaining a foothold and being established, insisted on a secret ballot. They still have a secret ballot when the vote is to decertify a union.

In our democracy, the right to vote is prized. We keep candidates away from polling places. We don't want people looking over your shoulder while you vote. We help you, if you can't read the ballot. We got rid of the poll tax to give you access to the ballot. The Voting Rights Act has become the single greatest symbol of the civil rights movement in the 1960's. The right to vote is the essence of our democracy.

This proposed legislation is brazen kowtowing to union bosses. This bill creates the possibility that large union recruiters might come stand around you at the work site and encourage you to sign a card. They might visit your home. They might make phone calls. They might be like the sheriff in Madison County, elected by the powerful and very persuasive, going around with his pistol or his gun or his influence, or looking over your shoulder while you voted. Fortunately, instead of that scenario, we have a secret ballot, and we ought to keep it.

What is next if we get rid of the secret ballot for union elections? Will we get rid of the secret ballot for union leaders, for Senators, for Governors, for managers of the pension funds? Even most union members want to keep the secret ballot. According to a Zogby poll in 2004, 71 percent said that the secret ballot process is fair, and 78 percent said they favored keeping the current system in place.

So whether it is voting day in Madison County at the beginning of the civil war, whether it is the Senate caucus on the Republican or Democratic side, or whether it is a union election to organize or to decertify, the right to vote is precious in America. Not having someone looking over your shoulder while you vote makes that precious right even more precious. There is a reason we have a secret ballot. It makes a difference.

I intend to vote no on cloture. I urge my colleagues to do the same.

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

Mr. ENZI. Madam President, we are debating two things this morning, the card check and immigration. I yield 5 minutes to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I appreciate the courtesy of the Senator from Massachusetts earlier who made it possible for us to get an order for speaking.

Let me associate myself with the remarks made by the Senator from Tennessee relative to card check. It is totally inappropriate to eliminate secret ballots in a democracy.

I wish to talk a little bit about the immigration bill. This is going to come to a vote in a few minutes, or in about an hour, and there are some serious issues relative to the process. Since this is a process vote, I wanted to raise those issues. These are the issues: This bill could have been handled well. It could have been addressed through a process that would have allowed amendments that Members wanted to hear and take up, but it hasn't been.

What has happened is there is a working organization which produced the bill, and it is now controlling the amendment process. For example, I have requested that we have an effective, clean amendment on the issue of how we do H–1Bs. H–1Bs are a critical element of getting quality people to come to the United States and do jobs which we don't presently have people to do, mostly in the science field. Those people create jobs; they don't lose jobs. By bringing a person like that, we are actually creating a job center because that type of individual adds value to the American workplace. So we need a robust H–1B program. I wasn't saying it had to be in the bill, but I did say we have to have a clean vote on it so we can get an up-or-down vote on whether we are going to have a robust and effective H–1B program.

What has happened, however, is, through this process which has been developed—which prejudices those of us who are not members of the process, and since there are only five or six people in the process, it is prejudicing obviously about 90 of us—there is a situation that has been created where even if I get a clean vote on H–1B, which I am not sure they will even give me that under this clay pigeon approach, there will be language put in the managers' package which will basically gut the H–1B program. It is called the Durbin language.

The practical effect of the Durbin language is this: It says if you bring somebody in under H–1B, you must pay them the prevailing wage under skill level 2 of the prevailing wage. Well, the practical effect of that is it essentially means if you bring someone in under H–1B, after you have paid all the fees, all the finding fees, all the attorney's fees, which adds a lot for bringing that type of individual into this country, you then must pay a wage which is significantly higher than other people working in that same area.

Take a small software company in New Hampshire, of which there are many, that would use H–1B types of individuals, scientists, coming into our country. Let's say they had 10 positions, they only filled 9, so they had to bring in a 10th person. The average wage for a software person is about $80,000 in New Hampshire for nine of those people, but the person who came into the country would get $100,000. On top of that, they would also have the fees, the attorney's fees for getting the permit to bring the individual into the country. Obviously, the practical effect of that would be that H–1B would not work.

So this language, which is essentially killer language to the H–1B program, is going to be put in the managers' package, as I understand—although I don't really know that because nobody will actually tell us what is going on; this

is just a rumor—or alternatively, it is going to be put into somebody else's amendment, which we know will pass. But, anyway, there is a deal in the works which says the people who drafted this bill are going to lock hands and make sure that language is put in the bill which, even if we get a decent vote on a decent H–1B program, will gut that vote.

That raises serious issues of process and obviously fairness. I just wanted to make it clear that I am not comfortable with it in its present form and have significant reservations.

Madam President, I yield the floor and yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Madam President, on behalf of Senator KENNEDY, I yield myself 5 minutes.

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

Mr. BIDEN. Madam President, history shows when the union movement is strong, the middle class is strong. When the middle class is strong, our Nation is strong.

But when the union movement is under attack, the middle class is under attack. When the middle class is under attack, our Nation is weaker economically and politically. Let there be no mistake, the union movement and our middle class are under attack. Just take a look at the numbers.

Since 1973, 26 percent of the workers in America belong to unions. The pay and benefits, the working conditions, the basic dignity they fought for spilled over to the rest of working class Americans. We are all better off for it.

I would like to show you a couple of charts. Between 1947 and 1973, if you look at rising income growth, and based on the percentile of income shown on this chart, essentially everyone from 1947 to 1973—the rising tide lifts all boats, and it lifted all boats—there was an actual real income growth of almost 118 percent for the lowest 20 percentile. The top 20 percentile grew over 80 percent. There was some genuine equity.

Then take a look at what happened as the union movement began to take blows from the Supreme Court and the NLRB. There used to be card check back in those days, by the way. If you wanted to join a union, you got a card check, a little like we are talking about now.

Look what happened between 1973 and the year 2000. Real income growth, the lowest 20 percent, grew just about 12 percent. The top 20 percent grew over 67 percent. We begin to see the building inequities as a consequence of the demise of the American union movement, as well as tax policy and the types of jobs we are creating.

Now, because I only have 5 minutes, I am going to do this quickly. Let's fast-forward to the era of President Bush, George W. Bush. Look what has happened in terms of real income growth, in terms of 2004 dollars. There has actually been a net decline in the income of the lowest 20 percent, almost 5 percent; the second lowest tier, almost 4 percent; the middle income, people making between $40,000 and $60,000 per family, their real income actually dropped over 2 percent—all the way across the board, everybody but the top 1 percent. You have to have an income roughly of $435,000 to make it into that category. Average salary income in that category is $1.4-plus million per year. That is the only outfit growing, and look at what happened.

If I could superimpose a chart on organized labor, you would see a direct decline; you would see an inverse proportion of what happened. As labor declined, the economic power of corporate America increased, and the power of the wealthiest among us skyrocketed.

It is time to change. Today, just 12 percent of American workers belong to unions, and the spending power of the paycheck is actually lower than it was in 1973. The median income is lower, but productivity is up more than 80 percent since 1973.

It used to be we had a grand bargain in this country. As labor increased productivity, as they did more, as businesses and stockholders were able to benefit from the increased productivity, they benefited. Now it is in inverse proportion. On the sweat and their backs, they have increased productivity, and they have been penalized for it.

Even in my State of Delaware, the hourly wage is down since 2000. The median family income is below its 2000 level. The number of workers represented and protected by unions has fallen from 1 in 4 in 1973 to 1 in 10 today. The basic social compact that built our economy, that built our middle class, that built our country after World War II, has been broken. That compact said if workers produce more, they would share in the gains. Today, that is not true. Unions help to cut that deal, and they kept their end of the bargain. Business and government have not kept their part of the deal.

It is harder now to organize, harder to get a union certified to represent the interests of the workers. It is harder because business is fighting back harder because this administration has launched its own unrelenting attack on the union movement. It is not just pay that has taken a hit. Basic benefits such as health care, pensions—things unions fought for and won—they are, more and more, just a thing of the past.

More and more of the American people have no health insurance—46 million as of last year—a number that just keeps growing. In my State of Delaware there are 100,000 uninsured.

Just imagine the fear, the insecurity, the helplessness that the families must feel, going from day to day—the man lying in bed and the woman lying in bed at night staring at the ceiling, having no insurance, looking over at his pregnant wife, knowing it is a premature child, and they will literally lose their house.

I yield myself 3 more minutes.

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

Mr. BIDEN. Madam President, a quarter of a century ago, 9 out of 10 American workers could count on a pension plan with a guaranteed payout. They had security in knowing they could pay their bills. Today, only about one-third of Americans are in that shape.

Union membership means more security. The facts are clear. Union jobs earn 30 percent more than nonunion jobs.

We have to stop and reverse the decline of union membership, and that means passing the Employee Free Choice Act, which I have supported from the beginning, and which used to exist.

In Delaware right now the Laborers International Union of North America says the majority of the workers at the Walker International Transportation Company near my home in New Castle, DE, want to join them. They want to join because they need the benefits such as decent health care, pay, and working conditions for which unions have fought. Since May, the union has filed four complaints with the NLRB, complaints that the company is interfering with their organizing efforts.

Under current law, this process could be drawn out indefinitely. They should be able to resolve this with a clear, simple count of cards, certified by the National Labor Relations Board.

The Employee Free Choice Act will make the will of the majority of workers clearer. It will punish employers who break the law, and it will guarantee that new unions will get their first contract, not just another runaround.

It is time to bring the strength of the union movement back within the reach of the American people. It is time to rebuild the middle class by giving organized labor the strength to fight for decent pay and benefits.

My colleagues, it is time for a new social compact, a new social compact because of white-collar workers who never thought they needed a union, and who all of a sudden are finding out their companies are not so generous with them when they walk in and shut down a division and shut them out. I say to my colleagues, I believe American white-collar workers who never thought about the union movement are prepared to think about it now.

I don't want to just reverse the slide of organized labor in America, I want to energize a new compact between white-collar workers and blue-collar workers to give back power to the middle class so this graph you see here from the year 2008 through 2020 looks more like this graph that existed from

1947 to 1973. It is the only way to keep the middle class in the game. They are getting crushed now. They are getting crushed.

I yield the floor, and I thank my colleague for the time.

Mr. ENZI. Madam President, as I allocate the time, I do want people to know that the next sentence I say is tongue in cheek. I had no idea that taking the secret ballot away from America's workers could solve all the problems of the world.

I yield 5 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. CORKER. Madam President, I thank the Senator from Wyoming.

It never ceases to amaze me the tremendous creativity that exists in the Senate, just by virtue of the name of this act we are discussing today, the Employee Free Choice Act, and to, of course, hear my colleague, the Senator from Delaware, talk about some of the ills that face labor today. Certainly, I want to say that as someone who has worked as a laborer and as someone who has worked with people who have worked in labor, I want to make sure the American people have good wages.

I agree with that 100 percent. I think all of us in America want to see people make a good living, to be able to raise their families in a way that certainly is full of respect. I want to see the same things occur.

I wish to say this debate today is most unusual. To talk about this vote we are going to have a little later today as being one about ''free choice'' is most ironic. Unlike most people who serve in the Senate, I have actually carried a union card. I have actually paid union dues. I have actually served as a trustee on a pension fund to ensure employees of mine who were union employees were able to receive their pensions down the road. So I worked with labor and I have been a laborer. I have been one of those people who certainly was talked to about organization and about people being members of a union.

I wish to say again—to reiterate what the Senator from Wyoming said—it is amazing that all of the ills relating to the labor movement today can be brought back to this one act that we are talking about today that has to do with card check.

I know people have talked about Supreme Court rulings and about books and about a lot of things. I wish to talk about what it means to be out on a jobsite and to be talking with union representatives, whether it is on a picket line or on the jobsite itself. If this act were to pass, instead of people having a secret ballot, such as we have in the Senate when we select our leadership, such as people have when they vote for us to be in the Senate—instead of that, what would occur is that each individual would be talked to about whether they would like to see a union come in. I have witnessed this, where people would go up to a water cooler on a construction site, and four or five large people representing the union gather around that person and ask them if they would like to be a member of the union. I have witnessed this when people are living out in rural areas and they don't want to vote for the union, but people pay them a visit in the dark of night suggesting they should check off a card, if you will, so they can call the union to form in the organization they happen to work for.

This is not about free choice. Certainly, this is about making sure the union leaders don't have to do the job that is necessary to cause people to want to join their union by offering the membership things they would like to have, but instead they would have the ability to strongarm people and cause people to do things that are not in their own interest. What is amazing to me is that union membership doesn't even want to see this happen.

What this, in essence, would do is cause union leadership not to even have to carry out their jobs in a way that would cause people to want to be a member of the union but instead threaten people at the jobsite, at their homes late at night, to cause them to be a member of the union.

For that reason, and because of the time we have at this point, I urge all those in the Senate to vote against this piece of legislation, which goes against the very principle we all support, and that is secret ballots, freedom of choice. I vehemently oppose this legislation because I believe this would set our country back a hundred years. I urge my fellow Senators to vote against this act.

I yield the rest of my time to the Senator from Wyoming.

Mr. ENZI. Madam President, we are hearing two debates today, and that was intentional. We will shift gears and go to immigration.

I yield 5 minutes to the Senator from Alabama.

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

Mr. SESSIONS. Mr. President, I thank the Senator from Wyoming, a fine Senator and a great manager of legislation.

I have to tell you we pretty well know this card check bill is going down like a lead balloon. We have an issue that has galvanized the attention of the American public—and we will be voting on that at the same time—and that is the immigration bill that we are about to go to.

I think it is odd that the allocators of time allocated a rather small amount of time to Senator ENZI to allocate to those who oppose this legislation.

Let me—since I only have 5 minutes and maybe now 4—see if I can succinctly say to my colleagues why the legislation before us today is a bad piece of legislation. Yes, we need to reform immigration; yes, we need to reform immigration in much the way those who are promoting this legislation say it should be reformed. But the bill we are going to vote on will not do that—very much like 1986, when the promoters of that bill said: Let's give amnesty to 3 million people and we will create a legal system in the future that will work.

Why would I say that, that this bill does not work? Our own Congressional Budget Office, on June 4—this month—did an analysis of the legislation. They concluded that if this bill were to become law, illegal immigration would only be reduced 13 percent. What an astounding number. Only 13 percent? We have been hearing we must pass this immigration bill, and if you don't like amnesty, you must vote for it because that is the only way we are going to create a legal system of immigration in America.

My analysis, before CBO came out with theirs, was that the bill would not be effective; it had loophole after loophole. They concluded the same. They say a 25-percent reduction in the border security and an increase in visa overstays nets a 13-percent reduction. That is in the CBO report, which is available to every Senator. We should look at that. How can we vote for legislation that we know is not going to work as it is promised to work?

Second, I don't know that the American people or Members of this body realize it will double the legal immigration flow into America over the next 20 years, giving twice as many green card statuses, legal permanent resident statuses, as the current law provides. We are not going to get any substantial reduction in illegality. We are going to double illegality. It will cost, according to CBO, the Treasury of the United States $30 billion—not expenses of enforcement, none of that, but for additional welfare and other benefits that would be paid to those who come into the country illegally.

Senator BIDEN talked about the middle class. This is not a little issue. I don't know that his numbers were exactly correct. But for some time I have been troubled by the fact that middle and lower skilled workers have not seen their income levels rise at the rate that corporate executives are seeing their income levels rise. Friday, when I left this body, right on the street there was a gentleman out there who had gray hair and a gray beard and he had a sign about jobs. I spoke to him. He said he opposed this immigration bill. He was a master carpenter from Melbourne, FL. He told me that he, in the 1990s, was making $75,000 a year. Now he is making a fraction of that. He is going to have to get out of the business. He attributed that solely to illegal immigration, this incredible flow of almost unlimited numbers of workers into his neighborhood, which had made his skill far less valuable.

If we are concerned about the middle class, we have to ask how many workers this country can accept without

seeing a marked drop in their income. The American people do not like this bill. Our phones are ringing off the hook. A decent respect for our constituents, I urge my colleagues, would be to say you have rejected this bill.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. SESSIONS. I thank the Chair. I yield the floor and urge that we vote against cloture on this legislation.

Mr. ENZI. Madam President, I yield 5 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 5 minutes.

Mr. CORNYN. Madam President, I was forwarded a copy of a transcript of an interview of a White House official yesterday commenting on some remarks I made on the floor regarding the immigration bill. I wish to speak to that.

I have argued the current bill sets up the Department of Homeland Security for failure because it requires the Department of Homeland Security to grant full work and travel authorization to applicants for Z visas within 24 hours of their application, whether or not a background check has been completed. That is the text in the current immigration bill. Yesterday, though, the White House told reporters this was part of a ''misunderstanding and mythology'' surrounding this provision.

Let me quote the text of the provision. It reads:

> No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

That is what the bill says. There is no mythology, no misunderstanding. I know people think that draft language is a perfect draft and believe it should attain its own mythological status, but this is pretty straightforward. If an alien applies, he or she gets legal status, full travel and work authorization no later than the next day.

The White House official believes this provision is workable because, as he says, ''Four of the layers of that background check are almost invariably completed within 24 hours.'' ''Almost'' always completing a background check within 24 hours is not always completing a background check within 24 hours. He acknowledges that one of the checks takes longer than 24 hours. So by his own admission, the Department of Homeland Security will confer legal status to nearly every applicant, even though they have not completed a background check.

This is not what the American people are hearing when they are selling this bill. The American people are being told that foreign nationals will have to pass a background check before they are granted legal status. This is not true, according to the text of the underlying bill, and it is not factually possible, according to the lead negotiator from the White House.

Not to be deterred by facts, however, this official believes this should be of no concern because if anything comes up in the background check beyond the 24-hour period, then the Department of Homeland Security will declare that person ineligible and deport them.

Certainly, that is a concept we can all support; that is, if someone is ineligible, they should be deported. My concern is the gulf between the promise being made to the American people and the likelihood that that promise will be carried out. The White House said this is of no concern because they will declare them ineligible and deport them. But the question Americans are asking is: Will they? Can they? If they already have this capability, why has nothing been done about 623,000 alien absconders already?

The Department of Homeland Security has reportedly created a unit to track down, apprehend, and deport these fugitives, but no appreciable dent has been made in this number. The Department of Homeland Security has information on these individuals already.

But let's keep in mind that as the Department of Homeland Security is so diligently tracking down the thousands of criminal aliens who have already had a chance and have gone underground, or have left the country and reentered illegally based on a deportation order, they have to do a lot of other things, and Americans are asking can they get all of this done? Can they train, hire, and deploy up to 20,000 additional Border Patrol agents? Can they implement a worker verification system to screen the workers around the country? Can they build up to the 370 miles of fencing and 300 miles of vehicle barriers? Can they deploy the secure border initiative? Can they deploy the exit monitoring system of the US-VISIT Program? Can they process 12 million initial applicants for Z visas? Can they build 105 radar and camera towers? Can they detain all removable aliens caught on the southern border utilizing detention facilities with a capacity of only 31,500 people per day?

I think the American people can be forgiven for doubting the commitment of the Federal Government and the willingness of the Federal Government to actually do all the things it is promising. That is why this bill is such a tough sell, to say the least—especially because, as of 2 years ago, we were doing nothing to beef up border security. It is hard to take the commitment at face value that, yes, now we are serious about it.

So I fear that, similar to 1986, we are being promised something the American people know we cannot and will not deliver. We should slow down, read this bill, offer and debate amendments that will improve the bill and vote on amendments freely.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Madam President, I yield myself 1 minute.

The fact is, if we sink this bill, if we vote against this bill, we wouldn't even have tried to do all the background checks, we wouldn't even have tried to get a secure border.

We know what so many Members of this body are against, but we have yet to hear what they are for. The Senator from Texas outlined in very considerable detail the kind of security to which we believe this legislation is committed. Defeat this legislation and all of that security is out the window.

This bill may not be perfect, but it is the best opportunity we have to do something significant and substantial, and I believe the bill is good.

I see my friend from Ohio. I yield him 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Madam President, I rise in support of the Employee Free Choice Act which will be in front of this body this week. Historians who take a clear-eyed look at the last 30 years will tell you productivity has been rising, our economy has been expanding, corporate profits are up, executive salaries are way up, and yet the workers responsible for our Nation's prosperity have not reaped anywhere near their share of the benefits.

The hallmark of our economy for generations has been those people who produce the wealth, people who work with their hands, people who work with their minds, the employees of this country. Those who produce wealth will share in the wealth they create. As productivity goes up, through most of our history, certainly in the last 100 years, so have wages. But things have changed.

In 2005, the real median household income in America was down 3 percent from the median income in 2000. In Ohio, my State, it was down almost 10 percent. Meanwhile, the average CEO makes 411 times more than the average worker. In 1990, the average CEO made 107 times more. We can see, as productivity goes up for workers, executives make more, profits are higher, but workers are not sharing in the wealth they create. That is what made the 2006 elections so important because the middle class spoke up, the middle class understanding their wages are stagnated, understanding they have not shared in the wealth they created. That is what makes today so important.

We are considering today landmark legislation supported by workers, employers, religious organizations, civil rights groups, advocates for children's legislation, which will give employees a real choice on whether they want to join a union.

This legislation probably won't pass this week. Republicans have again, one more time, threatened to filibuster and one more time we probably won't get the 60 votes to pass this legislation. But it is clear a majority of the American people want it, a majority of the House of Representatives wants it, a majority of the Senate wants it. We will keep coming back year after year

supported by these workers, employers, religious organizations, civil rights groups, and advocates for children.

I would point out, in pursuit of economic justice, why this Employee Free Choice Act is so important and what has happened to our economy in the last six decades. Each of these bars represents 20 percent of wage earners in this country, the lowest 20-percent wage earners and the highest 20 percent. We can see, from 1947 to 1973, the height of unionism in our country, the period when the most American workers belonged to unions, what happened. There was strong economic growth for all of society, for all workers in every category, but the strongest economic growth in wages was the lowest 20-percent of wage earners from 1947 to 1973.

In the seventies and eighties, the percentage of American workers in unions declined. Other things were going on too, such as the trade surplus went to a trade deficit, and other things. The big part of that was unionization. Look at 1973 to 2000; there was still economic growth in all segments of our society. On average, in each category, workers' incomes went up, but the lowest 20 percent had the lowest percentage growth in income, and the highest 20 percent had the highest growth in income. We can already see a splitting apart, where wage growth did not quite track productivity.

Since 2000, we can see something else happened. This trend has exploded. Since 2000, all five categories have seen their wages go down. The lowest 20 percent has had the biggest decline. Only when we cut off the top 1 percent have we seen incomes go up. The top 1 percent has seen their incomes go up 6 percent; the lowest has seen their incomes drop about 5 percent. Again, that is in large part because fewer and fewer Americans belong to labor unions, and it is more and more difficult to join a union.

Employers are stronger. Employers spend more money. Employers hire more firms with great expertise on how to stop union drives, to defeat unions, to refuse to bargain if a union is voted in. Literally there have been tens of thousands of infractions those employers have engaged in against their employees. This bill makes sense.

The PRESIDING OFFICER (Mr. TESTER). The Senator has used 5 minutes.

Mr. BROWN. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge my colleagues to vote ''no'' on cloture on the check card bill. I urge them to do this because a secret ballot is not only a part of the political process in the United States, but a part of a process in many organizations to make sure that people vote their convictions and not their emotions or emotions that have been forced upon them.

I want to use a personal example of why I think, in union elections in particular, a secret ballot is so important. I have told some of my colleagues, not very often, but in past debates on the floor of the Senate that while I was a member of the State legislature, I worked at a factory in Cedar Falls, IA, called Waterloo Register Company. We made furnace registers. I had the glorious job for those 10 years of putting screw holes with a small punch in those registers. I worked there from September of 1961 until the plant shut down in March of 1971. During that period of time, from February of 1962 until the plant shut down, I was a member of the International Association of Machinists. Everything was going all right for that plant until about 1967, 1968, 1969, when our products made by the International Association of Machinists were not being installed by the Sheet Metal Workers Union members in Pennsylvania, is what I was told at the time. Our company wanted us to change from the International Association of Machinists to Sheet Metal Workers. This is not an instance of the company trying to keep a union out. There was already a union there. The company was getting behind the Sheet Metal Workers Union in a dispute that involved an illegal secondary boycott against our products. So our management thought if we were part of the Sheet Metal Workers Union we would get our products installed easier around the country by sheet metal worker installers. Presumably, we were one of the few companies making registers at that particular time that was a member of the International Association of Machinists, as opposed to being a member of the Sheet Metal Workers.

So our company and that union pushed to have an election to change unions from International Association of Machinists to Sheet Metal Workers. It was highly debated. Obviously, machinists and their members loyal to them wanted the machinists union to stay. The company and some workers who were sympathetic to the company point of view would rather have the Sheet Metal Workers Union because we were told they would not stay in business if the Sheet Metal Workers were not there.

We had an election. I forget the exact date. I tried to look up newspaper stories for this debate, and I couldn't find them. My recollection is that in March of 1969 or March of 1970, we had an election. I remember driving 100 miles from Des Moines where the legislature was in session to my factory—I had a leave of absence—to vote in that election. I don't mind telling people how I voted. I voted to keep the International Association of Machinists because I had been a member for 6 or 7 years. I thought they were serving my interests right. I wanted to keep them in there, and I didn't believe the story of the management and I didn't believe we should ratify an illegal secondary boycott.

In the meantime, we obviously got a lot of pressure both ways—from the machinists to keep the machinists, and we got a lot of pressure from management to change the union. There was a lot of intimidation. But we could go into that secret voting booth and cast our ballot, and nobody knew how we voted. We did vote, and we kept the International Association of Machinists in that particular election.

I know the overall reasons haven't changed in the last 40 years to have a secret ballot. They have been debated well here. But I thought I would share with my colleagues a personal story about the intimidation that can come from management, not necessarily from the union, to vote a certain way.

Consequently, I was fortunate we were able to keep our International Association of Machinists, and everybody went on happily until the plant finally closed down a couple years later.

So, I urge colleagues to vote against cloture and preserve the secret ballot to ensure that the intimidation that can be active by management as well as labor isn't used.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise to urge my colleagues to vote ''yes'' on the motion to proceed to S. 1639, the immigration reform package. This immigration reform legislation has been long in coming. Immigration has been debated on the floor in the last year for almost a month. We debated it earlier this year for several weeks. It has been the subject of multiple hearings.

The fact is this national security problem is not going to go away until the Members of the Senate have the courage to stand up and deal with this issue.

The legislation before this body may not be the perfect legislation everybody wants, and there are people who will find fault with the legislation, but at the end of the day, it addresses three fundamental principles we must address on immigration reform.

The first of those principles is that it secures America's borders, and it does that with tough provisions in how we police the borders, the addition of more Border Patrol agents, 370 miles of fencing, 70 ground-based radar and camera towers, 200 miles of vehicle barriers, new checkpoints of entry, and so forth.

Second, this law will enforce our Nation's immigration laws for the first time. For far too long, for the last 20 years, what has happened is America has looked the other way and turned a blind eye toward the enforcement of

our laws in this country. This legislation has significant enforcement provisions in it that will, in fact, be enforced and funded.

Third, this legislation secures America's economic future. It does it by the passage of the AgJOBS Act which is supported by more than 800 organizations, farmers, ranchers, and the agricultural community throughout our great Nation.

It addresses the economic needs of America by moving forward with a new temporary worker program that will address the needs of America today in terms of jobs that other people do not want.

And finally, it sets forth a realistic solution for America's undocumented workforce, and it is a far cry from what those who are on the other side of this issue will say—that it is amnesty. It is not. When we are having the people pay the kinds of penalties we have in the bill, when we have them go to the back of the line, when we put them through an 8-year purgatory, when we put them through that probationary period of time, what we are saying to them is: You have broken the law, you are going to pay significantly to get back into the line relative to the possibility of having a green card which will not come until 8 to 13 years from now.

So I think we have struck the right balance here, and I would urge my colleagues to move forward and to give us a ''yes'' vote on the motion to proceed to debate this fundamental issue of national security.

Finally, I would say that the moral issues which are at stake, which are at the foundation of this debate on immigration, are moral issues we cannot escape from. This Senate has to have the courage to stand up and say we are going to address those issues now.

Mr. KERRY. Mr. President, we are here today to bring a long overdue measure of fairness to a system that because of years of powerful opposition and millions of dollars spent remains rigged against the American worker.

Today, it is simply too difficult for workers to claim their legal right to join a union and too easy for employers to prevent them from doing so. This is no accident, and it must change.

Throughout our history, it is the labor movement above all else which has stood up as the driving force in support of working Americans, a gateway to the middle class. So much of what we take for granted today—the 5-day workweek, paid vacations, pensions, health insurance didn't happen by accident; they became reality because people in organized labor were willing to fight, willing to march, and sometimes willing to die to stand up for the rights of the American worker.

But the work of making America a little bit more fair and a little bit more just isn't over—and once again to achieve another milestone we must stand with labor over the objections of powerful corporate opposition.

As a cosponsor and strong supporter of the Employee Free Choice Act of 2007, I urge my colleagues to vote for cloture to pass this important legislation and continue the march of progress in this century which organized labor began in the last one.

In 1935 Congress passed the National Labor Relations Act, NLRA, historic legislation that marked the first time the Federal Government recognized collective bargaining as a right for workers. Employees won the right to organize and a legal forum to settle disputes with management, air grievances, and generally improve workplace standards.

This 1935 law represented a tremendous breakthrough for workers, but its unintended consequences have worked to undo its basic promise that when a majority of workers want to join a union, they have the right to do so.

Unfortunately, the union recognition process today allows antiunion employers to stall both the organizing and bargaining process for months and even years—opening up the door for the very abuses the NLRA explicitly seeks to prevent.

First, once workers decide and demonstrate that they would like to unionize, our current system offers employers a window of time in which to lobby, cajole, and otherwise pressure them not to do so before holding a surreptitious secret vote. When presented with signatures from a majority of employees, employers can call for a secret election—delaying the process and creating a window of opportunity during which employers can hire antiunion consultants, conduct an unlimited number of employee meetings, and bar labor representatives from the workplace.

Second, under the current rules, there are too few penalties to dissuade companies from taking illegal actions far beyond the questionable practices permissible under the NLRA. Facing light penalties, companies make a rational calculation that it is cheaper to violate labor laws and be punished than it is to follow them.

In 2005, the National Labor Relations Board, NLRB, reported that 31,000 workers were disciplined or fired for union activity. Studies show that employees are fired in one-quarter of all organizing campaigns and that one in five workers who openly advocate for a union during an election campaign is fired.

The odds are stacked against workers: when they present a majority, their employers are given every chance to dissuade them from unionizing. When employers cross these already generous lines and break the law, they are not held to account.

The Employee Free Choice Act of 2007 brings the letter of the law in line with the spirit of the law. It takes practical measures to protect and deliver what is supposedly already guaranteed: workers' right to organize.

The bill requires the NLRB and businesses to recognize a union when a majority of employees have signed their names to authorization cards and presented them to the National Labor Review Board. It also requires a binding arbitration process if an employer and a new union cannot reach agreement on an initial contract, empowers the NLRB to enforce compliance with the law in Federal court, and levies substantial fines on employers that engage in union-busting activities.

This legislation is about fundamental fairness. Millions of Americans want to join a union and ought to be able to, but can't. Just ask John Elia of Melrose, MA, field technician for Verizon who wants to organize his unit within the Communication Workers of America. John has been trying for months to get Verizon to recognize the union authorization cards he and the majority of his coworkers have signed. He even handed the signed cards to Verizon's CEO Ivan Seidenberg and asked him to accept them, but he was refused. Earlier this year, Congressman STEPHEN LYNCH, Congressman JOHN TIERNEY, Massachusetts Lieutenant Governor Tim Murray, and I publicly verified the field technician's authorization cards and called on Verizon to recognize them but we were refused as well.

John Elia wants what every worker wants—better pay, decent health care, a stable retirement plan, and real job security. Research shows that unionized workers are paid 30 percent more than nonunion workers, 92 percent of unionized workers have some health care coverage, and three out of four have defined benefit retirement plans—compared to just one in six nonunion members. No wonder a majority of Americans say they would join a union if they could.

This bill is especially timely because the Bush administration has rolled back the clock on worker rights and created an atmosphere that has emboldened many employers to engage in the kind of illegal activity that this bill would help end. For instance, Wal-Mart has been known to shut down stores and relocate them with different employees to prevent them from organizing. The Employee Free Choice Act would require the country's biggest employer to finally recognize its employees' right to form unions and bargain for better pay and benefits.

Opponents of this bill including the Chamber of Commerce want us to believe that instant card check recognition is undemocratic and will hurt businesses. In fact, it fulfills the promise of the National Labor Relations Act of 1935 by ensuring that a majority organizing vote will be honored. What is more democratic than honoring the wishes of the majority? Doubters at the Chamber of Commerce may also want to talk to cell phone provider Cingular, which has voluntarily agreed to honor instant card check unionization. Cingular reported $9 billion in revenue and a record $782 million fourth quarter profit in 2006. It hardly seems to be struggling under the weight of its unions.

Mr. President, as chairman of the Senate Committee on Small Business and Entrepreneurship, let me assure you that this bill is not bad for small businesses. It is aimed at large businesses that engage in union-busting, something small businesses cannot afford to do. In fact, 20 million out of America's 26 million small businesses don't have any employees.

We must restore balance to a broken labor system that breeds resentment on both sides. We must do so most of all so that millions of Americans see their hard work translate into a better standard of living. I urge my colleagues to support cloture so that we can improve conditions for hardworking Americans everywhere.

Mr. DODD. Mr. President, I rise in strong support of the Employee Free Choice Act, a bill that will ensure dignity and prosperity for millions of American workers.

It is no secret that unions helped build in America the largest and strongest middle class the world had ever seen. But where does that middle class stand today? Since 2000, real median household income is down, real wages are down; real wages, in fact, are lower now than they were in 1973. Nearly 50 million Americans, and more every day, are without health insurance. And all this stagnation while corporate profits are up 83 percent since 2005, while the pay of CEOs has skyrocketed to 411 times the pay of their workers.

It is no secret that, while American inequality has reached these heights, fewer and fewer workers are members of unions. In large part, that is not by choice. Worker intimidation is not the activity of a few outlaws—it is persistent, it is systemic, and it is devastating. Employers illegally fired workers in one quarter of union organizing drives. In 2005, more than 30,000 workers were discriminated against in connection with union-busting activities.

If we are going to preserve the American middle class—if workers are going to have the ability to bargain for their fair share—then we need to deter coercion and discrimination; we need a way for workers to fearlessly let their voices be heard.

The Employee Free Choice Act is the tool they need. It has three key provisions.

First, the bill recognizes that union elections are often the high point of employers' intimidation tactics. Rather than provide them a concentrated target, the EFCA establishes majority signup: If a majority of workers sign cards stating that they want union representation, a union is certified as their official collective bargaining agent. Workers are still free to participate in a secret ballot election supervised by the National Labor Relations Board if they so choose; but the Employee Free Choice Act gives that choice to workers themselves.

Second, the bill provides strict penalties for employers interfering with their workers' free choice to join or establish a union. Under the bill, the National Labor Relations Board may obtain a court injunction against an employer that is illegally firing or otherwise harassing workers. Illegally fired workers will be entitled to three times their back pay—a strong deterrent. And willful and repeated violation of workers' rights will result in a civil fine of $20,000 per incident. These penalties replace consequences that, to date, have proven ineffective. Companies will no longer have an incentive to ignore the law.

Third, the bill makes it easier for unions and employers to reach their first contract. It stipulates that bargaining must begin within 10 days of a new union being certified. If, after 90 days, no agreement has been reached, this legislation then authorizes either party to seek mediation through the Federal Mediation and Conciliation Service, which, in 2006 handled more than 5,500 cases and had an 86 percent success rate; if no contract is reached after 30 days of mediation, the parties will then submit to binding arbitration, which will impose a contract that lasts for 2 years. This clear process ensures that unions serve their purpose—because, without contracts, collective bargaining is meaningless.

There is no doubt that majority signup, stricter intimidation penalties, and the clear first contract process will strengthen American unions. But this is not a union bill, not if that term is understood to mean any narrow constituency or any narrow interest. Whatever his or her choice, it is in the interest of every American worker to have that choice recorded fairly, free from fear and threat. When the unfair and illegal barriers are removed, however, I am confident that more and more workers will put their trust in unions. Unions offer millions of us better wages, sounder health care, and more secure pensions. They are the best way we have yet discovered to share the fruits of our prosperity more equally. Workers know that, Mr. President—and they are waiting to be heard.

Mr. MCCAIN. Mr. President, I am strongly opposed to H.R. 800, the so-called Employee Free Choice Act of 2007. Not only is the bill's title deceptive, the enactment of such an ill-conceived legislative measure would be a gross deception to the hard-working Americans who would fall victim to it.

Since the inception of our democracy, we as citizens have placed a great amount of pride in our ability to freely cast votes and voice our opinions on how Federal, State, and local business should be conducted. Our ability to voice opinions through secret ballots stands as one of the hallmarks of our democratic process. Certainly, now, perhaps more than ever, we should be working to uphold this hallmark, not tear it down for the convenience of organized labor, which has been struggling with a declining membership. This bill is the product of partisan politics at its worst, and it must be soundly defeated.

During the early 20th century, we experienced a rapid growth in our labor force and, as a result, a push by unions to increase their membership. In response to aggressive and questionable recruiting practices by some unions, Congress passed the National Labor Relations Act, NRLA, of 1947. One of the main tenets of this legislation was to afford hard-working Americans the right to privately cast their vote on whether to organize, free of intimidation and coercion from union representatives and employees. Unfortunately, before us today is a bill that seeks to strip this fundamental right from our Nation's workers. Ironically dubbed the ''Employee Free Choice Act of 2007,'' this legislation would enact a ''card check'' process, allowing unions to bypass the long used and successful secret balloting system.

The proposed legislation is a direct attack on one of the most basic tenets of our democratic process, which is why it is opposed by a majority of American workers. A recent poll conducted by the nonpartisan Coalition for a Democratic Workplace found that 90 percent of union households oppose this legislation. Another poll by McLaughlin and Associates indicated that almost 9 out of 10 voters agree that workers should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union.

My concern is—and it is a concern shared by many—that if enacted this measure would expose workers to intimidation and the fear of retaliation for votes cast. We simply cannot allow this assault on democracy from becoming law. Instead, we should be working for the swift enactment of S. 1312, the Secret Ballot Protection Act of 2007, which I am proud to cosponsor along with 26 of my colleagues, to ensure secret ballot elections for employees.

I strongly urge my colleagues to vote no on H.R. 800 and to halt the full Senate's debate on this ill-conceived, flawed measure.

Mrs. BOXER. Mr. President, I rise today in strong support of the Employee Free Choice Act. For far too long, our Nation's labor laws have created an environment that has made it harder and harder for workers to organize and form unions.

The current system overwhelmingly favors the employer, who too often use their advantage to intimidate and coerce their employees.

The end result of this system has led to a squeeze on America's middle-class families, and the time has come to put an end to a union election system where employer intimidation tactics prevent middle-class workers from earning decent wages, health care, and fair working conditions.

It should come as no great surprise that middle-class families are facing increased economic hardships because of the Bush administration's policies.

Corporate profits have jumped 83 percent since 2001, with the richest Americans getting richer, while health care, energy, food, and education costs have skyrocketed, creating the largest income gap in 65 years.

In 2005, households in the bottom 90 percent experienced a .6-percent income loss, while workers at the top enjoyed a 16-percent increase in income.

Real wages for U.S. workers are lower today than in 1973, and in California, the real median hourly wage fell by 2.7 percent between 2003 and 2005.

In addition to seeing their wages squeezed, many middle-class workers are unable to provide health care for their families.

Over 7 million Californians are uninsured and the numbers of uninsured increase every year.

In fact, from 1999 to 2005, the number of Californians with employer-provided health care dropped from 60 percent to 55 percent.

To put into perspective the pressure being placed on the middle class, I recently found my son Doug's pay stub from when he worked as a checker at a supermarket in 1986.

Twenty-one years ago, a checker at his supermarket earned $7.41 per hour. According to the United Food and Commercial Workers union, an entry-level checker starting today would earn around $8.90 per hour, which is $4.86 less than my son's 1986 wages adjusted for inflation.

This downward pressure on middle-class wages must stop—and increased union participation can help solve this problem.

Encouraging more participation in unions is a simple and proven way to help middle-class families.

Union wages are on average more than 30 percent higher than nonunion wages. Union cashiers earn 46 percent more than nonunion cashiers. Union food preparation workers earn 50 percent more than nonunion workers.

To help increase participation in unions, the Employee Free Choice Act puts to an end the current culture of intimidation and coercion that surrounds some union elections, and instead presents a choice to workers contemplating unionization.

Under EFCA, workers can choose to proceed with union elections through secret ballot or they can choose organization through a simple card check procedure. Under current law, only the employer can choose how its employees choose to elect union representation.

Responsible employers, like Kaiser Permanente and Cingular, gave their employees such a choice, and the results have been great.

At a Kaiser Permanente health care facility in Orange County, CA, nurses were able to quickly and easily form a union without fear of intimidation and illegal firings. The smooth unionization process has led to an all-time low nurse vacancy rate and low nurse-to-patient ratios, which has increased the quality of health care provided to Kaiser's patients.

But workers who have not been given a choice on how to proceed with union elections have faced unfairly harsh consequences.

Employer intimidation and coercion are serious problems.

In 2005, over 30,000 workers lost wages or were fired because they were involved in union organizing activities.

The current union election system is badly broken and breeds fear in the workplace.

Workers under open threat of firings and layoffs from their employers are not given a real choice in choosing to organize a union.

Workers are fired in 25 percent of all private sector union organizing campaigns, and 1 in 5 workers involved in union organizing efforts is fired.

Over 75 percent of private employers require managers to give anti-union messages to employees, and over half of all employers threaten to close or relocate the business if workers elect a union.

At a Rite Aid distribution center in Lancaster, CA, workers thought forming a union would help them negotiate better working conditions. Workers at this distribution center work with no job security, mandatory overtime after 10-hour shifts, and no temperature controls in the warehouse.

When the union movement began to gain momentum, one of the lead employees, who had worked there for 6 years with a spotless record, was fired for poor performance.

Said the worker after his termination, ''People were afraid to sign union cards because they saw what happened to me.''

At the Los Angeles Airport Hilton Hotel, two workers leading the union effort were fired on trumped-up charges. One of them, Alicia Melgarejo, is a single mother of a 14-year-old daughter, who worked as a housekeeper at the hotel for 8 years.

Despite the fact that she had never been disciplined in 8 years on the job, she was immediately fired after being accused by management of stealing towels.

She asked management to show her video to back up their claim, but they refused. She believes she was simply fired for her role in union organizing efforts and her active support of Los Angeles' living wage law.

Under current law, these gross examples of intimidation can only be penalized by what amounts to a slap on the wrist for large companies. Employers can ruin lives, like they did to Alicia and her daughter, yet they often build into their budgets the costs of union-busting activities and the small penalties authorized by the National Labor Relations Board.

The current union election system creates a battle between employer and employee, with no real winner.

Our workers have earned the right to work in an environment free from fear, and they should be given the right to choose if they want a union through a process that doesn't provide incentives for employers to coerce and intimidate their employees.

EFCA changes the game and provides workers with a fair choice in choosing to organize.

It also takes away incentives for employers to break the law and illegally fire union organizers by requiring back pay for workers who are fired or retaliated against, increasing civil fines to up to $20,000 for each illegal act, and authorizing Federal court injunctions to immediately return fired workers to their jobs.

EFCA provides employees with a choice in choosing a union, gives teeth to penalties for violations to prevent employer bullying and intimidation, and levels the playing field for workers seeking well-deserved living wages, health care, and fair workplace treatment.

I urge my colleagues to support cloture on the motion to proceed to this bill.

Mr. OBAMA. Mr. President, all across the country, Americans are anxious about their future. In a global economy with new rules and new risks, they have watched as their Government has shifted those risks onto the backs of the American worker, and they wonder how they are ever going to keep up.

In coffee shops and town meetings, in VFW halls and all along the towns that once housed the manufacturing facilities that built our country, the questions are all the same. Will I be able to leave my children a better world than I was given? Will I be able to save enough to send them to college? Will I be able to plan for my retirement? Will my job even be there tomorrow? Who will stand up for me in this new world?

The Employee Free Choice Act can alleviate some of these concerns. I support this bill because in order to restore a sense of shared prosperity and security, we need to help working Americans exercise their right to organize under a fair and free process and bargain for their fair share of the wealth our country creates.

The current process for organizing a workplace denies too many workers the ability to do so. The Employee Free Choice Act offers to make binding an alternative process under which a majority of employees can sign up to join a union. Currently, employers can choose to accept—but are not bound by law to accept—the signed decision of a majority of workers. That choice should be left up to workers and workers alone.

Moreover, workers who want to form a union today are vulnerable to a concentrated period of union-busting tactics by employers. Far too often, workers petition to form a union, the employer is notified, and then the employer uses the time between notification and the vote to force workers into closed-door meetings where they might

mislead and scare their employees into opposing the organizing drive. In thousands of cases, employers just start firing prounion employees to send a message. And they consider any penalties that result from that behavior an acceptable cost of doing business.

The Employee Free Choice Act would give workers the right to collect signed cards from a majority of their colleagues to form a union and would require the employer to respect and accept that decision. It increases penalties to discourage employers from punishing workers trying to organize their colleagues, and it encourages both sides to negotiate the first contract in good faith by sending stalemates to binding arbitration.

As executive compensation skyrockets and money managers rake in millions in income annually, American workers are wondering if the rules aren't tilted against them. They question whether their vote and their efforts matter. They feel they have an increasingly weaker voice in the decisions their employers and their Government make. They find themselves competing against workers abroad who lack fair pay and benefits. And they feel ill-equipped to challenge employers who are cutting wages or refusing to raise wages at the same time as they are shedding their health care and retirement contributions.

What the history of America's middle class teaches us—and what we have to make real today—is the idea that in this country, we must value the labor of every single American. We must be willing to respect that labor and reward it with a few basic guarantees—wages that can raise a family, health care if we get sick, a retirement that is dignified, working conditions that are safe.

To protect that labor, we need a few basic rights: organization without intimidation, bargaining in good faith, and a safe workplace. These are commonsense principles, and this bill affirms those principles. For this reason, I stand in solidarity with working people around the country as an original cosponsor of the Employee Free Choice Act, and I urge my colleagues to pass it.

Mr. ENSIGN. Mr. President, I rise today to address the so-called Employee Free Choice Act.

Over the past few weeks the Democrats have painted a very partisan picture for the American public; coloring their failures by laying blame at the feet of the Republicans. In reality, Republicans have come to the table in good faith time and again to address the issues facing this Nation and its hard-working citizens.

Now, this week, despite their promises to deliver energy solutions, the Democrats have chosen to set aside the only energy bill they have brought before the Senate. Sadly, we only had mere days to debate proposals that could have put this country on the path to lower gas prices and energy independence.

What is more important than securing America's future?

It is with complete disregard for the rights of American workers that the Democrats have brought to the floor—at the cost of vital legislation—the deceptively titled ''Employee Free Choice Act.'' This act would revoke the right of workers to cast secret ballots in elections when voting on whether to form a union. Workers could now be unionized by the practice known as ''card check,'' which would make employees cast their vote publicly by signing cards that would be allowed to count as votes in place of a secretly cast ballot. This practice would allow for unionization as soon as a majority of employees give consent, thus eliminating the voice and vote of a significant percentage of employees.

This country is founded on the fundamental principles of freedom and choice. Let's be clear, this is not a debate about the merits of unionization, rather this is a debate about ensuring that Americans maintain their right to make their choice in private, from the voting booth to the workplace. The United States has a rich tradition of Americans choosing their elected representatives by secret ballot in free and fair elections. Every Member of Congress was elected through a secret ballot process, something I have worked throughout my career to protect. Ensuring that employees maintain the right to secret-ballot elections protects those who would choose to not unionize from undue peer pressure, public scrutiny, coercion, and possible retaliation. We cannot allow political payback to undermine 60 years worth of democracy in the workplace.

This is not what the American worker wants. Although I do not believe in governing by polls, it is an important tool to gauge support on an issue such as this. According to a Zogby poll, 78 percent of union workers favor keeping the current secret ballot process in place. It is also important to note that preserving the rights of workers does not mean the end of unionization. As a matter of fact, a study conducted by the National Labor Relations Board confirmed that unions win 60 percent of all elections conducted by a secret ballot. Knowing that would prompt any reasonable person to ask why the Democrats are so eager to secure the favor of big labor, especially when it is at the cost of the workers they claim to protect.

This bill would reverse 60 years of Federal labor law that has guaranteed workers the right to cast a private ballot. In 1947, Congress made a decision to amend the National Labor Relations Act and expressly mandated that workers be given the right to a secret ballot. Both the National Labor Relations Board, which oversees unions, and the Supreme Court have upheld the law and the rights of workers by recognizing that secret-ballot elections are the most satisfactory way to establish a union. Public support for the secret ballot for union representation is strong and an overwhelming number of union employees agree that a worker's vote to organize should remain private.

Currently, during union elections, all votes are cast secretly, and every vote is counted. This is important to protect employees from coercion and retaliation, not only from the employer but also from union officials. You see, what people fail to realize is that union officials have been as guilty of applying pressure, as they can alienate individuals, kill careers, or even threaten with physical force. Employees have had representatives from big labor visiting their places of employment, writing down license plate numbers, and visiting their homes later that night. Casting votes in secret provides all employees protection from these and other pressures.

Allowing the Employee Free Choice Act to pass into law would result in a dictatorial rule over laborers and their civil rights. I encourage this body to stand up and ensure that the Democrats are not allowed to make political fodder of the civil rights of hard working Americans. We cannot restrict the rights of workers by denying them their fundamental right to cast a private ballot in union organizing elections. Let's call this for what it is—a political payback—and vote against the ''Employee No Choice Act.''

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I believe I have 6 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, again I wish to thank my friend from Colorado for putting into 3 short minutes the compelling case for the support for cloture we will be voting on in just a very short period of time and thank him not only for his eloquence and his passion but also the strong ongoing effort he has made to try to make sure this legislation is worthy of the goals he has outlined. He has made an extraordinary contribution, and history will show it.

If the Chair will let me know when I have 1 minute left.

Mr. President, on the employee checkoff legislation, first of all, we want to point out that free elections are in the Employee Free Choice Act. They are in the legislation. We have heard a lot of issues and questions about whether they are in or they are not in. They are in the legislation. But let me really point out, in the few minutes that remain, why this legislation is necessary.

It is necessary because of the impact of what is happening today to so many workers who are trying to be able to pursue their economic interests.

This is Verna Bader, a machine operator in Taylor, MN. Verna wanted to form a union to help address health and safety problems at work. This is often the case. It isn't just their own economic interest; it is the health and safety problems they see on the job.

She and other union supporters were harassed by the foreman, who threatened: ''If you do get a union in here, you're gonna find out that you aren't gonna have a job.'' We have heard of intimidation, and this is the type of intimidation which so many workers, when they try to form a union, are faced with.

After employees voted to form a union, the harassment became unbearable for Verna. ''There's days that I literally went out of there crying. This is the kind of conditions that the employer set.''

Taylor Machine illegally shut down the department where union supporters worked. Eventually, the NLRB ordered the company to give them back their jobs. The company refused and appealed the ruling, delaying justice for the workers. Verna and her coworkers didn't get the backpay the company owed them until 8 years later.

This is Bonny Wallace, a nurse from Roseburg, OR. Bonny and her coworkers decided to form a union after the hospital began increasing nurses' patient loads, forcing them to work mandatory overtime. Many times, these workers would come down exhausted at the end of their 8-hour shift and be told: No, you are going to have to continue to work. Many of them had children at home or children they were picking up at school, and they were told they had to go out. The workers tried to find out if they couldn't get at least some kind of recognition of their needs. ''We needed some help and some representation. We needed someone to listen to us, when management would not. That's why we called the union.''

The hospital started a campaign of fear and intimidation. Despite a shortage of workers, the hospital forced them to attend antiunion meetings during their shifts. The meetings were demeaning and dehumanizing. ''We felt insulted by the half-truths they put forward.''

The nurses won the election, but 1 year after the union was certified, they still had no contract. Management has come to bargaining meetings unprepared to negotiate, stalling the negotiations and slow-walking the outcome.

So you have the situation where an individual is fired and another situation where they have just refused to negotiate.

Now, what happens every year? These are the figures from 2005: 30,000 workers—30,000 workers—have had to get backpay from the National Labor Relations Board because of examples I have just given here this afternoon. And these are not the exception. This is what is happening all over America. It didn't used to be that way. It didn't used to be that way.

Years ago, when they did have the card and the checkoff, the numbers that were actually being talked about at that time were about 3,000 individuals. Now, as has been pointed out during the course of the debate, the powers that are out there to defeat these workers, humiliate these workers, intimidate these workers are very effective, and we have 30,000 who get backpay.

Employees are fired in one-quarter of all the private sector union-organizing campaigns. One in five workers who openly advocate for a union during an election campaign is fired. That is the technique used in order to destroy. That is what we are trying to deal with in this legislation. That is what this legislation is all about. Let us allow the workers to have the choice and the employee recognition that they can vote for or vote against having a union but not have intimidation.

Finally, what are the penalties? I mentioned 30,000 different instances where they had to get backpay. The average backpay in 2005 was $2,660. Imagine that worker out of work for 8 years and finally gets the backpay, and the backpay is $2,660. If you had the violation on this Smokey Bear image, it would be $10,000.

This is not only an economic issue, it is a moral issue, and we have this open letter from 124 religious leaders that states: We as leaders of the faith communities, representing the entire spectrum of U.S. religious life, call upon the U.S. Senate to pass the Employee Free Choice Act so that workers will be able to represent themselves.

It is a civil rights issue. The Leadership Conference on Civil Rights and the Governors understand this. There is a letter from some 16 Governors, who think this makes sense.

There is also this extraordinary letter from a former Secretary of Labor, Ray Marshall, and he quotes the Dunlop Commission. John Dunlop, a Republican, was probably one of the greatest Secretaries of Labor in the history of this country.

Mr. KENNEDY. Mr. President, over the past several days I have addressed the Senate several times about the dramatic changes in our economy, and the overwhelming challenges facing American workers. I am deeply concerned about the growing divide between the haves and have-nots in our country. Working families are not receiving their fair share of our economic gains, and it is threatening the vitality of the American middle class and the American dream.

It is time to have a real conversation about economic security. We need to be talking about how we can return to the days where the rising tide really did lift all boats, and working Americans shared in the Nation's prosperity.

Unfortunately, my colleagues on the other side of the aisle don't seem interested in having that conversation. Instead, they have chosen to spread misconceptions and half-truths about the Employee Free Choice Act.

Before we can continue talking about the economic challenges facing America's workers, we need to set the record straight. I would like to clear up the misconceptions and half-truths about this legislation so we can return to focusing on the issues that matter to working families.

First, several of my Republican colleagues have come to the Senate floor to argue that the current system for choosing a union works just fine. They argue that there is no real problem here because 60 percent of NLRB elections are won by unions.

Actually, I still find that number disappointing, because in a substantial percentage of the elections that unions lose, the organizing efforts had majority support before the election process began. And nearly half the election petitions filed by unions are withdrawn even before the election occurs because union support has been so eroded that there is no point in going forward. Something happened during the election process to scare and intimidate workers.

But more importantly, the number of NLRB elections that unions win does not tell the whole story. What tells the story is how many employees want a union and don't have one. What tells the story is how many workers never get to that stage of the process.

According to a December 2006 poll by Peter Hart Research Associates, 58 percent of America's nonmanagerial workers—nearly 60 million—say they would join a union right now if they could. But only 7 percent of employees in the private sector have a union in their workplace. This shows that NLRB elections are not working to get workers the unions they want.

Some critics have also taken issue with some of the supporting statistics that I and my Democratic colleagues have used to demonstrate the widespread problem of anti-union behavior and abuses of the law by employers. Specifically, they have attacked a study performed by Professor Kate Bronfenbrenner of Cornell University concluding that employees are fired in one-quarter of all private-sector union organizing campaigns. These attacks are unfounded.

Professor Bronfenbrenner's study is one of many research projects that confirm what many of us have long known—that abuses of employees who try to form a union are rampant and our current system has proved inadequate to protect workers' rights.

Kate Bronfenbrenner's research has been relied upon for 20 years by Congress and the U.S. Trade Deficit Review Commission, USTDR, among others, to gauge the extent of employer behavior that affects the exercise of rights by workers. Her research has been published in a number of peer-reviewed books and journals where it was found to have upheld the stringent standards for methodological review for those publications.

It's abundantly clear that there is a serious problem, but Republicans argue that the Employee Free Choice Act is not the solution. They have pointed to a 2004 Zogby survey of union workers and a 2007 poll of workers by McLaughlin and Associates to argue

that workers—even union workers—don't want this.

Both the McLaughlin poll and the Zogby poll are unpersuasive. Both of these surveys presented people with a false choice—between majority sign-up and a fair and democratic election. Neither asked workers to choose between majority sign-up and the NLRB election process.

I think if the choice was presented accurately those results would have been much different, because a fair and democratic choice is just not what the NLRB election process provides. NLRB elections are so skewed in favor of the employer there's nothing fair or democratic about them.

The Hart research survey I have cited is far more accurate—I'll use the exact wording so there's no chance of misunderstanding:

Under majority signup, once a majority of employees at a company join the union by signing authorization cards, the company must recognize and bargain with the union, with no election held. Do you favor or oppose this proposal?

When asked this question—with no slant or bias in it—70 percent of union members and 50 percent of workers overall supported majority sign-up, compared to only 20 percent of union members and 36 percent of workers overall who opposed it.

Beyond public perceptions, when it comes to the substance of the bill, each of the three major provisions of the act—the majority sign-up, the first contract timeline, and the enhanced penalties—has been the subject of misleading and inaccurate attacks. I will address each of these sections of the bill in turn.

On majority sign-up, the most common criticism I have heard is that the Employee Free Choice Act is undemocratic or that it eliminates the secret ballot election. Neither of these assertions is true—the bill does not abolish the NLRB election process, and if the goal of a democratic system is to have an outcome that reflects the will of the people, the Employee Free Choice Act establishes a far more democratic alternative to the current system.

Initially, the bill does not abolish the secret ballot election process. That process would still be available. It just gives workers—not employers—the choice whether to use the NLRB election process or majority signup.

My friend and colleague from Wyoming, Senator ENZI, has cited a letter from the Congressional Research Service, arguing that this letter proves that the bill eliminates secret ballot elections. With respect, I think that's a misreading of CRS's conclusions. What CRS said was that the bill would not permit an election when the majority of the employees has already signed valid authorizations designating a union as their collective bargaining representative. And that is correct—if the majority has already spoken and chosen a representative by signing authorization cards, the employees have already decided how they want to choose a union. It's that majority choice—the decision to choose a union through majority signup—that we want to protect. If the workers were to choose to use the election process instead—if they were to sign cards asking for an election rather than designating a bargaining representative—they would get an election. The Employee Free Choice Act lets the workers use the system they want. This makes perfect sense—after all, it is the workers' representative, why should the employer get to control how the workers get to choose?

In their discussions of the majority signup process, my Republican colleagues seem to suggest that the NLRB election process is a model of democratic fairness. But nothing could be further from the truth. NLRB elections are nothing like the public elections we use to elect our Congressional representatives. One side has all the power. Employers control the voters' paychecks and livelihood, have unlimited access to voters, and can intimidate and coerce them with impunity. By the time employees get to vote in an NLRB election, the environment is often so poisoned that free choice is no longer possible. That is not a free election or a fair election. Workers should have the option to choose a better process.

Another common criticism raised about majority signup is that employees may be coerced by their colleagues, or by union representatives, into supporting the union. This is really not a cause for significant concern. It is already clearly against the law for unions to coerce or intimidate employees into signing union authorization cards. Those cards are invalid and cannot be counted towards majority signup, and nothing in the Employee Free Choice Act changes that.

Along these same lines, several of my colleagues have cited a Supreme Court case—NLRB v. Gissel Packing Company—for the proposition that authorization cards are an ''inherently unreliable'' indicator of true employee support for a union. I am distressed that my colleagues would take this quotation so drastically out of context.

Those words—''inherently unreliable''—were used by the Court to articulate the employer's contention, which the Court rejected. In fact the Court in Gissel held the exact opposite! They found that authorization cards can adequately reflect employee desires for representation and the NLRB's rules governing the card collection process are adequate to guard against any coercion that might occur.

I don't understand my colleague's suggestion that authorization cards aren't a valid indicator of a worker's wishes. We have always used these cards to determine whether workers want an election or not, and there's never been any suggestion that coercion or misrepresentation makes the process unfair.

Majority signup is a better system. It respects the free choice of workers by giving them the freedom to choose a union in a simple, peaceful way. Experience has shown that when majority signup replaces the battlefield mentality of the NLRB election process, conflict is minimized and the workplace becomes more cooperative and productive—a win for both sides.

Briefly, there are three more concerns that have been raised about majority signup that I would like to dispel. Each of these concerns reflects a misunderstanding of how the bill would affect current law.

First, my Republican colleagues claim that the Employee Free Choice Act would require ''public'' card signings, which is simply untrue. Under the act, signing a card will be no more or less confidential than it is now. Under current law, workers can request an election if 30 percent of them sign cards saying they are interested in an election. The NLRB keeps the cards—and the card signer's identity—confidential and will not reveal that information to the employer. The Employee Free Choice Act does that change these NLRB confidentiality requirements that protect workers from being targeted by their employers for later retaliation.

Second, some of my colleagues have suggested that the Employee Free Choice Act will ''silence'' employers and restrict their ability to express their views about the union. But nothing in the Employee Free Choice Act changes the free speech rights of an employer. Employers are still free to express their views about the union as long as they do not threaten or intimidate workers. The act also does not change the types of anti-union activity that are prohibited by law. What the act does do is strengthen the penalties for anti-union activity that are prohibited by law. It also allows workers to find an alternative to the contentious NLRB election process, when many of these violations of the law can occur.

My friend and colleague from Utah, Senator Hatch, claims that by giving workers an alternative to the NLRB election process, the employer is ''effectively silenced'' because it is possible that the employer will not know about the majority signup campaign until the cards are presented to the employer. While that is theoretically possible, it is highly unlikely. Most employers know when employees are thinking about forming a union. Even in the rare instance where an employer was truly taken by surprise, the employer has no ''right'' to an additional period of time to engage in anti-union tactics. Majority signup is about workers choosing their own representative. Why should the employer have a guaranteed say in the workers' decision about their own representative? That would be like saying that one party in a court case can't hire a lawyer until the other party has a guaranteed period of time to argue that his opponent

shouldn't be allowed to have a lawyer. It is nonsensical.

Third, critics have argued that the Employee Free Choice Act inappropriately lets employees choose the appropriate unit for bargaining, instead of the National Labor Relations Board. Again, this reflects a misunderstanding of current law, and of the scope of the Employee Free Choice Act.

Under current law, when employees petition for an election they have a right to choose the unit for bargaining. Employees need only choose an appropriate unit, not the most appropriate unit. Employers then have the right to ask the National Labor Relations Board to determine whether the unit chosen by the employees is inappropriate or unlawful. The Employee Free Choice Act does not alter the law in this respect. Employees will still have the right to choose their bargaining unit. EFCA maintains this important right for employees, while continuing to protect employers from being forced to recognize an inappropriate or unlawful unit.

Unfortunately, opponents of this bill have not confined their misguided attacks to the majority signup provisions. They have also raised several unjustified criticisms of the provisions in the bill providing a timetable to get workers a first contract.

Primarily, my Republican colleagues have argued that these provisions would allow the government to impose a contract on the parties, threatening business's bottom line. These sensationalistic references to ''government-imposed contracts'' are way off-base. It is a scare tactic that has no relationship to what this bill actually does.

The Employee Free Choice Act does not compel arbitration whenever the parties have difficulty reaching a contract, as my colleagues suggest. It provides a procedure where unions or employers can seek assistance from the Federal Mediation and Conciliation Service if they are encountering difficulties in their negotiations. The first step of this process is mediation. Collective bargaining mediation provides a neutral, third-party mediator to assist the two sides in reaching contract agreement on their own. The FMCS has provided collective bargaining mediation services—including mediation of first contract negotiations—for more than 50 years, and they have an 86 percent success rate in helping the parties agree to a contract. That is a pretty impressive record.

Only in the rare instance where mediation fails does the act provide for arbitration. Binding arbitration is a last resort, and will rarely be used. It primarily serves as an incentive to bring the parties to the table. Neither the union nor the employer wants any uncertainty in the process, and therefore the parties have a strong reason to sit down at the table and work things out on their own rather than letting an arbitrator rule. The bill's negotiating framework is similar to what is used in most Canadian provinces. Canada's experience shows that arbitration is rarely used, and is an incentive—rather than a roadblock—to parties reaching their own agreement.

Finally, even in the rare case where parties do resort to arbitration, it will be limited to the issues that the parties are unable to agree on. These arbitrations will be handled by highly qualified FMCS arbitrators with long experience in crafting fair contract provisions. They will not impose unfair or extreme terms. I also don't know where my colleagues get the impression that an arbitration through the FMCS would produce a contract biased in favor of the union. It is not in anyone's interest to put a company out of business—workers would lose their jobs and unions would lose their members. Typically, arbitration produces middle-ground solutions that everyone can live with, and often parties settle their disputes during arbitration, alleviating the need for the arbitrator to render a decision at all.

The second criticism that has been leveled against the first contract timeline is that in the rare instance where a contract is actually imposed through the arbitration process, workers will lose their ''right'' to vote to ratify the contract. This reflects a complete misunderstanding of current law. Under current law, employees do not have a ''right'' to ratify a collective-bargaining agreement. A ratification vote is a courtesy that unions routinely give the workers they represent as a matter of policy. It is not a legal requirement.

Under the bill, if unions want to provide their members with input during the first contract negotiation process, they could submit the union's arbitration proposal to the membership for a ratification vote. This would ensure that the position the union takes in arbitration is consistent with the views of the membership.

Perhaps most importantly, in the rare case where a union gets a contract through arbitration, this contract will only be for a 2-year term—a relatively short timeframe for a labor contract. And, during the short duration of the first contract, the membership will no doubt still be far better off than if they had no contract at all.

Finally, opponents of the bill have argued that arbitration of first contracts is incompatible with the collective bargaining process. In support of this assertion, they cite a text on arbitration written by Elkouri and Elkouri, quoting it to say that using arbitration to reach a first contract is the ''antithesis of free collective bargaining.''

My Republican colleagues are taking this quotation out of context. Read in full, the text says: ''The arguments against compulsory arbitration as revealed in literature on the subject, are, broadly stated, that it is incompatible with free collective bargaining . . .'' Elkouri and Elkouri are merely reporting arguments made by others, not endorsing this position.

Indeed, later in the book, the authors acknowledge that, in some instances in which ''the parties find it difficult or impossible to reach agreement by direct negotiation,'' and ''the use of economic weapons [may] be costly and injurious to both parties'' or to the public, ''interest arbitration by impartial, competent neutrals, whether voluntary or statutorily prescribed, offers a way out of the dilemma.''

Using interest arbitration to resolve difficult situations is hardly unheard of. In fact, it has become quite common in public sector employment, public utilities, and railroads. It is also used in most Canadian provinces, where it has been perfectly consistent with a robust system of collective bargaining.

The system established by the Employee Free Choice Act gives a responsible employer every opportunity to pursue a contract fairly. There's bargaining, then there's mediation—arbitration is only a last resort. And the parties can always agree to keep talking or to extend any of the deadlines in the timetable. The process can last as long as it takes to reach a deal, so long as the parties are acting reasonably and can agree to keep talking.

Finally, I would like to take just a brief moment to respond to an argument raised by my friend from Utah, Senator HATCH, regarding penalties. He argued that the Employee Free Choice Act is unfair because it requires employers—but not unions—to pay triple backpay when they violate workers rights. While it is true that the bill does not provide for the same treble backpay penalty against unions, this is hardly problematic. Backpay is a remedy for wages to which an employee would otherwise have been entitled. Unions do not have the power to fire, demote, layoff, or take away workers' raises or overtime pay. Those are abuses only an employer can impose. Because unions cannot retaliate against workers in this manner, there is no reason to impose treble backpay on them.

In 2005 alone, over 30,000 workers received backpay from employers who violated their rights. In contrast, unions paid backpay to only 132 employees. This small set of backpay awards against unions primarily involves mishandled employee benefits—not the types of appalling abuses the Employee Free Choice Act is intended to address. When it comes to causing workers to lose their pay and benefits, it is employers—not unions—that are the problem, and the Employee Free Choice Act provides a solution, putting real teeth in the law, so that unscrupulous employers can no longer dismiss the penalties for violating workers rights as a minor cost of doing business.

The Employee Free Choice Act does one thing—it empowers workers. It gives them the freedom to choose—

without fear of intimidation or harassment—whether they want union representation. There's nothing more democratic than that.

I hope that my comments today have set the record straight. I hope that we can now move on to discussing the critical role this legislation can play in helping working families to overcome the challenges of new economy return to a time of shared prosperity. I urge all of my colleagues to vote to proceed to this bill so we can have that important debate.

Mr. ROCKEFELLER. Mr. President, we have before us a bill that will strengthen the historic right of workers to join together for higher wages, safer working conditions, and better benefits. The Employee Free Choice Act, which I have cosponsored for the last three Congresses, will allow workers to bolster their rights in the employment negotiation process. It will offer real deterrents for that small minority of employers who exercise undue influence over fairly and legally held elections for union representation, and as a result it will ensure workers more control of their working conditions.

Passage of this bill will have an enormous effect in my State of West Virginia. It will protect the rights of working men and women in my State, allowing them to bargain for increased wages, employer-provided health care and pension benefits, as well as better working conditions.

In fact, the pendulum has swung for too long solidly in favor of employers. This bill will bring us closer to equilibrium, giving employees more of a level playing field. The Employee Free Choice Act will enable a majority of employees to clearly and unambiguously make their decision known to organize.

If a majority of workers want a union, then they should be able to band together and speak as one. It is simple and fair, and this right should be free from intimidation. Today, even within legal strictures in place, the current election system allows that small—group of employers to intimidate workers in the midst of a union election, which is simply unacceptable. For example, under the current regime, employers may discourage organizing activities while workers who support unions may not use the workplace as a vehicle to show their support.

The current system leaves employees who want to organize in a vulnerable position. They may be threatened with the loss of their job or the closure of their plant. Among workers who openly advocate for a union during an election campaign, one in five is fired. In my own State, Ms. Mylinda Casey Hayes was unlawfully discharged from her job as a production line worker after she stopped wearing an antiunion button and began supporting employee efforts to organize.

I could give you many other examples of hard-working West Virginians fighting for their rights as employees who face similar tactics. Frankly, the penalties for employers who use these tactics are small—a mere slap on the wrist that does nothing to deter them from improperly and illegally influencing the election. It is high time that we put an end to this practice by showing that there are consequences for ignoring workers' rights. We must strengthen the penalties for companies that coerce or intimidate employees. The increased penalties in the Employee Free Choice Act will restore a more level playing field for employers and employees.

Now, we have the opportunity to extend democratic principles to all workers across the country. The Employee Free Choice Act will give workers the freedom to make their own choices free from intimidation and harassment. This freedom affects the wages, health care, pensions, and other benefits of our Nation's families. When America's hard working men and women are given the opportunity to improve their economic situations, we are all improved. This bill will improve wages, health care, pensions, and working conditions—in turn bolstering our economy. I strongly support this legislation, and I hope my colleagues will join me.

The PRESIDING OFFICER. The Senator's time is up.

Mr. KENNEDY. I will include those references in the RECORD, and I thank the Chair.

Mr. ENZI. Mr. President, I yield myself the remainder of my time.

We are actually debating two things here this morning because we are going to have two cloture votes right in a row. And there are some similarities between the two bills. The similarities are that neither has been through the committee process. Neither bill has been to committee. And I will tell you, when you don't send bills to committee around here, at least in my 11 years here, I don't think I have seen one bill pass that didn't go to committee. Why? Because people don't feel as if they had any input into it.

Just imagine. A coalition gets together and puts bills together and leaves everybody out and then tries to limit the amount of amendments that can be offered on them. The way the coalition works is that one person has this piece of a bill which they are really enamored with but hardly anybody likes it. Another person has this piece of a bill which he is really enamored with but hardly anybody likes it. And you get enough of those people together, throwing their bad parts of the bill in and agreeing to support it to the bitter end in order to pass the bill, but it is a conglomeration, sometimes, of bad things. So it shouldn't be a surprise when cloture isn't invoked on these bills that don't go through the committee process. The only chance for the person who is not in the coalition to have any kind of a voice is at the time of cloture.

Both of these bills, both the immigration bill and the card check bill, have not been through committee. The main bill I am talking about is the Employee Free Choice Act—I have to give them a lot of credit for picking a good name. Ironically, however, it is not about free choice; it is about taking away free choice. It should be called the ''Employee Intimidation Act'' or the ''Take Away the Secret Ballot Act.'' It should not be called the Employee Free Choice Act, and I urge my colleagues to vote no on cloture on the motion to proceed.

For generations, this body has faithfully protected and continually expanded the rights of working men and women. This legislation does exactly the opposite and would strip away from working men and women their fundamental democratic right. Should cloture be invoked, we will get to talk about this for 30 hours, and I am going to go through each and every one of the charts the other side has used to show that statistics aren't always the truth. But everybody knew that already.

We see some charts that show how much people made during one 25-year period and which group, which 20 percent, made the most. Then we switch to another chart, and we show how that changed in the next 25 years. But the third chart is the fascinating one. If you count the spaces on that chart, we have gone from five slots of 20 percent to six slots because the emphasis is on what the top 1 percent in the country made. If you are going to have honest charts, you have to show what the top 1 percent made on the first two charts as well. Statistics—yes, you can get them to say what you want.

Another chart claimed that 30,000 people got backpay because they were fired for organizing. That isn't 30,000 people who got backpay because of organizing efforts; that is 30,000 people whom the National Labor Relations Board—through all of their proceedings has awarded backpay. They do a whole lot of cases that don't have anything to do with union organizing, such as contract interpretation, and those can result in settlements that award backpay. For example, in 200, two thirds of the recipients of ''backpay'' were involved in a single case involving contract interpretation, it had nothing to do with organizing.

But I don't want to go into all that now. I will have plenty of time if we do invoke cloture. I suspect there are plenty of people around here who can see the flaw in something called the Free Choice Act which takes away the right of people to vote, so I won't dwell on that.

For generations, we have guaranteed all workers in our country the right to choose whether they do or do not wish to be represented by a union. We have secured that right through the most basic means of a free people—the use of the secret ballot election. Now, however, proponents of this legislation would cast that right aside. One can almost feel the discomfort from our colleagues across the aisle as they grasp

at straws to ultimately prevent a futile effort to justify the shameful assault on workers' rights.

We have had related to us that it would solve fair trade, it would solve executive pay, and untold issues in the world would just be solved if we just took away the right to vote from people who are being organized.

We have been told the system is broken and the bill is needed to fix it. Simply untrue. Unions that participate in the democratic election process have never in history enjoyed as much success as in the last decade, a record of 10 straight years of an increasing winning rate, the last 2 years at record rates of 62 percent. I guess they are upset that in 38 percent of the votes, they lost.

Employer unfair labor practice allegations are down dramatically, more than 40 percent over prior decades. Most importantly, the National Labor Relations Board has only found it necessary to invalidate less than 1 percent of the elections it held last year. In fact, we took a look at 2,300 elections, and there were only 19 that were rerun, and those were because of union violations as well as employer violations.

We are told, secondly, that something must be wrong with the system because there are fewer unionized employees in the workforce. That is true, but I would suggest unions need to look elsewhere to explain this phenomenon. Many observers believe the problem for unions is that today's employees see them as out of step, too political. They talk about not having enough money to take on management. If they took some of the money they put into political campaigns and went after management, they would probably win more of the elections. Their members see them as being too political and too concerned with their own agenda rather than the workers. I don't know if that is true, but I do know that when unions push an undemocratic bill such as this, which takes rights away from workers, it does little to dispel that view.

I also note that the level of union membership has absolutely nothing to do with the law this bill seeks to radically alter. The law governing unionization and the law providing for a secret ballot has not changed for over 60 years. It is the same today as generations ago when union membership was at 35 percent. The law is plainly not the problem.

Third, we have been told increased unionization is necessary to boost worker pay and benefits. Increased benefits and pay cost money, and unions do not contribute a penny to such costs. Thus, the notion that these two are causally linked is simply smoke and mirrors.

But even if that were the case, the promise of higher wages and benefits is exactly the kind of appeal a union is free to make to employees in a free election process with a secret ballot. It is not an excuse to strip them of the right to vote. This bill is nothing more than a transparent payoff to union bosses to help them artificially and unfairly boost their membership numbers, to increase their bank accounts through more union dues, and increase the political leverage that such money buys. Pandering to special interests is a bad enough problem, but when the cost of such pandering is the most basic of American rights for American workers, it is disgraceful.

I urge my colleagues to reject this effort and to vote no on cloture.

I ask how much time I have remaining?

The PRESIDING OFFICER. The time now belongs to the Republican leader, the next 10 minutes.

Mr. ENZI. I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, first let me thank my friends and colleagues, Senator HATCH and Senator ENZI, for their hard work on the card check issue. They have been passionate and persuasive in defending worker rights. The Republican conference and the American worker are grateful.

We heard a lot yesterday from supporters of the so-called Employee Free Choice Act about the potential effect this bill would have in expanding unions. But we heard next to nothing from them about how it would bring that about. The way we do things in this country is just as important as what we do. This is what has always set us apart as a nation. So it is important we be clear about what this bill would do and how and why it must be defeated.

First, what would it do? Sixty years ago, Congress gave Americans the same voting rights at work they had always enjoyed outside of work. Worker intimidation was common during union organizing drives in those days, so Congress amended the National Labor Relations Act to include a right for workers to vote for or against a union without somebody looking over their shoulder.

As a result, a lot of workers stopped joining unions. Since the 1950s, the number of unionized workers in our country has fallen sharply. For one reason or another, voters opted out. This is their choice. Today, less than 8 percent of private sector jobs in our country are unionized. The so-called Employee Free Choice Act would reverse that law. It would strip workers of a 60-year-old right that was created to protect them from coercion, rolling back the basic worker protection that no one has questioned until now. This is what the bill would do.

Who is behind it? It should be obvious. The unions are desperate. They are losing the game, and now they want to change the rules. But in this case the rule they want to change happens to be one that is so deeply engrained in our democratic traditions that few people would believe it is even being debated today on the Senate floor. Surveys show that 9 out of 10 Americans oppose rolling back the right to a private ballot at the workplace, including an astonishing 91 percent of Democrats. Indeed, many of our colleagues on the other side have defended the secret ballot with passion and eloquence in the past. This is why we hear about the effects but not the cause.

The Democrats are rolling over in support of this antidemocratic bill. All but two Democrats in the House voted against their version of it in March. I expect even fewer Senate Democrats will defect from the party line today. They know the bill will fail. Senate and House Republicans have vowed to block it. The President has vowed to veto it. Yet Senate Democrats are forcing us to vote on it anyway. Why? As the senior Senator from Delaware told a reporter yesterday:

> I'll be completely candid . . . I would not miss that vote because of the importance to labor.

Republicans appreciate the candor, and we will be candid too. This antidemocratic bill will be defeated today, but it will not be forgotten. Republicans will remind our constituents about the fact that Democrats proposed to strip workers of their voting rights. No one can put voting rights on the table and expect to get away with it.

For Democrats, the end in this case clearly justifies the means. But the American people disagree with the means and the end. Voting in this country is sacred, and it is secret.

Republicans will stand together in defense of that basic right today by proudly defeating this dangerous and antidemocratic bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. President Franklin Delano Roosevelt said:

> It is one of the characteristics of a free and democratic nation that it have free and independent labor unions.

Roosevelt's New Deal lifted America through the Great Depression by showing us the rights of working people can go hand in with economic growth. His call for equality and basic fairness, which guaranteed our country a permanent workforce of skilled, trained, and professional employees, is something that is one of his legacies. But now, 70 years later, for many Americans the New Deal has become a raw deal.

Today in America, hourly wages are down, way down, while the number of uninsured is up, way up. Today in America, household income is down, way down, while the average chief executive officer's pay is a staggering, record-shattering, 411 times higher than the pay of the average working person, and going up every day. This has happened in part because, to use a term from Las Vegas, ''the boss holds all the chips.''

I rise to support that we proceed to the Employee Free Choice Act, a bill that will level the playing field for the American worker. It is unquestioned that when employees join labor unions, their standard of living improves and they become more productive employees. It is a win-win for employers and employees alike. Yet too often some employers coerce, harass, and threaten their employees to keep them from organizing. Our current laws give our employees little recourse when that happens, and it happens a lot. The Employee Free Choice Act puts the choice to organize squarely on the shoulders of the employees, and that is where it belongs.

This bill requires employers to recognize the formation of a union when the majority of employees express their support by signing a simple authorization card—a card check. It gives both sides a right to bring in the Federal Mediation Service to mediate the first contract once a union is formed, and enforces stronger penalties for companies that interfere with the right to organize.

Providing the American workers with free choice will ensure access to higher wages and better benefits, better fringe benefits. That means more working families will have good health care and will be able to save, for example, for a college education for their children and maybe even for a better retirement. They will be guaranteed fair benefits, such as vacation time, a reasonable workday, better on-the-job safety.

This is particularly true for African Americans, Latinos, and certainly women. There are some who claim this is a political vote, a gesture to labor. It is a gesture to the American working men and women. I can only venture to guess that those people who do not understand what this bill is all about are those who do not like the bill. This bill is an honest attempt to help improve the lives of Americans who often work hardest and are rewarded the very least.

Opponents of this bill, I guess, see it differently. Lobbyists for big business argue the status quo NLRB secret ballot election works just fine. It is not just fine. It doesn't work just fine. In reality, the status quo is often unfair and undemocratic. Big business wields tremendous power in secret balloting, and too often they use that power abusively. Big business controls the paychecks of the voters and livelihoods of labor. Big business sets the work schedule and terms of employment. And big business has a captive audience, an unfiltered audience to voters. All of us, save our new colleague who was sworn in at 3:15 yesterday, Dr. BARRASSO, have earned a place in the Senate through an election. But I guarantee everyone here, everyone within the sound of my voice, in any of the elections of the other 99 Senators who serve here now, if our opponents controlled 100 percent of the information that voters receive, none of us would be here.

That is what this is all about. There is nothing more democratic in politics and in government and the workplace than a level playing field.

For those who are skeptical of this legislation, let me remind you that it is already working. The NLRB permits the use of majority signup, or card check as it is often described. For example, in Nevada, a State where business and labor work together, most union organizing drives are implemented through majority signup.

Let me say this. Let me be very clear. This bill does nothing to limit employee options in right-to-work States such as Nevada, nor does it eliminate secret ballot elections, as some have said. It simply gives employees the choice to determine their path to union representation. That seems fair. That is the level field we are talking about.

Skeptics of this bill should look to Nevada to see that labor organizing does not have to be adversarial. The Employee Free Choice Act will be good for both sides: It will be good for labor, and it will be good for management. This legislation will help provide the fair, square deal for working people that President Roosevelt first promised 70 years ago and will keep our country strong and certainly more competitive.

I encourage all my colleagues to join in supporting the Employee Free Choice Act. That is what it is, a free choice act.

Mr. President, after we vote on the Employee Free Choice Act, we will return to immigration. Attention will be brought back to that issue, which is so critical—comprehensive immigration reform.

We would not have been able to revisit this issue if Democrats and Republicans hadn't put aside their differences to move forward. We may not all agree on the destination, but we now do at least have a roadmap. The process for this debate and the number of amendments we will consider were decided with the complete support of the Republican leader, Senator MCCONNELL. Senator MCCONNELL and I have worked together in good faith to ensure a full, open, and productive debate on an issue of such overriding national importance. But this bill will not get done without Republican support. The bill is here, but we need Republican support.

Sunday I had the good fortune to visit with the President. I spoke the same evening with Secretary Gutierrez. I spoke to Josh Bolton, the President's Chief of Staff. I explained to them, this is not a Democratic bill. They understand that. We had a Democratic bill last year. It died because the Republicans wouldn't allow us to go to conference. This is a bill that was negotiated in good faith with the total support of the President. He has made public statements that he supports this legislation. Throughout this debate, Democrats have done our part. Eighty percent of us voted for the President's bill; 14 percent of Republicans did the same. That is not enough. We are not asking the Republicans to equally match our support, although I wish they would, for their President's bill. If they deliver even 50 percent of their caucus, the legislation will pass. We need 25 Republicans to support us in this matter.

This is important legislation. The stakes are too high for inaction. We are the Senate of the United States. People have said the issue is too complex; let's not do it.

We have to take hard votes. We have an immigration system that is broken and needs to be fixed. That is what we are trying to do, fix it. We would be derelict in our duties if we didn't make every effort to get this legislation passed.

When we finish here, is it over with? Of course not. It goes to the House, and they will take up a measure. They will do what they think is appropriate. It will go to conference and we will come up with something that hopefully will solve most of the problems of immigration. I believe that to be the case. Comprehensive immigration reform will require us to tackle a number of difficult issues, such as border security. We have done a remarkably important thing in this bill regarding border security. Previously, there was authorization for money to do border security. This bill gives direct funding of $4.4 billion to address border security. If for no other reason, people should vote for this. I am confident this bill will take care of border security more than anything we have talked about in recent years. It will also look at a fair temporary worker program. There is in the legislation an agricultural workers program that is excellent. In this legislation there is the DREAM Act for education for children who previously could not be educated. Of course, there are employer sanctions which are important.

I am confident this bill addresses all four of these issues in a way that honors our country, our strong immigrant history, and sets us on the path to a stronger future.

I was looking at some commentary, talking about me and immigration. Actually, they made fun of fact that my father-in-law came from Russia, as if it were a negative. My wife's father was born in Russia. That is the strength of our country. My grandmother was born in England. I used to talk to my grandmother. She didn't remember much

about anything, but she remembered a few things. The fact that my father-in-law came from Russia, my grandmother came from England makes us a better country. Immigrants are the strength of this country. This legislation honors that fact.

We need to proceed with this legislation and send the American people a better life for everybody. That is what this legislation will do. It will allow us to solve the problem, secure our borders, have a temporary worker program that meets the demands of our country, and put 12 million people on a pathway to legalization. As Secretary Gutierrez said, it is not amnesty. If we do nothing, there is silent amnesty. What this bill does is make sure that people learn English. It makes sure they pay their taxes. It makes sure they work, stay out of trouble, pay penalties and fines. Even then, they go to the back of the line. Remember, these people, whether we like it or not, have American children. This will allow them to come out of the shadows, be productive citizens and with the great work we have done on border security, stop illegals from coming into the country in the future. That is what this legislation is all about. It is good legislation. We have an obligation, as the legislative branch of Government, to do something to work with the President and get this passed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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. 66, H.R. 800, the Free Choice Act of 2007.

Harry Reid, Ted Kennedy, Patty Murray, Bernard Sanders, Charles Schumer, Russell D. Feingold, Jack Reed, Barack Obama, Christopher Dodd, B.A. Mikulski, Pat Leahy, John Kerry, Robert Menendez, Claire McCaskill, Debbie Stabenow, Frank R. Lautenberg, Joe Biden, H.R. Clinton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—51

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

NAYS—48

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this question, the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1639, a bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

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

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—64

Akaka	Feingold	Menendez
Bennett	Feinstein	Mikulski
Biden	Graham	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Inouye	Obama
Brownback	Kennedy	Pryor
Burr	Kerry	Reed
Cantwell	Klobuchar	Reid
Cardin	Kohl	Salazar
Carper	Kyl	Schumer
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stevens
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Craig	Lott	Webb
Dodd	Lugar	Whitehouse
Domenici	Martinez	Wyden
Durbin	McCain	
Ensign	McConnell	

NAYS—35

Alexander	Crapo	Roberts
Allard	DeMint	Rockefeller
Barrasso	Dole	Sanders
Baucus	Dorgan	Sessions
Bayh	Enzi	Shelby
Bunning	Grassley	Smith
Byrd	Hatch	Stabenow
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Tester
Cochran	Isakson	Thune
Corker	Landrieu	Vitter
Cornyn	McCaskill	

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

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

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

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrible terrorist attacks of September 11, it is painfully clear we have much work left

to do to protect this Nation from these awful attacks. Osama bin Laden and his No. 2 still remain at large, and al-Qaida has grown in strength and is determined to attack globally. The administration's failed Iraq policy has catalyzed a whole new generation of extremists who can be expected to carry out attacks against the U.S. and our friends around the world. Objective analyses, including the final report of the 9/11 Commission, conclude that this Nation has failed to take the steps necessary to protect America from terrorist attacks.

We need only go back to look at the report card the Bush administration received in implementing the 9/11 Commission Report: Ds and Fs. The threats the 9/11 Commission talked about and are encompassed in this bill are real and growing. When Democrats took control of the Congress at the start of this year, we said we would finally and fully implement the unanimous recommendations of the bipartisan 9/11 Commission. It is something we fought for when we were in the minority, and it was one of the first bills we passed at the start of this session of Congress.

The House passed its version early this year, January 9, by a vote of 299 to 128—broad bipartisan support. We passed our bill on March 13. It, too, had bipartisan support, passing 60 to 38.

As my colleagues know, Democrats and Republicans who serve on the House and Senate committees with jurisdiction over this bill have worked tirelessly to resolve the differences in these two bills. I have had numerous conversations with Chairman LIEBERMAN. This preconference process has carried on for months, on a bipartisan basis, with full transparency and good-faith efforts to produce a final bill. Progress has been made.

The American people, though, don't expect progress. They expect results, and that is what we need. We need to finish the work on this bill yesterday—as soon as possible. That is why I believe we need to take the next procedural step to finish these negotiations, to appoint conferees. That is what we normally would do.

When this bill is finally signed into law, it will make America more secure. It will improve the morale, training, and efficiency of the TSA screening workforce, allowing them to work more effectively to protect air travelers. It will improve the screening of all maritime cargo—all maritime cargo—so Americans can be assured we are doing all we can to prevent the smuggling of weapons—even a nuclear weapon—through America's ports. It will improve the congressional oversight of intelligence to be sure we are building the best capabilities possible to stop terrorist attacks. It will improve communication sharing and communications interoperability among first responders so they can work swiftly to protect us from terrorist attacks. It will ensure that transportation and mass transit infrastructures are hardened against terrorist attacks.

We need to work together to protect the American people from terrorism, and we need to do so immediately. We asked numerous times in the last Congress to be able to finish the 9/11 bill, and we were denied that ability. I would hope that this unanimous consent request allowing us to go to conference would be granted.

I am told the minority is going to object to this request that we go to conference. That is too bad. Although Senate Republicans have thrown procedural hurdles in front of virtually everything we have tried to do in the Senate this year, I was hoping they would reconsider their obstruction when it comes to getting through legislation that makes America more secure. There have been issues raised, but couldn't we handle these in conference?

Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 4, as passed by the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, on behalf of the minority, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I say to my distinguished friend, the Senator from Oklahoma, we are glad to have you back. We are glad the medical procedure went well and that you are back with the same fighting spirit you had the first day you came here. We are happy to have you back.

Mr. President, I will renew my request at a subsequent time, and probably a few more times, until we get this done. I think a number of people have had calls from the 9/11 survivors, those people who lost loved ones in the 9/11 attack. They want us to get this done. We need to get this done. This is an issue that affects the safety and security of our Nation.

So I would hope that there would be a reconsideration of this objection at a subsequent time because I am going to continue to offer this until we are able to go to conference.

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

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

UNANIMOUS CONSENT REQUEST—S. 4 AND H.R. 1

Mr. KYL. Mr. President, I would like to propound a unanimous consent request, please.

I ask unanimous consent that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation; that is, H.R. 1 and S. 4, that compromises the security of America's transportation system by eliminating the flexibility given to the Transportation Security Administration to manage its employees to most effectively counter terrorist threats against Americans.

Before the Chair responds, if I could just make a very brief statement.

The President has clearly said he will veto any measure that makes collective bargaining rights for airport screeners a higher priority than protecting our national security and defeating terrorists. Passing a conference report that includes such a provision would be an exercise in futility and a waste of time, as the legislation would certainly be vetoed. We should be working to write a conference report that we know can be signed into law so we can enhance our national security and better protect the American people from the terrorists we know are plotting every day to harm us.

Mr. President, I renew my request that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation that compromises our national security by eliminating the critical personnel management flexibility given to the Transportation Security Administration to enable it to respond to terrorist threats.

The PRESIDING OFFICER. Is there objection? The majority leader is recognized.

Mr. REID. Mr. President, I very much appreciate the minority coming forward and outlining their objections to the 9/11 bill. It seems pretty clear that the objection deals with collective bargaining, which is in the Senate-passed version of the bill. I appreciate very much that being on the record.

It seems, that being the case, we at least know what we are dealing with. It appears if that weren't in the bill—but it is in the bill—we could go to conference.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 2316

Mr. REID. Mr. President, I want to visit with everyone present for just a few minutes about S. 1, the ethics and lobbying reform bill. We hope to appoint conferees on this important bill today. By doing this today, we would enact this critical legislation that is so important to be done. It is the most significant lobbying ethics reform, I believe, in the history of this country. It makes tremendous reforms—long overdue. It will restore the people's confidence in their elected officials.

Last year, Americans rightly got sick and tired about story after story of corruption, the culture of corruption some called it, here in Washington led by Jack Abramoff, who is now in prison; Randy Cunningham, who is now in prison; Bob Ney, who is now in prison; Safavian, the head of Government contracting, led away from his office in handcuffs; Scooter Libby—numerous people who worked for various House Members who were involved in corrupt activities, airplane trips to golf in Scotland and places that are hard to imagine.

The American people responded at the polls last November with a clear message that they wanted a new direction, and we, the Democrats, responded by passing the most sweeping ethics and lobbying reform in a generation. We did it with the help of the minority. I do not say that lightly. But let's see what is in this bill. Let's review it for a bit to find out what this bill does.

It prohibits lobbyists and entities that hire lobbyists from giving gifts to lawmakers and their staffs. It prevents corporations and other entities that hire lobbyists from paying for trips for Members or staffs. And it prohibits lobbyists from participating in or paying for any such trips. It requires Senators to pay fair market value prices for charter flights, which put an end to the abuses of corporate travel.

Many people in this Chamber flew in corporate jets and paid first-class airfare. That did not corrupt any Members of Congress, but it was corrupting. It didn't look right, and therefore it is important it be stopped. And I hope it stopped. We need legislation to make sure it is stopped.

This legislation also slows the so-called revolving door by extending a ban on lobbying by former Members of Congress and senior staffers, and prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected. This legislation puts an end to pay-to-play schemes, such as the notorious ''K Street Project.'' It provides dramatic improvements to disclosure and lobbying activities by doubling the frequency that lobbyists must file reports on their activities, requiring disclosure of contributions and bundled contributions, requiring that lobbyists' disclosures be publicly available on the Internet in a searchable form. This is for the first time ever.

This legislation requires lobbyists to certify in writing that they have not violated House or Senate gift and travel rules. It ends the practice of corporations hiding their lobbying activities behind bogus coalitions with friendly sounding names, and increases civil and criminal penalties for lobbyists who violate the law.

The bill has brought about a revolution in earmark disclosure.

For the first time ever, the Senate will identify all earmarks in bills, the Senator who requested it, and the entity or location that receives it. Further, every Senator has certified that he or she has no monetary interest in their earmarks. Let me say that. This disclosure is the first time ever that this information will be disclosed. The Senate could have required the disclosure last year or the year before or the year before that, while the number of earmarks was exploding under a Republican Congress, but it did not. This year we took the lead and changed the way we do business around here. At the beginning of the year, we sent a message that ethics and lobbying reform was our No. 1 commitment by designating the bill S. 1. We worked hard to make this a bipartisan bill. Now we must take the next step by appointing conferees. I look forward to moving the ethics bill forward so we can reassure the American people that Congress is as good and honest as the people it represents.

I have gone over most everything in this bill. There are other things in it, but this is strong, important information the American people deserve. It is a law that should become a reality as quickly as possible.

I, therefore, ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, H.R. 2316, lobbying disclosure; that all after the enacting clause be stricken and the text of S. 1, as passed by the Senate on January 18, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3, with the above occurring without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

UNANIMOUS CONSENT REQUEST—S. 223

Mr. BENNETT. Madam President, reserving the right to object, on behalf of the Republican leader, I would add an additional unanimous consent request that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to the immediate consideration of Calendar No. 96, S. 223, under the following limitations: That the committee-reported amendment be agreed to and that the only other amendment in order be a McConnell or his designee amendment, with 1 hour of debate equally divided in the usual form on the bill and 1 hour equally divided on the McConnell amendment, and that following the use or yielding back of the time, the Senate proceed to vote in relation to the McConnell amendment, followed by a vote on passage of the bill, as amended, if amended, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, here we go again, doing their best—that is, the Republicans—to stop us from going ahead on ethics and lobbying reform. The suggestion of the distinguished Senator from Utah is reasonable, but it should be a different matter. In fact, once we look at the amendment, we may be willing to accept it. But it is only an effort to divert attention from ethics and lobbying reform, those matters—corporate jets, what lobbyists can do, what they can't do, bundling, what we need to do with earmarks. It is an effort to divert attention from that. Attention may be diverted for a few minutes this afternoon, but we are going to continue to focus on it. We need to pass this legislation. It is important we do so.

We, the Democrats, support what the Senator has suggested, basic electronic filing of FEC reports. There is no problem with that. Senator FEINSTEIN moved it through the Rules Committee and has been seeking consent to pass it on the floor unanimously. We have never seen the amendment Senator MCCONNELL wishes to stick on this. Once we have a chance to review it, we will be able, perhaps, to move forward on this consent request. In any event, let's not muddy the waters on the ethics bill. We want to move forward on that comprehensive bill, the most sweeping reforms in a long time, probably ever.

I wanted everyone to know there has been objection made by the minority to going forward on a conference. The conference will be led by JOE LIEBERMAN on our side, a man who is certainly fair to both sides. Why would we not go to conference on this important legislation?

I will be back. I will be back and hope there will be the revelation to the Republicans that we are going to do everything we can on this legislation. We are going to focus attention on why it is not going to conference. It is not going to conference because the Republicans are stonewalling our ability to do so, coming up with something as diverting as FEC reports being filed electronically.

I object to the request of my friend.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BENNETT. In that case, Madam President, on behalf of the Republican leader, I must object to the request of the majority leader.

The ACTING PRESIDENT pro tempore. Objection is heard.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam 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.

MORNING BUSINESS

Mr. REID. Madam President, we are waiting for the legislative counsel to bring us the legislation we are going to be dealing with, so I think it would be appropriate that we be in a period of morning business until 10 of 4 and that Senators be allowed to speak for up to 10 minutes each for the next however many minutes it is, and that at 10 to the hour I be recognized. I ask unanimous consent that be the order.

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

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam 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. SALAZAR. Madam President, I ask that I be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. SALAZAR. Madam President, last Thursday night, very late in the evening, this Chamber put its arms around a new energy bill. It is an energy bill that deals with making sure we move forward with alternative fuels in a robust and real way for the future of America. It is an energy bill that says we have had enough as Americans wasting 60 percent of our energy, and we can do much better on efficiency. It is an energy bill that says it is time for us to move forward from the point in time where we have tolerated vehicles that have not had the kind of efficiency we know is technologically possible in America, so we are going to adopt new CAFE standards. It is a piece of energy legislation that says we recognize the linkage between how we use fossil fuels here in America and the global warming that is occurring around our globe. So we said we would move forward and take some new steps in the way of sequestration of carbon dioxide emissions. This is a good piece of legislation. It is a bill which we hope—I hope and I know many Members of this Senate, led by Senator BINGAMAN and Senator FEINSTEIN and others, and Senator REID—makes it to the President's desk.

I wish to remind my colleagues while I have the floor for a few minutes that, in fact, this is one of the things we have been working on in the Senate for the last several years.

In 2005, we passed the Energy Policy Act of 2005, and we said to the world: We are going to start taking the concept of energy independence for America in a very real and serious way. Last year, after some significant debate on this floor, we also opened up lease sale 181 and its extensions on the gulf coast for exploration and development of our resources.

This year, with the passage last week of the 2007 act, we put another layer on the cake in terms of trying to move forward to the reality of a world that embraces energy independence.

We still have a long way to go. We have a long way to go with this legislation. It is my hope we don't get it caught up in a procedural quagmire, either here in the Senate or in the House of Representatives, and that ultimately we get legislation that is adopted which President Bush ultimately signs into law. It is good legislation and the kind of legislation we ought to be working on in this body.

Even though there has been a lot of focus lately on the President's domestic initiative relative to immigration, the fact is that when one looks at the state of the Union and what the President said in his State of the Union Address, we as Americans are addicted to foreign oil. He said it is time for us to move forward in an aggressive and ambitious way to get rid of the addiction we have to foreign oil. We have been able to do that by embracing the committee's legislation which had that bipartisan goal in mind, that we would take some significant steps forward in this 110th Congress to deal with our overaddiction to foreign oil.

From my point of view, as I talked about this issue with the people I represent, the nearly 5 million people in the State of Colorado, I am reminded of the fact that we have come a long way in this debate on energy and that we are now facing some inescapable forces which have grabbed the attention of the American public in a way they never have before.

The first of those inescapable forces is national security. How can we as the United States say we are secure as a nation when we import, as we did in March of last year, 66 percent of our oil from foreign countries? Many of those countries we are importing our oil from are countries that are spawning terrorism around the world. So from a national security point of view, it seems to me that embracing the concept of getting rid of this addiction to foreign oil is an inescapable force of our time.

That is why on this floor of the Senate you will see Republicans and Democrats, conservatives and progressives, coming together to say that as a matter of national security, this inescapable reality is something we must deal with. It was on that basis that several years ago the Energy Futures Coalition, led by the distinguished progressive, my colleague and good friend, former Senator Tim Wirth, who now runs the United Nations Foundation, together with a friend of his, C. Boyden Gray, one of the leading voices of conservative causes, came together and founded a piece of legislation that we are trying to get through this Senate now that is called the Set America Free legislation. We gave it another name as we went through our processes here in the Senate, calling it the DRIVE Act, and broke it up into different pieces of legislation. But at the end of the day, the Energy Futures Coalition and the Set America Free concept, the proposal they pushed forward, have been embodied and embraced in the legislation that was adopted by this body just this last week.

So the national security implications of what we are doing here are, in fact, an inescapable reality and an inescapable force that will lead us to a clean energy future for America in the 21st century.

Secondly, there is a major issue for us and another inescapable force we deal with in our country today, and that is the issue of our own environmental security. How will we deal with the issue of global warming? We know that is an issue we will have to deal with some more, and there will be adequate time to debate the particulars on how we might be able to move forward. This legislation, with its efforts on efficiency, with its efforts on renewable energies, including what we do with biofuels, takes us a step in that direction.

In addition, the environmental security of our Nation is also addressed in that legislation because we deal for the first time in a very real way with the issue of carbon sequestration. I see my good friend from Kentucky here who often has lauded the importance of coal, and I understand why. When you are from Kentucky, you would see the importance of coal, as I do as well, being from Colorado, as does my good friend JON TESTER from the State of Montana.

So the issue for us as we look at the coal resources of our Nation, where we have enough coal to supply the needs of the United States of America for 200 years, is how can we use this abundant energy resource in a manner that doesn't compromise our environment? We can do that. We can do that with the new technologies we have with respect to IGCC. We can do that as we learn how to sequester the carbon emissions from the burning of coal. It

is not a new technology. It is a technology which has been around for a very long time in the oilfields of my State, the oilfields of Canada, and the oilfields of many places around Colorado, as the past oil efforts we have had in our country have been dependent upon us being able to put carbon dioxide into the ground. So this sequestering of carbon dioxide is something which has been going on for a very long time.

The inescapable force of global warming and environmental security is one that is with us for a long time to come, and it is something that, in the energy legislation we passed last week, is very much addressed in that legislation.

Finally, the other inescapable force is the economic reality of our Nation with respect to a clean energy economy. I think the clean energy future for the United States of America in the 21st century creates very significant opportunities. All of us know how difficult the challenge of energy is, and all of us also know there is not going to be only one answer which is going to lead us to the necessary conclusion that we need to deal with these inescapable forces; it is going to be a portfolio. It is going to have a number of different items on that menu which deal with the energy needs of our Nation and of our world. But at the end of the day, the door we have opened here with respect to a clean energy future will create millions upon millions of jobs in America. It will create millions of jobs in those areas where perhaps they have had the most difficult time in their communities, they will be creating a viable economic activity.

For me, when I look at my State of Colorado, 2 years ago out on the eastern plains, part of that forgotten America, much like the farmland of America, whether it is Oklahoma, Kansas, the Dakotas, or the eastern part of my State, we had a population which was declining in huge numbers in many of our counties, rural and remote, and withering on the vine—part of that forgotten America where most people are not able to stay there because there are such limited opportunities. Yet, in a matter of 2 years since, in the State of Colorado we adopted a new renewable energy program, and we have seen things turn around in a very significant way. We have ethanol plants that are now functioning, providing jobs, and creating hundreds of millions of gallons of ethanol in places such as Yuma and in places such as Fort Morgan.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SALAZAR. Madam President, I ask unanimous consent for 2 more minutes.

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

Mr. SALAZAR. So as we look at the economic opportunity that has come by way of rural America, I think that causes us all to say there is a way in which we can revitalize rural America. We do that in the legislation we passed here last week with the 36-billion-gallon renewable fuels standard and the other programs we have in there that will open the door to a new era of biofuels. It goes beyond corn because we all understand there are limitations on corn. But the Department of Energy 2005 study itself found that somewhere over 125 billion gallons of cellulosic ethanol could, in fact, be derived once we open that new technology door. The experts who have been dealing with cellulosic ethanol say we may only be a year, a year and a half away from being able to commercially deploy that technology.

I make these comments only to say that as we deal with the issue today of immigration, as we move forward to that later on this afternoon, there are other very difficult issues we face in our Nation and in our world today. Last week, we took a significant step in moving forward with a new energy future for America. I hope it is only the beginning and that time will see us develop an even more robust, effective, and successful clean energy future for America.

I yield the floor.

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

Mr. BUNNING. Madam President, I ask unanimous consent to speak in morning business for 12 to 15 minutes.

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

EMPLOYEE FREE CHOICE ACT OF 2007

Mr. BUNNING. Madam President, today I rise to speak in opposition to the so-called Employee Free Choice Act which we defeated by cloture vote. But cloture votes don't necessarily kill a bill; they have a way of resurrecting themselves, as we are about to do with the immigration bill.

Oftentimes in Congress, the people who write bills try to come up with some interesting titles for their bills, something they hope will make people remember it or tell them something about what it does. Many times, these titles can be somewhat misleading. This bill's title, the Employee Free Choice Act, takes this concept to a whole new level.

The Employee Free Choice Act actually removes choice from the employees. It removes the right of a secret ballot in elections—a cornerstone of American democracy under current law. If a group of employees wants to form a union, they must collect petition signatures or sign cards known as card checks. If 30 percent of the workers sign in favor of creating a union, then they or their employer has a right to request a secret ballot election to decide on forming a union. This election is overseen by the National Labor Relations Board, a neutral board of observers created by the Federal Government.

The misnamed Employee Free Choice Act would change all of this. This legislation would overturn 70 years of labor law and allow unions to form in workplaces without a private ballot election by the workers. Instead, if unions could twist the arms of just over half of the employees to sign cards expressing consent, then the union is automatically certified as the union for all of the workers. Unions would be allowed to collect signatures just about anyplace: at the workplace, at home, at grocery stores, and at other places. It is easy to see how union persuasion tactics could become harassment of those who do not wish to publicly declare support for union representation.

What would politics be like if Senators and Representatives simply had to convince people to sign cards instead of voting secretly at the polls? Imagine if there were no private voting booths where people could vote their conscience privately. Small armies of campaign volunteers would hang around your house, drop by your children's school, or find you at church in the hopes of securing your signature.

Then if you signed the card, your vote is made public for your employer, your neighbors or anyone else to see. This is why we currently use this secret ballot protection for union organizations in the first place.

In the past, there were concerns that elections held without privacy would be observed by employers, and then if an employee voted to unionize, they would suffer some sort of reprisals. Apparently, my colleagues supporting this bill and their allies in big labor no longer fear employer reprisals. I think it is great that they now trust employers to observe how their workers vote to join a union. We have made a lot of progress in labor-management relationships, apparently.

However, I don't think these ballot choices should be unprotected and out in the open for both union organizers and employers to see. Whenever privacy in elections is compromised, the door is open to intimidation and coercion. Why take a chance on that? It would seem that big labor feels they can increase union membership if they know how many employees are voting on organizing. I wonder what they plan to do with this information to achieve their goals of creating more unions.

Americans enjoy the right to join a union, but the decision to join a union should be freely made in private and without intimidation or coercion. That is the only way to ensure that the choice is truly free and not forced.

According to the National Labor Relations Board, drives to form unions are successful around 60 percent of the time under the rules in place now—60 percent of the time. That is the highest it has been in 20 years. Back then, the union success rate was under 50 percent. So there is no indication that it

is more difficult now to convince workers to organize a union than before. So why does big labor want to change this system? They don't want to ever lose these elections. Even though they win most of these elections, union membership has declined significantly in the past few years. The percentage of employees in labor unions is down from 20 percent in 1983 to 12 percent today. Because labor unions simply are not as attractive to workers as they once were, labor bosses have come to Congress to demand a legislative mandate designed to circumvent private ballot elections. They want more dues-paying members.

Throughout this debate, there is a clear example of hypocrisy in the argument in favor of the new card check system. Under current law, the process to certify a union is the same as the process to decertify a union. However, this bill and its supporters are silent on this matter. Apparently, they believe that when it comes to removing a union, workers will be best served by a secret ballot. But when it comes to forming one, they don't deserve that protection. This kind of logic and inconsistency is further proof that this proposal is half-baked and indefensible.

Congress should not empower big labor bosses by depriving individual workers of their right to be free of intimidation. Taking away private ballot elections and subjecting workers to undue pressure and coercion goes against the basic principles on which this country was founded. The secret ballot election must be protected at the workplace.

I understand the new majority in Congress feels they owe a great deal of debt to their allies in big labor for the success they enjoyed in November of 2006. That is why we are considering this flawed bill. As the majority, they can bring up any piece of legislation they choose. Fair enough. However, this bill is purely political payback in its worst kind of policy. I urge my colleagues—which they have done in the first instance—to vote against considering this piece of legislation, as they did when we had our cloture vote earlier today.

This is a personal aside. In 1964, I was a professional athlete. We were forming a players' union at the time so we could compete with the owners on an equal basis when it came to negotiations. We acquired 30 percent of the signatures from our players and we had an election. But it was a private-ballot election and 85 percent of the ballots collected were in favor of forming that union. I think the same should go with every union that is trying to be formed under the circumstances in today's market. Not only did we form a union, we formed one of the most successful unions in the history of the United States of America. Now all players at the major league level are covered by that union and represented by that union. The benefits derived by that player union in major league baseball have been significant—the same as most unions would have when they do it correctly with a private ballot.

I thank my colleagues for voting against cloture today. I urge them, if it comes back to the floor again, to do likewise.

I yield the floor.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Madam President, at 2:15, the amendment was 10 minutes away. We called a few minutes ago and it is now 5 minutes away. I don't know how time is kept in the legislative office, but I understand that people have made minor changes and that has caused the need to reprint part of the amendment. I wish to waste as little time as possible. I think it will be a few more minutes, so maybe we can adjourn subject to the call of the Chair, and as soon as it gets here, I will let everyone know.

I ask unanimous consent that the Senate stand in recess subject to the call of the chair.

There being no objection, the Senate, at 3:54 p.m., recessed subject to the call of the Chair until 5:38 p.m. and reassembled when called to order by the Presiding Officer (Mr. SALAZAR).

COMPREHENSIVE IMMIGRATION REFORM ACT

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 1639 is agreed to.

Under the previous order, the Senate will proceed to the consideration of S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant 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 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, Harry Reid.

Mr. REID. Mr. President, I now ask unanimous consent that there be a limitation of 26 first-degree amendments to S. 1639, the immigration bill. This is the list of the 13 Democratic amendments, the 12 Republican amendments, and 1 managers' amendment, which each are at the desk; that there be a time limitation of 1 hour equally divided for each amendment; that they be subject to relevant second-degree amendments under the same time limitation; and that upon the disposition of the amendments, the bill be read the third time and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object, Mr. President. We just received the substitute.

The PRESIDING OFFICER. The Senator from South Carolina objects.

Mr. REID. Mr. President, I renew my request and ask that we have an hour and a half per amendment, with the same conditions I just propounded.

The PRESIDING OFFICER. Is there objection?

Mr DeMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, how about 2 hours per amendment, with the same conditions and provisions in the previous unanimous consent requests I made.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, Mr. President, with all deference to the majority leader, this procedure has excluded many of us from our right to offer amendments on the floor. I think he understands our discomfort with this process. There will not be an amount of time that will pave over the loss of our rights to offer amendments on this very important bill that needs to be dealt with. So it is not in terms of trying to delay what the majority leader is trying to do, but there is not going to be a period of time on this particular set of amendments, unless there is a set of amendments that we will be allowed, as Senators in the United States of America, to offer on behalf of our constituencies.

Mr. REID. So I take it there is an objection.

Mr. COBURN. Yes.

The PRESIDING OFFICER. There is objection.

Mr. REID. Mr. President, I say to my distinguished friend, the junior Senator from Oklahoma, he always comes directly to the point. I appreciate him and his objection.

AMENDMENT NO. 1934

Mr. REID. Mr. President, I tried to line up these 26 amendments for debate and vote. We have been told that no matter what the time per amendment is that would be allocated, that is not good enough. I also included second-degree amendments. That was objected to. I have no choice but to offer, after consultation with the Republican leadership, an amendment that contains these Democratic and Republican amendments and ask that it be divided

so that these 26 Senators may get votes in relation to their amendments.

I now call up that amendment, which is at the desk, on behalf of Senators KENNEDY and SPECTER.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. KENNEDY and Mr. SPECTER, proposes an amendment numbered 1934.

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

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to read.

The assistant legislative clerk continued with the reading of the amendment.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Louisiana.

Mr. VITTER. Mr. President, in light of our discussion with the distinguished majority leader under which we won't take further action until tomorrow, so we can begin to digest this mammoth amendment, I move to waive reading of the amendment.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I did have a conservation with the junior Senator from Louisiana and a number of his colleagues. I think it is only fair that they have the evening and night to work on this big piece of legislation. It took a lot longer to get here, as always happens. It is ''always on its way,'' be here ''right away,'' ''another 5 minutes.''

Of course, it took several hours. I think in fairness, it is only the right thing to do. We are going to come back at 10 o'clock in the morning. There will be no morning business tomorrow. I would say to all Senators, there is a briefing that starts at 10 o'clock with Admiral McConnell. I have not had the opportunity to speak to him yet. But I am confident that for any Senators who are unable to go to that briefing because of being obligated to be here on the Senate floor, another time can be arranged that he and/or his staff would be happy to come and visit with another group of Senators. So we are not going to be in recess during the time of that briefing. But I would hope tomorrow we can get some movement on this bill, and the Senator from Louisiana and others will better understand this tomorrow, and make a decision of how if, in fact, they want to proceed, along with a number of others.

So that being the case, I express my appreciation to the Senator from Louisiana and his colleagues we met with earlier today.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. Mr. President, there will be no more votes tonight.

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

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

REMEMBERING SENATOR CRAIG THOMAS

Mr. ENSIGN. Mr. President, I rise today to pay tribute to a colleague and a friend—someone whose presence is missed but whose legacy will undoubtedly endure.

Senator Craig Thomas was a westerner through and through. The story of his life reflects the spirit of the West—his work ethic, his strength of character, and his love for the land and resources of his cherished Wyoming.

Craig's life lessons were formed as a summer horseback guide, as a competitive wrestler, as a marine, as a husband, and as a father. He brought those lessons with him to Washington, D.C., as a Congressman and a Senator, and he never forgot them or strayed from them. That is clear from the issues he held closest to his heart.

As a fellow westerner, I always admired Craig's commitment to being an exemplary steward of our national parks. His love for them probably developed during his childhood summers around Yellowstone National Park, but he was able to translate that passion into monumental improvements that generations of Americans will enjoy.

He also worked tirelessly on issues impacting public land management, agriculture, rural healthcare, and fiscal responsibility—all issues that greatly benefited his constituents in Wyoming. And they understood and appreciated his advocacy for their well being by electing him time and again to represent them in the Nation's Capital.

Craig definitely had a special presence on Capitol Hill. He never gave up a fight; he had a certain grit that drew others to him; and he loved to joke around—all tributes that led to his being described as a cowboy or a Western hero.

The epitome of the American cowboy, John Wayne, has inscribed on his headstone: ''Tomorrow is the most important thing in life. Comes into us at midnight very clean. It's perfect when it arrives and it puts itself in our hands. It hopes we've learnt something from yesterday.''

Craig Thomas treated every ''tomorrow'' as a new and exciting opportunity to make a difference for the people of Wyoming and the United States. He loved his work; he loved his family; and he loved life. While he is no longer serving as the voice of the westerner in the Senate, his years of dedicated service ensured that his legacy will survive.

Craig was a statesman and a leader, a fighter and a friend. The Thomas family, the people of Wyoming, and those of us who worked with Craig will always remember the spirit of Western freedom, trusted integrity, and heartfelt kindness that he embodied. We are all fortunate to have known such a remarkable person.

WORLD DAY OF REMEMBRANCE

Mr. DODD. Mr. President, I am proud to submit S. Con. Res. 39, a resolution supporting the goals and ideals of a world day of remembrance for road crash victims. This resolution is the Senate companion to H. Con. Res. 87, which was recently submitted in the House.

Each crash might seem to us, in its immediacy, like an isolated tragedy, but when we step back, we see that each has its part in a global crisis that is deepening year by year. The day of remembrance—set by the United Nations General Assembly for the third Sunday of November—is not just for the 40,000 people who die in road crashes each year in America; it is for the 1.2 million who die in crashes in every part of the world and for the staggering 20 to 50 million who are injured. In fact, the World Health Organization predicts that, by the year 2020, the death rate from crashes each year will surpass the death rate from AIDS.

True, many of these crashes are unique disasters, but that leaves many more whose causes are systemic and preventable. Unsafe roads, poor medical facilities, and inadequate driver education all contribute their share to the death toll. And unsurprisingly, the toll is highest, and rising, in middle- and low-income countries. Road safety, then, is an issue of economic justice.

On the world day of remembrance, we will recall all of the victims of road crashes; we keep their families in our thoughts, and we pray for the full recovery of those still living. But our compassion for individuals must not obscure the bigger picture. ''We have to change the way we think about crashes,'' said Diza Gonzaga, the mother of a car-crash victim in Brazil. ''The majority of people think that crashes are due to fate. We have to think of a crash as a preventable event.''

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any

kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 7, 2006 in San Diego, CA, James Hardy strangled Raymund Catolico, a gay man, to death in the victim's apartment. Allegedly, the two men met at a bus station and went to Catolico's apartment to have drinks and play video games. At some point Hardy attacked Catolico strangling him to death. Following the murder, Hardy went out for food and brought it back to the apartment to finish playing his computer game. According to Deputy District Attorney Dan Link, Catolico's sexuality was, ''a substantial motivation'' for the killing. Hardy is charged with a hate crime and is being held without bail.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

SPECIALIST JOSIAH HOLLOPETER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SPC Josiah Hollopeter of Valentine, NE. Specialist Hollopeter was killed on June 14 in Al Muqdadiyah, Iraq. He was 27 years old.

Specialist Hollopeter graduated from Valentine High School in 1998. He played high school football as a defensive end, starting as a senior opposite his brother Tyler, a sophomore at the time. Tyler would also go on to serve in Iraq as an Army helicopter pilot.

Before joining the Army, Specialist Hollopeter worked construction jobs in Omaha and San Diego. He also worked for a canoe outfitter along the Niobrara River for several summers.

Like so many young men and women of his generation, the terrorist attacks of September 11 had a profound impact on Specialist Hollopeter and inspired him to serve his country. He enlisted with the Army in January 2006. He served with the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, based at Ford Hood, Texas. We are proud of Specialist Hollopeter's service to our country, as well as the thousands of other brave Americans serving in Iraq.

In addition to his brother, Specialist Hollopeter is survived by his parents Ken and Kelly Hollopeter; wife Heather; and sister Anna Hollopeter.

I ask my colleagues to join me and all Americans in honoring SPC Josiah Hollopeter.

RETIREMENT OF FRANK J. MONAHAN

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the distinguished career of Frank Monahan, who will retire in a few days after 36 years of service to the U.S. Conference of Catholic Bishops.

Since 1971, Frank Monahan has worked on many of the great social justice issues of our day, always taking the side of the vulnerable, the voiceless, and the victims, always standing firm in his belief that here on earth, God's work must be our own. In the finest Jesuit tradition of his alma mater, Loyola University of Chicago, Frank Monahan is a man who has dedicated himself to serving others.

Early in his career, he was a Peace Corps volunteer in Nigeria. He was responding to President Kennedy's call to a new generation of Americans to engage themselves in public service and to help spread hope and the message of peace and cooperation throughout the world. He went on to work in Chicago public schools, helping to implement antipoverty programs and improve school lunch programs so that poor and hungry children would be free to learn, without fear of want.

His good nature, strong commitment, and eternal optimism that we can leave the world better than we found it will be missed by all of us in Congress, but they will not soon be forgotten.

It has been my great privilege through the years—under seven different Presidential administrations—to work with Frank on issues of fundamental fairness and justice. When I think of him, I am reminded of my brother Robert F. Kennedy's words:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

I commend Frank Monahan for the countless ripples of hope he has sent out in his career.

We will be sad to see him leave, but heart in the fact that this great friend and ally will continue, in new and different fields, to live out the words of the Gospel of Mathew:

> For I was hungry and you gave me food, I was thirsty and you gave me drink, a stranger and you welcomed me, naked and you clothed me, ill and you cared for me, in prison and you visited me.

He has certainly earned his retirement. As Frank and his family look forward to meeting the new challenges and opportunities that lay ahead, I am sure God is looking down on him now and saying, ''Well done, my good and faithful servant.''

THE FACE OF COURAGE

Mr. LUGAR. Mr. President, I appreciate this opportunity to honor the distinguished service of my fellow Hoosier, SFC Jeffrey E. Mittman.

Throughout his remarkable career in the U.S. Army, Sergeant Mittman has exemplified the professionalism and dedication that is a hallmark of our Nation's Armed Forces, including during deployments in support of Operations Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom. On July 7, 2005, while assisting an Iraqi Public Order Brigade in Central Baghdad as a member of the Special Police Transition Team, SFC Jeffrey E. Mittman was wounded by an improvised explosive device. Since that day Sergeant Mittman has worked to recover from the injuries he sustained.

I also appreciate this opportunity to share my best wishes with Sergeant Mittman's wife Christy and children Jamie and Payton. As Sergeant Mittman works to recover from the grievous injuries he suffered while serving his nation in Iraq, I know that his children will benefit from the example of service and dedication that he and Christy have set.

I ask unanimous consent that a poem by Albert Caswell honoring SFC Jeffrey Mittman be printed in the RECORD.

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

THE FACE OF COURAGE

A Beautiful Man,
Who with The Heart of A Hero now here so stands!
Who within this his short lifetime, has so made a difference . . . so very grand!
Who with but half a face,
Who now so in history holds such a place . . .
One of such honor, one of such sacrifice . . . one of such most magnificent splendid grace!

As this warrior battles both night and day,
To rebuild his life, from which from him has so been taken away!
In this his valiant quest, courage's best, a hero no less . . . as to our world he'll bless, in so many ways!

Beauty,
Beauty, is but skin deep!
For all of those whom have so made a difference, up in Heaven in his arms our Lord shall keep!

For we will all grow old some day,
As so surely all of our beauty shall so slip away!
So what then do our lives portray? So how can we so find heaven's way? As in a mirror we gaze!
For all that is good, of which God creates . . .
For all that is beautiful, so surely comes from within hearts as made!
As from where all true beauty so radiates, as from where so very deep down inside so emanates!

The Heart,
Is from where we so gait, from where all of our new steps are made . . . to play our part!
To rebuild from where none is left, through such pain, heartache and death . . . as God's work of art!

As before me I so see the face of God this day!
In this fine hero, with but half a face . . . who's beauty within so surely shows me the way!
All hearts melt this day, upon gazing at courage's face . . . no more beautiful man our world has so graced!

And we so watch you take each new step . . .

As we stand in awe at what you have met, with what your most magnificent heart accepts!
As you so battle through all of your pain and heartache, as our world you so bless . . . until none is left!
As now we so understand,
In courage's face! For what the true meaning the word beauty stands!
Brought to us through a young patriot's heart, one of our Lord's greatest of works of art . . . this Man!
So bless you our most gallant of all ones . . .
If ever I have a child, a boy . . . I hope but pray, he could be like you most splendid one!
As to where the true meaning of beauty runs, a reflection of our Lord in all you've done!
In The Face of Courage!

ADDITIONAL STATEMENTS

TRIBUTE TO THE OREGON STATE BEAVERS

● Mr. SMITH. Mr. President, as a proud Oregonian and a proud member of ''Beaver Nation,'' I congratulate Coach Pat Casey and the Oregon State University baseball team, who for the second straight year have brought home to Corvallis from the College World Series in Omaha, NE, the NCAA Baseball Championship trophy.

By defeating the University of North Carolina in the championship, the Beavers have joined the elite group of college baseball teams who claim consecutive national championships. What's more, the Beavers swept to the title with the most lopsided scores in College World Series history.

As impressive as the Beaver's athletic accomplishments are, even more impressive is the type of individuals they are. Each and every time a Beaver was interviewed, they didn't speak about themselves, they spoke about the team. They spoke of heart, character, and giving it your best.

Oregonian Columnist John Canzano wrote, ''What you didn't see on the field Sunday was the pediatrics unit of Nebraska Medical Center. Coach Casey toured the place with players, visiting sick children this week. . . . What you probably didn't see where thousands of fans from Iowa and Nebraska who were dressed in orange, and cheering for Oregon State because they identify with hard-working, salt-of-the-earth overachievers and couldn't help themselves.''

I am delighted to join with my colleague Senator WYDEN in submitting this resolution extending the congratulations of the United States Senate to Oregon State University, and I urge my colleagues to visit OregonLive.com to read touching stories about this truly inspiring team.

Allow me to specifically mention the names of all the coaches and players who have made my State so very proud: Head Coach Pat Casey, Associate Head Coach Dan Spencer, Assistant Coach Marty Lees, Volunteer Assistant Coach David Wong, and players Erik Ammon, Darwin Barney, Hunter Beaty, Scotty Berke, Reed Brown, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Jackson Evans, Kyle Foster, Drew George, Mark Grbavac, Chad Hegdahl Chris Hopkins, Koa Kahalehoe, Greg Keim, Blake Keitzman, Josh Keller, Eddie Kunz, Joey Lakowske, Lonnie Lechelt, Jordan Lennerton, Mike Lissman, Anton Maxwell, Jake McCormick, Chad Nading, Jason Ogata, Ryan Ortiz, Joe Paterson, Tyrell Poggemeyer, Joe Pratt, Jorge Reyes, Scott Santschi, Kraig Sitton, Alex Sogard, Dale Solomon, Michael Stutes, Daniel Turpen, John Wallace, Braden Wells and Joey Wong.●

IN RECOGNITION OF BARBARA KERR

● Mrs. BOXER. Mr. President, I ask my colleagues to join me for a moment as I reflect on the many accomplishments of Barbara Kerr, who has just stepped down as president of the California Teachers Association. Barbara's dedication to California's teachers is matched only by her dedication to California's schoolchildren.

Barbara Kerr began her career in education as a first grade teacher at Woodcrest Elementary School in Riverside, CA. After a very long involvement with the California Teachers Association, she took the reins as its president 4 years ago. During her presidency, Barbara has had an intimate hand in six statewide elections, and she has been on the winning side in most of them. Her success can be attributed to her boundless energy, her ability to connect across the political spectrum, her keen insight, and her passion for giving every child the best possible educational opportunities.

Last year, the Los Angeles Times named Barbara Kerr the third most powerful person in southern California, ranking her well ahead of both business leaders and elected officials. And the Los Angeles Times was right. Barbara has led the California Teachers Association through some of the most turbulent times in California's history and has done so with a clear aim to put California schools and their teachers and students first.

Barbara is retiring from both the California Teachers Association and from teaching. I know that teachers across California will miss her strong leadership, and I will miss her perspective and wisdom on issues of education and more. But Barbara is also considering where the future may lead, and I can only hope that she will continue to stay involved and stay active. Wherever the future leads her, I know that Barbara will continue putting the needs of our children first.●

REMEMBERING DR. NATHAN CARLINER

● Ms. MIKULSKI. Mr. President, I wish to pay tribute to the life and legacy of Dr. Nathan Carliner. Dr. Carliner was a well-respected cardiologist who practiced at the Baltimore Veterans Affairs Medical Center and a professor at the University of Maryland School of Medicine. He will be remembered for his commitment to his patients, his colleagues, and his students, as well as his devotion to friends and family.

Dr. Carliner was born in Baltimore and raised on South Road in Mount Washington. He followed in the footsteps of his father, Dr. Paul Carliner, who was also a doctor and codiscovered Dramamine in 1947. After his father's untimely death at just 46 years old, Nathan decided to devote his life to medicine. He was a 1958 Gilman School graduate and earned a bachelor of science degree at Johns Hopkins University. He went on to graduate from Hopkins Medical School in 1965.

After completing his internship and residency, Dr. Carliner joined the Army Medical Corps. He was medical service chief at the 3rd Mobile Army Surgical Hospital, MASH, at Binh Thuy in the Mekong Delta during the Vietnam war. After the war, Dr. Carliner studied cardiology and advanced electrocardiography before moving back to Baltimore in the 1970s. Once he returned to his hometown, Nathan continued his service both to his state and his country. He was a full professor at the University of Maryland School of Medicine and he was associate chief of cardiology and director of noninvasive cardiology services at the veterans hospital.

Dr. Carliner was known not just for his professionalism and his experience but also for his calming demeanor and his commitment to mentoring medical students and postgraduate trainees. Nathan touched so many lives and made many great contributions both to his field and to his colleagues.

Nathan Carliner's death is a tragedy. Yet his life was a triumph. I offer my heartfelt condolences to his family—his brother Mark, his sister Esther Carliner Viros, and his four nephews, particularly Paul Carliner, who worked in my office for over 12 years and who shares his uncle's commitment and dedication to helping others.

I ask my colleagues to join me in saluting this extraordinary man.●

RECOGNIZING HASTINGS, NEBRASKA

● Mr. NELSON of Nebraska. Mr. President, I wish to recognize the City of Hastings, NE, for being named ''America's Greenest City'' by Yahoo, Inc., the online search engine. During a time when people around the world are concerned about energy security and environmental quality, they need look no further than the city of Hastings as a perfect example of what a community can do to help clean up the environment.

Hastings, with a population of 25,000, located in south-central Nebraska, has just won Yahoo's ''Be a Better Planet—

Greenest City in America'' challenge, beating 350 other cities across the Nation which had entered the competition. Some of the environmental projects accomplished by the city of Hastings include conversion of methane to energy at its pollution control center, production of E85 ethanol, installation of energy-efficient street lighting, and creation of an extensive network of parks and hiking and biking trails.

Hastings, NE, the birthplace of Kool-Aid, is in the heart of farm country, which most certainly contributed to its environmentally sound policies. Farmers have always been leaders when it comes to being good stewards of the land, water, and air.

For its efforts, Yahoo offered the city of Hastings its choice of either a fleet of hybrid taxi cabs, similar to those donated to New York City during the campaign's kickoff on May 14, 2007, or the equivalent cash donation. Hastings, which has signed the U.S. Mayor's Climate Protection Agreement, selected the latter in order to further its environmental programs and become an even greener city. In addition to the top prize awarded to Hastings, the top five cities are being rewarded with deliveries of thousands of energy-efficient compact fluorescent lightbulbs, compliments of Yahoo.

Hastings mayor Matt Rossen plans to solicit ideas from residents for future projects, and Global Green USA will also work with the city of Hastings to identify potential city greening projects, such as expansion of renewable energy programs and energy-efficient renovations for city buildings.

As Nebraska's Senator, I am extremely proud of Hastings, NE, which has shown an outstanding commitment to the development of renewable and sustainable energy solutions for protecting the environment, improving health, and saving money. In commending the city of Hastings, NE, for being named America's Greenest City, I wish to highlight the sentiments expressed by Yahoo's cofounder, David Filo, who said, ''The determined green spirit demonstrated by the people of Hastings, Nebraska, underscores Yahoo's belief that individual actions can add up to significant change.''●

RECOGNIZING KATIE BEHRENS

● Mr. THUNE. Mr. President, today I recognize Katie Behrens, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Katie is a graduate of Lincoln Senior High School in Sioux Falls, SD. Currently she is attending the University of Tennessee-Martin, where she is majoring in political science and public relations. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katie for all of the fine work she has done and wish her continued success in the years to come. ●

RECOGNIZING JAN CHRISTENSEN

● Mr. THUNE. Mr. President, today I recognize Jan Christensen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Jan is a graduate of Mitchell High School in Mitchell, SD. Currently she is attending the University of South Dakota, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Jan for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING KIMBERLY HEINEMANN

● Mr. THUNE. Mr. President, today I recognize Kimberly Heinemann, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kimberly is a graduate of Flandreau High School in Flandreau and Augustana College in Sioux Falls where she received a bachelor of arts in biology with a minor in chemistry. This fall she will begin studying at the University of Nebraska Medical Center College of Dentistry. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kimberly for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING ADAM KLIPPENSTEIN

● Mr. THUNE. Mr. President, today I recognize Adam Klippenstein, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Adam is from Oral, SD, and a graduate of the Academy of the New Church in Bryn Athyn, PA. Currently he is attending Briar Cliff University, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Adam for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING KELSEY MILLER

● Mr. THUNE. Mr. President, today I recognize Kelsey Miller, an intern in my Rapid City, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kelsey is a graduate of Belle Fourche High School in Belle Fourche, SD. Currently she is attending Dakota Wesleyan University, where she is majoring in public service and leadership and church music. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelsey for all of the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING BADGER, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Badger, SD. The town of Badger will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Badger has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Badger will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Badger on their anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING LOWRY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Lowry, SD. The town of Lowry will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Lowry has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Lowry will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Lowry on their anniversary and wish them continued prosperity in the years to come.●

LOUISIANA TECH UNIVERSITY

● Mr. VITTER. Mr. President, today I wish to acknowledge Louisiana Tech University for its scientific breakthrough and innovation in the department of nanotechnology. I would like to take a few moments to expand on Louisiana Tech's achievements and wish the facility and student body continued success.

Nanotechnology is the art of manipulating materials on an atomic and molecular level, and Louisiana Tech University has risen to the top of this scientific threshold. This year a trade magazine, Small Times, ranked LA Tech third in micro and nanotechnology education. Small Times evaluated each college based on various criteria, and Louisiana Tech surfaced as one of

the elite universities. Louisiana Tech also stands as one of the only universities in the country that offers a nanotechnology degree at both the undergraduate and graduate levels. Their diversity within the program, and their excellence in both faculty innovation and curriculum ranks them among the best major scientific universities.

Louisiana Tech University also ranked tenth in the Nation for commercializing nanotechnology inventions, or the capability to process patents and turn them into profitable ideas. The university alone applied for 24 patent applications in the last year, 20 of which involved micro and nanotechnology, proving Louisiana Tech's dedication as a national contributor to the scientific spectrum. As Louisiana Tech blossoms, many profitable institutions have invested and settled within the university, such as Avoyelles Renewable Fuels, which is working to discover a way to convert biomass waste into a biofuel through a nanocatalyst.

I would also like to take a moment to honor Joshua Michael Brown. At Louisiana Tech University, he became this first person in the entire world to graduate with a nanosystems engineering degree. He will continue at Louisiana Tech University in order to gain his doctorate in micronanotechnology.

Thus, today I congratulate Louisiana Tech for its innovation in the ever-changing fields of science, and I look forward to the continued growth of the school and its students as they shape the future development of micro and nanotechnology.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on today, June 26, 2007, he had signed the following enrolled bill, previously signed by the Speaker of the House:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''.

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

H.R. 1065. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes.

H.R. 1281. An act to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes.

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''.

H.R. 2139. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

H.R. 2286. An act to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center''.

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week.

The message further announced that the House has passed the following bills, without amendment:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the ''Raymond G. Murphy Department of Veterans Affairs Medical Center''.

S. 801. An act to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''.

The message also announced that pursuant to 20 U.S.C. 4303, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of Gallaudet University: Mr. WOOLSEY of California and Mr. LAHOOD of Illinois.

The message further announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. RUPPERSBERGER of Maryland, Mr. CUMMINGS of Maryland, Mr. KLINE of Minnesota, and Mr. WICKER of Mississippi.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 26, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the ''Dr. Francis Townsend Post Office Building''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

H.R. 1065. An act to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1281. An act to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes; to the Committee on the Judiciary.

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2139. An act to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2286. An act to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 923. To provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2359. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Outgoing Quality Control Requirements: Correction'' (Docket No. FV06–981–1C) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2360. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in a Designated Area of Southeastern California: Change in Reporting Requirements'' (Docket No. FV07–925–1) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2361. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Late Payment and Interest Charges on Past Due Assessments Under the Nectarine and Peach Marketing Orders'' (Docket No. AMS–

FV–07–0012) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2362. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2006–2007 Marketing Year'' (Docket No. AMS–FV–06–0175) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2363. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Change in Regulatory Period'' (Docket No. AMS–FV–06–0214) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2364. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for 2007 Crop Cotton Classification Services to Growers'' ((RIN0581–AC68)(Docket No. AMS–CN–07–0060)) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2365. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Regulations Under the Perishable Agricultural Commodities Act to Ensure Trust Protection for Produce Sellers When Using Electronic Invoicing or Other Billing Methods'' ((RIN0581–AC53)(Docket No. FV05–373)) received on June 22, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2366. A communication from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting, pursuant to law, a copy of the Bank's 2006 management reports; to the Committee on Banking, Housing, and Urban Affairs.

EC–2367. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Grapeland, Elgin, Burnet, Cameron, Calvert, Junction and Mason, TX'' (MB Docket No. 03–149) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2368. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1 .80(b)(1) of the Commission's Rules; Increase of Forfeiture Maxima for Obscene, Indecent, and Profane Broadcasts to Implement the Broadcast Decency Enforcement Act of 2005'' (FCC 07–94) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2369. A communication from the Acting Legal Advisor to the Chief, Mobility Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 90 of the Commission's Rules'' ((WP Docket No. 07–100)(FCC 07–85)) received on June 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2370. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Idaho and Washington; Interstate Transport of Pollution'' (FRL No. 8330–9) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2371. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 8330–7) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2372. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Buprofezin; Pesticide Tolerance'' (FRL No. 8133–1) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2373. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Mild Green Mosaic Tobamovirus; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8134–5) received on June 22, 2007; to the Committee on Environment and Public Works.

EC–2374. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Active Conduct of a Trade or Business'' (Rev. Rul. 2007–42) received on June 25, 2007; to the Committee on Finance.

EC–2375. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of the Model 1471/APX–119 Airborne IFF Transponder for Japan; to the Committee on Foreign Relations.

EC–2376. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Petition to Request an Exemption from 100 Percent Identity Testing of Dietary Ingredients; Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements'' ((RIN0910–AB88)(Docket No. 2007N–0186)) received on June 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2377. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements'' ((RIN0910–AB88)(Docket No. 1996N–0417)) received on June 22, 2007; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 185. A bill to restore habeas corpus for those detained by the United States (Rept. No. 110-90).

By Mrs. FEINSTEIN, from the Committee on Appropriations, without amendment:

S. 1696. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-91).

By Mr. LEVIN, from the Committee on Armed Services, with amendments:

S. 1538. An original bill to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110-92).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 126. A bill to modify the boundary of Mesa Verde National Park, and for other purposes (Rept. No. 110-93).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 553. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 110-94).

S. 580. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes (Rept. No. 110-95).

S. 686. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail (Rept. No. 110-96).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes (Rept. No. 110-97).

S. 797. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail (Rept. No. 110-98).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1152. A bill to promote wildland firefighter safety (Rept. No. 110-99).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S. Con. Res. 6. A concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States'' (Rept. No. 110-100).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 161. A bill to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, and for other purposes (Rept. No. 110-101).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 376. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes (Rept. No. 110-102).

H.R. 497. A bill to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the

District of Columbia, and its environs to honor Brigadier General Francis Marion (Rept. No. 110-103).

H.R. 512. A bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes (Rept. No. 110-104).

H.R. 658. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes (Rept. No. 110-105).

H.R. 1047. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System (Rept. No. 110-106).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

*Thomas P. D'Agostino, of Maryland, to be Under Secretary for Nuclear Security, Department of Energy.

*Preston M. Geren, of Texas, to be Secretary of the Army.

Navy nomination of Vice Adm. Eric T. Olson, 6412, to be Admiral.

Army nomination of Lt. Gen. Douglas E. Lute, 2691, to be Lieutenant General.

Marine Corps nomination of Col. Rex C. McMillian, 9683, to be Brigadier General.

Navy nomination of Capt. Michael J. Browne, 0732, to be Rear Admiral (lower half).

Navy nomination of Capt. Thomas F. Kendziorski, 3120, to be Rear Admiral (lower half).

Navy nomination of Capt. Lothrop S. Little, 1617, to be Rear Admiral (lower half).

Navy nomination of Capt. Kenneth J. Braithwaite, 9527, to be Rear Admiral (lower half).

Navy nomination of Capt. Joseph D. Stinson, 1305, to be Rear Admiral (lower half).

Navy nomination of Capt. Jerry R. Kelley, 9193, to be Rear Admiral (lower half).

Navy nomination of Capt. Cynthia A. Dullea, 9603, to be Rear Admiral (lower half).

Navy nomination of Capt. Patricia E. Wolfe, 6159, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Garry J. Bonelli and ending with Capt. Robert O. Wray, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2007.

Navy nomination of Rear Adm. (lh) Gregory A. Timberlake, 6473, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Albert Garcia III, 3459, to be Rear Admiral.

Navy nomination of Rear Adm. Anthony L. Winns, 7593, to be Vice Admiral.

Air Force nominations beginning with Colonel Mark A. Atkinson and ending with Colonel Margaret H. Woodward, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

Army nomination of Col. Michael D. Devine, 6922, to be Brigadier General.

Navy nomination of Capt. David W. Titley, 5416, to be Rear Admiral (lower half).

Navy nomination of Capt. Michael S. Rogers, 9688, to be Rear Admiral (lower half).

Navy nomination of Capt. David A. Dunaway, 0499, to be Rear Admiral (lower half).

Navy nomination of Capt. Samuel J. Cox, 9719, to be Rear Admiral (lower half).

Navy nomination of Capt. David G. Simpson, 8388, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Edward H. Deets III, 2048, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Wieringa, 5245, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Charles H. Goddard and ending with Rear Adm. (lh) Kevin M. McCoy, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Capt. Terry J. Benedict and ending with Capt. Michael E. McMahon, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Marine Corps nomination of Col. Kenneth F. McKenzie, Jr., 6735, to be Brigadier General.

Army nomination of Maj. Gen. Richard P. Zahner, 3707, to be Lieutenant General.

Navy nomination of Rear Adm. Joseph Maguire, 0399, to be Vice Admiral.

Army nominations beginning with Brigadier General Augustus L. Collins and ending with Colonel Charles F. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2007.

Army nomination of Maj. Gen. Francis H. Kearney III, 9443, to be Lieutenant General.

Army nominations beginning with Col. Jonathan E. Farnham and ending with Col. Hugo E. Salazar, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nomination of Rear Adm. (lh) Carol M. Pottenger, 3454, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Jeffrey A. Wieringa, 5245, to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Jeffrey A. Lemmons and ending with Rear Adm. (lh) Robin M. Watters, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Air Force nomination of Brig. Gen. Garbeth S. Graham, 5388, to be Major General.

Army nomination of Col. Jimmie J. Wells, 3197, to be Brigadier General.

Marine Corps nomination of Lt. Gen. Emerson N. Gardner, Jr., 0157, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Christine M. Bruzek-Kohler, 7779, to be Rear Admiral.

Air Force nominations beginning with Brigadier General Michael D. Akey and ending with Colonel Eric G. Weller, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nomination of Maj. Gen. John D. Gardner, 1994, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Richard G. Anderson and ending with Mitchell Zygadlo, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Christopher R. Abramson and ending with Annamarie Zurlinden, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Alice A. Hale and ending with Natalie A. Jagiella, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Air Force nominations beginning with Anne M. Beaudoin and ending with Justina U. Paulino, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Eric D. Adams and ending with David S. Zumbro, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nominations beginning with Jeffrey S. Almony and ending with Daniel A. Zeleski, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Army nomination of Kenneth C. Simpkiss, 9979, to be Lieutenant Colonel.

Army nominations beginning with Anthony G. Hoffman and ending with Patricia L. Wood, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Army nominations beginning with Roy V. McCarty and ending with Hung Q. Vu, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Army nomination of Karen L. Ware, 8863, to be Major.

Army nomination of Jeanetta Corcoran, 7277, to be Major.

Army nominations beginning with Richard L. Klingler and ending with Carlos M. Garcia, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nominations beginning with Deepti S. Chitnis and ending with Gia K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nominations beginning with Jacob W. Aaronson and ending with David W. Wolken, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Army nomination of Birget Batiste, 3681, to be Major.

Army nomination of James P. Houston, 5536, to be Lieutenant Colonel.

Army nomination of John C. Loose, Jr., 3475, to be Colonel.

Army nominations beginning with Bruce Bublick and ending with James Madden, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jackie L. Byas and ending with William R. Clark, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jeffrey R. Keim and ending with Stan Rowicki, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Philip A. Horton and ending with Patricia Young, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Bernadine F. Peletzfox and ending with Susan P. Stattmiller, which nominations

were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Jeffery H. Allen and ending with Bobby C. Thornton, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with Dirk R. Kloss and ending with Mark C. Strong, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Army nominations beginning with David M. Griffith and ending with Brian N. Witcher, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

Marine Corps nominations beginning with Eric M. Arbogast and ending with James L. Wetzel IV, which nominations were received by the Senate and appeared in the Congressional Record on May 21, 2007.

Navy nomination of Michael R. Murray, 5104, to be Captain.

Navy nomination of Curt W. Dodges, 5943, to be Captain.

Navy nomination of Michael L. Incze, 7492, to be Captain.

Navy nomination of Sandra C. Irwin, 9030, to be Captain.

Navy nominations beginning with William R. Fenick and ending with Isaac N. Skelton, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Robert B. Caldwell, Jr. and ending with Ellen E. Moore, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Dawn H. Driesbach and ending with Glenn S. Rosen, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Nicholas J. Cipriano III and ending with Stephen C. Woll, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Rhetta R. Bailey and ending with Kelly J. Wild, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Jeffrey S. Cole and ending with Timothy J. White, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Bruce A. Bassett and ending with Michael A. Yukish, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Julie S. Chalfant and ending with Paul J. Vanbenthem, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Daniel J. Macdonnell and ending with Michael J. Wilkins, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Harry S. Deloach and ending with Mark Q. Schwartzel, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Kenneth Branham and ending with Kevin J. Mcgovern, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Steven P. Clancy and ending with Stewart B. Wharton III, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with James A. Albani and ending with Robert R. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Patrick J. Barrett and ending with Jeannine E. Snow, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Beth Y. Ahern and ending with Daniel E. Zimberoff, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2007.

Navy nominations beginning with Steven D. Brown and ending with Mark G. Steiner, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Richard K. Giroux and ending with Denise E. Stich, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Mark A. Admiral and ending with Daniel F. Verheul, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Michael D. Anderson and ending with Bruce C. Urbon, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Scot K. Abel and ending with Leland D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Michael J. Cerneck and ending with Michael L. Peoples, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with John W. Chandler and ending with James A. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Arne J. Anderson and ending with Kevin E. Zawacki, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Leigh P. Ackart and ending with Kurt E. Waymire, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Pius A. Aiyelawo and ending with Penny E. Walter, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Wendy M. Boruszewski and ending with Patricia A. Tordik, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Cherie L. Bare and ending with Kathryn A. Summers, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Darius Banaji and ending with Michael D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2007.

Navy nominations beginning with Charles S. Cleckler and ending with Patrick P. Whitsell, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Randy L. Quinn and ending with Smith S. B. Wall, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with David A. Arzouman and ending with Gregg Wolff, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Christina M. Alvarado and ending with John Zdencanovic, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Kenneth W. Bowman and ending with Gary L. Ulrich, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Hsingchien J. Cheng and ending with Bradley S. Trotter, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Norman J. Aranda and ending with Sarah E. Supnick, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Patricia A. Brady and ending with Melvin D. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nominations beginning with Nathan L. Ammons III and ending with Daniel W. Stehly, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2007.

Navy nomination of Carlos E. Gomez-Sanchez, 2507, to be Lieutenant Commander.

Navy nominations beginning with Scott F. Adams and ending with William A. Zirzow IV, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. ENZI, Mrs. CLINTON, Mr. HATCH, Mr. OBAMA, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ROBERTS, and Mr. ISAKSON):

S. 1693. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. THUNE, Mr. CASEY, Mrs. CLINTON, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. DURBIN, Mr. BROWN, and Mr. KERRY):

S. 1694. A bill to authorize resources for sustained research and analysis to address colony collapse disorder and the decline of North American pollinators; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. HATCH, Mrs. CLINTON, and Mr. ENZI):

S. 1695. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, to promote innovation in the life sciences, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1696. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SUNUNU (for himself, Mr. GREGG, and Mr. THUNE):

S. 1697. A bill to amend the Internal Revenue Code of 1986 to provide a credit for residential biomass fuel property expenditures; to the Committee on Finance.

By Mr. COLEMAN:

S. 1698. A bill to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council; to the Committee on Foreign Relations.

By Mr. REED (for himself and Mr. COCHRAN):

S. 1699. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS:

S. 1700. A bill to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means and to authorize voluntary contributions to the International Atomic Energy Agency to support the establishment of an international nuclear fuel bank; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON:

S. Res. 255. A resolution recognizing and supporting the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. JOHNSON):

S. Res. 256. A resolution designating June 2007 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 257. A resolution congratulating the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; considered and agreed to.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 156

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 185

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 545

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 793

At the request of Mr. KENNEDY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 793, supra.

S. 805

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 860

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 903

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 911

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. DODD) 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. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant

marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors 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. 999

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1096

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1096, a bill to amend title 38, United States Code, to provide certain housing benefits to disabled members of the Armed Forces, to expand certain benefits for disabled veterans with severe burns, and for other purposes.

S. 1166

At the request of Mr. WARNER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1190

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1219

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1219, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) 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. 1349

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1349, a bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) 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. 1430

At the request of Mr. OBAMA, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. DODD) 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. 1509

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1509, a bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added 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.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) 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. 1606

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the names of the Senator from Utah (Mr. HATCH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

At the request of Mr. STEVENS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1661, supra.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. CON. RES. 39

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) 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. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

AMENDMENT NO. 1886

At the request of Mrs. DOLE, the names of the Senator from Iowa (Mr.

GRASSLEY) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of amendment No. 1886 intended to be proposed to S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. ENZI, Mrs. CLINTON, Mr. HATCH, Mr. OBAMA, Mr. GREGG, Mr. ALEXANDER, Mr. BURR, Mr. ROBERTS, Mr. ISAKSON):

S. 1693. A bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is long past time for the Nation's health care industry to adopt modern information technology. Such technology has revolutionized a wide array of American industries, and it holds the same promise for the health care industry. It has a clear capacity to increase efficiency and reduce costs at a time when the industry is being plagued by the alarming rise in health costs.

Staggering inefficiencies imbedded in our health care system prevent patients across the country from receiving the type of care they deserve. Forty percent of Americans have been victims of preventable medical errors, and as many as 100,000 patients die each year from such errors. In a Nation which already spends more on health care than any other country, a modest investment in health IT is a small price to pay for a safer and less costly health care system.

Some health facilities with resources at their disposal have already invested in IT systems with great success. Meanwhile, the most vulnerable institutions lag further and further behind in the adoption of necessary technology. It now costs a physician's office about $40,000 to implement a new IT system. Providers with financial need deserve access to information technology to close the health IT gap, so that patients across the country have access to quality health care.

The Senate unanimously approved the Wired for Health Care Quality Act in the last Congress. Today, Senator ENZI, Senator HATCH, Senator CLINTON, and I are reintroducing that bill, and we urge its swift passage. By setting national standards for health information technology and by offering funds for IT investment, the legislation will help providers overcome both the technical and the financial barriers to adopting and implementing health IT systems.

Recognizing the financial challenges of such investments, our bill establishes several Federal funding mechanisms to encourage the adoption of this technology. The legislation authorizes Federal grants for providers in need and funds low interest loans in order to ease the burden on health care professionals who invest in new systems for electronic medical records and other purposes. Since the ability of physicians to share information is essential to ensuring effective treatment and eliminating wasteful spending, our bill also provides financial assistance to establish regional and local health IT networks.

Rapid exchange of information is essential to ensuring that providers have complete patient information, but the adoption of such technology must be accompanied by strong patient privacy protection. Our bill specifies that the American Health Information Community will be a body to make recommendations to the Secretary of Health and Human Services on patient privacy, information security, and appropriate uses of the technology. In addition, the bill ensures that free-standing health information databases are subject to the same privacy rules as other health care entities and requires grant recipients to implement strong privacy protections themselves.

To encourage the implementation of modern health information systems across the Nation, the legislation codifies the role of the National Coordinator for Health Information Technology in the Department of Health and Human Services to coordinate and expedite the adoption of health IT by Federal agencies. In addition, the bill establishes a public-private partnership, the Partnership for Health Care Improvement, to streamline the nationwide implementation of health information systems by establishing standards for interoperability that must be adopted by grant recipients and Federal contractors.

Estimates indicate that the widespread adoption of electronic health records could save up to 30 percent in annual health spending, or more than $600 billion a year. Since 45 million Americans are uninsured, we can't delay the nationwide adoption of health IT systems any longer. Interoperability standards will eliminate inefficiencies caused by lack of uniform technology. Increased funding will reduce the widening health IT gap, making the advances of the information age available to all health facilities. The savings generated by these initiatives have the potential to give all Americans access to the Nation's state-of-the-art health care industry.

I especially commend the work of my colleagues Senator ENZI, Senator CLINTON, and Senator HATCH in developing this needed legislation, and I look forward to its enactment as soon as possible.

Mr. ENZI. Mr. President, I rise today to speak about my commitment to improve the quality and reduce the cost of health care in this Nation.

Some of the most serious challenges facing health care today, medical errors, inconsistent quality, and rising costs, can be addressed through the effective application of available health information technology linking all elements of the health care system. Information sharing networks have the potential to enable decision support anywhere at any time, thus improving the quality of health care and reducing costs.

But what does this mean for patients? Well, first of all, the widespread use of health IT would allow medical data to move with people as they move. When someone goes to the doctor's office, he or she won't have to take the clipboard and write down everything they can remember about themselves. Better use of health IT also would cut down on medical errors with prescriptions, instead of trying to decipher the doctor's handwriting, a pharmacist could access the prescription information electronically.

The widespread use of health IT could also save lives. If someone is traveling and gets in a car wreck or gets hurt in some other way, the emergency room doctor would be able to find out everything he or she needs to know to make the right treatment decisions. If someone falls into a coma and can't tell a doctor or nurse about their medications, being able to access an electronic medical record could prevent dangerous drug reactions.

Beyond saving lives and saving time, more effective use of health IT also could save us a lot of money. A Rand study suggested that health IT has the potential to save the health care system $162 billion a year. In order for these savings to be realized, we must create an infrastructure for interoperability. The bill I am introducing today is the first step toward building that infrastructure.

Last Congress, the Senate unanimously passed the Wired for Health Care Quality Act, which I wrote with Senator KENNEDY. We have worked with Senator HATCH and Senator CLINTON and are introducing an updated bill today. We plan to bring this revised bill before our committee this Wednesday.

This legislation addresses one of the primary barriers to widespread adoption of interoperable health IT, which is the lack of agreed-upon standards, common implementation guides, and a certification process. The bill directs the Secretary to establish and chair the public-private American Health Information Collaborative, which is composed of representatives of the public and private sectors. The greatest improvements in quality of health care and cost savings will be realized when all elements of the health care system are electronically connected and speak a common technical language; that is, they are interoperable.

In order to address the health information technology ''adoption gap'' in the U.S., the bill authorizes three grant programs that will carefully target financial support to health care providers and consortia for the purpose

of facilitating the adoption of interoperable health information technology.

Another barrier to greater adoption is cultural. I recognize that many physicians and hospitals are hesitant to move from paper-based systems to electronic systems. Some physicians have been writing prescriptions by hand for many years and may resist changing to electronic prescribing. One way to address this cultural barrier is to support teaching hospitals that integrate health information technology in the clinical education of health care professionals. Exposing students and residents to effective everyday uses of health IT will lead to a greater adoption by these students and residents when they graduate and begin practicing on their own.

The wise deployment of health IT is also critical for effective response in public health emergencies. Interoperable health IT systems will help to track infectious disease outbreaks and increase the Federal Government's rapid response in emergency situations.

I am eager to work with members of the Finance Committee to ensure we produce a bill that will pass the Senate unanimously once again this Congress. This bill ensures that avenues to measure and report the quality of care are available through health information technology. Improving the quality of care provided in this country is one of my top legislative priorities.

I look forward to passing this important legislation, which will help facilitate the widespread adoption of electronic health records to ultimately result in fewer mistakes, lower costs, better care, and greater patient participation in their health and well being. This is a great stride forward in the journey to improve our Nation's health care system. I look forward to seeing meaningful health information technology legislation signed into law this Congress.

Mrs. CLINTON. Mr. President, for several years now I have been promoting the adoption of health information technology as a means to improve our health care system. Modernizing our system will improve quality of care and reduce costs. A RAND study found that, as a nation, we could save more than $77 billion annually through the widespread use of electronic medical records, and these savings could double with the addition of prevention and chronic disease management components.

I introduced comprehensive health quality and IT legislation in 2003 to set us on the path to creating a health IT infrastructure. Subsequently, the Senate unanimously passed bipartisan legislation that I worked on with Senators Frist, KENNEDY, and ENZI. We were unable to reach final agreement on that bill before the adjournment of the 109th Congress and today are reintroducing the Wired for Healthcare Quality Act to bring our health care system into the 21st century.

I am pleased to be working again on this critical effort with Senators KENNEDY and ENZI and want to welcome Senator HATCH and thank him for his work and contributions to the bill we are introducing today.

While there are a number of things I believe we need to do to improve our health care system, one of the most fundamental avenues for change is modernizing our system of care by developing a nationwide interoperable health information technology infrastructure that protects patient privacy. It is past time that our health care delivery system allow providers to easily manage their information needs and securely and privately manage the needs of their patients.

We have the most advanced medical system in the world, yet patient safety and quality is compromised because health care providers are treating patients without all the information they need. It happens in the emergency room or when you are seeing multiple doctors who are unaware of treatments you are receiving from others. Harnessing the potential of information technology will eliminate these problems and help reduce errors and improve quality in our health care system.

Interoperable health IT will also help eliminate inefficiency and duplication in the system. Every time patients see a doctor, they fill out forms, have to remember their medical history, their medications, immunizations, and previous test results. No wonder a study in California found that one out of every five lab tests and x rays were conducted solely because previous lab results were unavailable.

There is no reason why people's health files—their medical history, test results, lab records, x rays—can't be accessed securely and confidentially from a doctor's office or hospital. In fact, if all hospitals used a computerized physician order entry system, an estimated 200,000 fewer adverse drug events would occur, saving roughly $1 billion per year.

We should also eliminate administrative inefficiencies that drive up health care costs. Today, processing paper claims costs an average of $1.60 to $2.20 per claim. It costs 85 cents for an electronic claim.

We can also use information technology to disseminate clinical research. A government study recently showed it takes 17 years from the time of a new medical discovery to the time clinicians actually incorporate that discovery into their practice at the bedside. Health IT will dramatically reduce this time and help drive improvements in care.

The Wired for Healthcare Quality Act is designed to address these issues through Federal leadership to develop and adopt the technology standards necessary to ensure that electronic medical records are fully portable and confidential for patients and accessible to their health care providers. The legislation encourages the development of a private and secure nationwide interoperable health IT infrastructure through:

Codifying the role of the National Coordinator for Health Information Technology in coordinating the policies of federal agencies regarding health IT.

Establishing a public-private partnership known as the Partnership for Health Care Improvement to provide recommendations to the Secretary with regard to technical aspects of interoperability, standards, implementation specifications, and certification criteria for the exchange of health information.

Requiring all Federal IT purchases to conform to the standards recommended by the Partnership and adopted by the President.

Establishing the American Health Information Community as a body providing recommendations to the Secretary regarding policies to promote the development of a nationwide interoperable health information technology infrastructure. These include recommendations regarding patient privacy, information security, and appropriate uses of health information. A wide variety of stakeholders including patients, providers, insurers, employers, and experts in information technology, privacy, security, and quality—will have representation on the AHIC.

Establishing three competitive grant programs for the adoption and increased utilization of qualified health information technology systems. The first grant program would award funding to eligible entities, including nonprofit hospitals, community health centers, and small physician practices to purchase, train, and use qualified health information technology systems and improve the management of chronic diseases. The second grant program would award funding to States to establish loan funds for the purchase of qualified systems, and the final competitive grant program would assist with the establishment of regional or local health information technology exchanges.

Ensuring privacy and security by delineating the rights of individuals to inspect and correct their records and take action to address fraud, as well as requiring breach notification and audit trails so patients can know who has accessed their information.

Establishing a Health Information Technology Resource Center to provide technical assistance and highlight best practices associated with the adoption, implementation and effective use of health information technology systems.

I am especially pleased by the focus that this legislation places on ensuring that information technology will improve the quality of care delivered in our Nation. The Wired for Healthcare Quality Act will prioritize quality through the following provisions: Developing quality and efficiency reports at the national, regional, and, when requested, institutional or individual

provider level, that will help to improve quality and efficiency and enhance the ability of consumers to evaluate the quality and delivery of healthcare services; Establishing a process through which to develop evidence-based, consensus health care quality measures, through which to determine the quality and efficiency of care received by patients; and adopting the quality measures established by such process and providing for the integration of these measures into the nationwide health IT infrastructure, thus fostering uniformity in quality measures across our healthcare system.

Information technology has radically changed business and other aspects of American life. It is time we use the power of the information age to improve health care. If we do, we can dramatically improve the quality of care we all receive. The Wired for Healthcare Quality Act is critical to this effort. Again I want to thank my colleagues, Senators KENNEDY, ENZI and HATCH for their partnership on this legislation, and I look forward to working with them and all of my colleagues to enact this important bill.

Mr. HATCH. Mr. President, I am proud to be an original cosponsor of S. 1693, the Wired for Healthcare Quality Act. The goal of achieving high quality health care is not reachable without use of information technology. For instance, the 21 quality measures that hospitals now report for Medicare must usually be manually extracted from paper charts. The Government Accountability Office reports that hospitals are near the limit of the number of quality measures that they can report by these antiquated techniques. Implementation of information technology is critical because with it there is no practical limit on the ability to measure quality.

Dr. Brent James, a national quality expert from Intermountain Healthcare of Salt Lake City, UT, tells me that a health care provider who wishes to improve performance starts by defining detailed measures of quality health care and then builds information technology around the measures so that routine, automatic reporting of compliance with the measures becomes part of the health information technology platform. The Wired for Healthcare Quality Act does not just impose standards for interoperability of information technology it creates a mechanism by which quality measures are embedded in those standards.

The legislation encourages the development of standards by codifying the office of the National Coordinator for Health Information Technology who coordinates the health information technology policies of Federal agencies.

It creates a public-private partnership, the Partnership for Health Care Improvement to advise the Secretary on technical aspects of interoperability, on standards, on implementation, and on certification of compliance with those standards.

The bill establishes the American Health Information Community as a body providing recommendations to the Secretary regarding the broad policy issues of implementation of technical standards created by the partnership. For instance, it will advise the Secretary on issues of patient privacy, information security, and appropriate uses of health information.

The bill directs the Secretary to provide for the development and use of quality measures in the health information technology platform by an arrangement with a private entity that establishes standards for measurement development and coordinates and harmonizes measures so that providers are able to use the same set of measures, if not the same measures, for all their patients.

The legislation requires that all Federal information technology purchases conform to the standards recommended by the Partnership and adopted by the President within 1 year and that all Federal agencies comply within 3 years. Adoption of these standards is voluntary for private entities except for functions they contract with the Federal Government.

The legislation encourages the adoption of qualified health information technology by providing grants for the purchase of health information technology systems to providers demonstrating financial needs, by providing low interest loans to states to help providers acquire health information technology systems, and by providing grants to facilitate the implementation of regional or local health information exchanges.

The legislation provides for the development of national reports of health care quality based on Federal health care data and private data that is publicly available. Reports are to be contracted to quality reporting organizations.

The legislation assures strong privacy protections for electronic health information by forbidding funding under the bill to any information technology system that lacks strong privacy and security protections, by requiring recipients of funding to notify patients if their medical information is wrongfully disclosed and by requiring that the national strategy on health information technology include strong privacy protections.

Before I close, I must raise a concern with the bill. Building a national, interoperable health care information technology platform is like building two houses with a common driveway. Federal programs such as Medicare and Medicaid are one house. Private health plans are the other. They both must share common standards for health information technology so that systems all talk with one another. They both must implement from a common pool of quality standards otherwise providers will be impossibly confused. The two houses will not look alike but they must share a common driveway and common building standards.

I use this analogy to emphasize that the rules for the quality measures used by the Medicare Program are the jurisdiction of the Senate Finance Committee on which I serve as a senior member. The rules for quality measures in a national health information technology standard, and private health insurance plans, are under the jurisdiction of the Health, Education, Labor and Pensions Committee. We must be certain that these distinctions are made with clarity to avoid confusing ourselves and the medical community. I look forward to working with Senators ENZI, KENNEDY, and CLINTON, and my colleagues Chairman MAX BAUCUS and Ranking Minority Member CHUCK GRASSLEY on the Finance Committee to ensure that these important distinctions are made.

If we do not accomplish the task of integrating quality and health information technology standards between public and private programs, providers will be placed in the impossible position of having one set of quality and information technology standards for publicly insured patients and other requirements for privately insured patients. If such a Tower of Babel is allowed to develop, providers will simply not be able to implement the improvements in care that we all want to see through the use of health information technology. We cannot miss this chance.

By Mr. REED (for himself and Mr. COCHRAN):

S. 1699. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am joined by Mr. COCHRAN in introducing important legislation, the Strengthening Kids' Interest in Learning and Libraries, SKILLs, Act, to support our Nation's school libraries and librarians. This legislation is also being introduced in the House of Representatives by Representative GRIJALVA and Representative EHLERS.

The SKILLs Act enhances the value of school libraries by reauthorizing and strengthening the Improving Literacy through School Libraries program of the No Child Left Behind Act. The Department of Education found that the Improving Literacy through School Libraries program is successful in improving the quality of school libraries receiving grants and school libraries are a critical component in improving student literacy skills and academic achievement by giving students access to up-to-date library materials, including well-equipped and technologically advanced school library media centers.

The SKILLs Act seeks to build on this success in several ways. It ensures that funds serve elementary, middle, and high school students. It encourages the hiring of highly qualified school library media specialists in our Nation's

school libraries. Additionally, it expands professional development to include information literacy instruction appropriate for all grade levels, an assessment of student literacy needs, the coordination of reading and writing instruction across content areas, and training in literacy strategies.

Today's librarians do so much more than catalogue collections and check out books, they are educators in every sense of the word.

They provide tech support, guidance, and social services to patrons in need. They help teach our children how to safely and effectively navigate electronic media like the Internet and help instill a love of learning and reading in young students. In short, school libraries and librarians play an essential role in helping students get the skills they need to succeed in an increasingly competitive world and this legislation provide the necessary support for that endeavor.

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. 1699

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 ''Strengthening Kids' Interest in Learning and Libraries Act'' or the ''SKILLs Act''.

TITLE I—SCHOOL LIBRARY MEDIA SPECIALIST REQUIREMENTS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302) is amended by striking ''2002'' and inserting ''2008''.

SEC. 102. STATE PLANS.

Section 1111(b)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(8)) is amended—

(1) in subparagraph (D), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

''(E) how the State educational agency will meet the goal of ensuring that there is not less than 1 highly qualified school library media specialist in each school receiving funds under this part, as described in section 1119(h)(2); and''.

SEC. 103. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112(b)(1)(N) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(N)) is amended by inserting '', including ensuring that there is not less than 1 highly qualified school library media specialist in each school'' before the semicolon.

SEC. 104. SCHOOLWIDE PROGRAMS.

Section 1114(b)(1)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(b)(1)(D)) is amended by inserting ''school library media specialists,'' after ''teachers,''.

SEC. 105. TARGETED ASSISTANCE SCHOOLS.

Section 1115(c)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6315(c)(1)(F)) is amended by inserting ''school library media specialists,'' after ''teachers,''.

SEC. 106. QUALIFICATIONS FOR TEACHERS, PARAPROFESSIONALS, AND SCHOOL LIBRARY MEDIA SPECIALISTS.

(a) IN GENERAL.—Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended—

(1) in the section heading, by striking ''**TEACHERS AND PARAPROFESSIONALS**'' and inserting ''**TEACHERS, PARAPROFESSIONALS, AND SCHOOL LIBRARY MEDIA SPECIALISTS**'';

(2) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively;

(3) by inserting after subsection (g) the following:

''(h) SCHOOL LIBRARY MEDIA SPECIALISTS.—

''(1) LOCAL EDUCATIONAL AGENCY REQUIREMENT.—Each local educational agency receiving assistance under this part shall ensure, to the extent feasible, that each school that is served by the local educational agency and receives funds under this part employs not less than 1 highly qualified school library media specialist.

''(2) STATE GOAL.—Each State educational agency receiving assistance under this part shall—

''(A) establish a goal of having not less than 1 highly qualified school library media specialist in each public school that is served by the State educational agency and receives funds under this part; and

''(B) specify a date by which the State will reach this goal, which date shall be not later than the beginning of the 2010–2011 school year.''; and

(4) in subsection (i) (as redesignated by subsection (a)(2)), by striking ''and paraprofessionals'' and inserting '', paraprofessionals, and school library and media specialists''.

(b) CONFORMING AMENDMENT.—Section 1119(l) of the Elementary and Secondary Education Act of 1965 (as redesignated by subsection (a)(2)) (20 U.S.C. 6319(l)) is amended by striking ''subsection (l)'' and inserting ''subsection (m)''.

SEC. 107. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.

Section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383) is amended—

(1) in subsection (a), by striking ''well-trained, professionally certified'' and inserting ''highly qualified'';

(2) in subsection (e)(3)—

(A) by striking ''DISTRIBUTION.—The'' and inserting the following: ''DISTRIBUTION.—

''(A) GEOGRAPHIC DISTRIBUTION.—The''; and

(B) by adding at the end the following:

''(B) BALANCE AMONG TYPES OF SCHOOLS.—In awarding grants under this subsection, the Secretary shall take into consideration whether funding is proportionally distributed among projects serving students in elementary, middle, and high schools.'';

(3) in subsection (f)(2)—

(A) in subparagraph (A)—

(i) by inserting ''the need for student literacy improvement at all grade levels,'' before ''the need for''; and

(ii) by striking ''well-trained, professionally certified'' and inserting ''highly qualified'';

(4) by striking subparagraph (B) and inserting the following:

''(B) a needs assessment of which grade spans are served, ensuring funding is proportionally distributed to serve students in elementary, middle, and high schools;'';

(5) in subsection (g)—

(A) in paragraph (1), by striking the semicolon at the end and inserting ''and reading materials, such as books and materials that—

''(A) are appropriate for students in all grade levels to be served and for students with special learning needs, including students who are limited English proficient; and

''(B) engage the interest of readers at all reading levels;''; and

(B) in paragraph (4), by striking ''professional development described in section 1222(d)(2)'' and inserting ''professional development in information literacy instruction that is appropriate for all grades, including the assessment of student literacy needs, the coordination of reading and writing instruction across content areas, and training in literacy strategies in all content areas''.

TITLE II—PREPARING, TEACHING, AND RECRUITING HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS

SEC. 201. TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL TRAINING AND RECRUITING FUND.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) in the title heading, by striking ''**HIGH QUALITY TEACHERS AND PRINCIPALS**'' and inserting ''**HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS** ''; and

(2) in the part heading, by striking ''**TEACHER AND PRINCIPAL**'' and inserting ''**TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL**''.

SEC. 202. PURPOSE.

Section 2101(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601(1)) is amended to read as follows:

''(1) increase student academic achievement through strategies such as—

''(A) improving teacher, school library media specialist, and principal quality; and

''(B) increasing the number of highly qualified teachers in the classroom, highly qualified school library media specialists in the library, and highly qualified principals and assistant principals in schools; and''.

SEC. 203. STATE APPLICATIONS.

Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended—

(1) in paragraph (4), by inserting '', school library media specialists,'' before ''and principals''; and

(2) in paragraph (10), by inserting '', school library media specialist,'' before ''and paraprofessional''.

SEC. 204. STATE USE OF FUNDS.

Section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)) is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting ''highly qualified school library media specialists,'' before ''principals''; and

(B) in subparagraph (B), by inserting '', highly qualified school library media specialists,'' before ''and principals''; and

(2) in paragraph (6), by striking ''teachers and principals'' each place the term appears and inserting ''teachers, school library media specialists, and principals''.

SEC. 205. LOCAL USES OF FUNDS.

Section 2123(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)) is amended by inserting after paragraph (8) the following:

''(9)(A) Developing and implementing strategies to assist in recruiting and retaining highly qualified school library media specialists; and

''(B) providing appropriate professional development for such specialists, particularly related to skills necessary to assist students to improve the students' academic achievement, including skills related to information literacy.''.

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

Section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) is amended—

(1) in subparagraph (B)(ii)(II), by striking ''and'' after the semicolon;

(2) in subparagraph (C)(ii)(VII), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) when used with respect to a school library media specialist employed in an elementary school or secondary school in a State, means that the school library media specialist—

''(i) holds at least a bachelor's degree;

''(ii) has obtained full State certification as a school library media specialist or passed the State teacher licensing examination, with State certification in library media, in such State, except that when used with respect to any school library media specialist teaching in a public charter school, the term means that the school library media specialist meets the requirements set forth in the State's public charter school law; and

''(iii) has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.''.

SEC. 302. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended—

(1) by striking the item relating to section 1119 and inserting the following:

''Sec. 1119. Qualifications for teachers, paraprofessionals, and school library media specialists.'';

(2) by striking the item relating to title II and inserting the following:

''TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS, SCHOOL LIBRARY MEDIA SPECIALISTS, AND PRINCIPALS''; AND

(3) by striking the item relating to part A of title II and inserting the following:

''PART A—TEACHER, SCHOOL LIBRARY MEDIA SPECIALIST, AND PRINCIPAL TRAINING AND RECRUITING FUND''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 255—RECOGNIZING AND SUPPORTING THE LONG DISTANCE RUNS THAT WILL TAKE PLACE IN THE PEOPLE'S REPUBLIC OF CHINA IN 2007 AND THE UNITED STATES IN 2008 TO PROMOTE FRIENDSHIP BETWEEN THE PEOPLES OF CHINA AND THE UNITED STATES

Mr. ISAKSON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 255

Whereas, in 1984, American long distance runner Stan Cottrell of Tucker, Georgia, was welcomed into the People's Republic of China where he completed the 2,125-mile Great Friendship Run along the Great Wall of China in 53 days, an event which was chronicled in the international press and serves as a sign of international friendship;

Whereas those involved in the Great Friendship Run over 2 decades ago are committed to running again to revisit the experience and to promote friendship between the peoples of China and the United States;

Whereas in China, a 2,200-mile run from the Great Wall of China to Hong Kong will take place October 15 to December 15, 2007;

Whereas in the United States, a 4,000-mile relay style run from San Francisco, California, to the United States Capitol Building in Washington, D.C., will take place May 7 to June 20, 2008, and cross the continent; and

Whereas 3 Chinese long distance runners will participate with Stan Cottrell and others in the run to take place in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and supports the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States.

SENATE RESOLUTION 256—DESIGNATING JUNE 2007 AS ''NATIONAL APHASIA AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. BIDEN (for himself and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States;

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this ''silent'' disability and provides opportunity and fulfillment for those affected by aphasia; and

Whereas National Aphasia Awareness Month is commemorated in June 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2007;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

SENATE RESOLUTION 257—CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES FOR BECOMING THE FIRST UNIVERSITY TO WIN 100 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I TEAM TITLES

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas, on May 13, 2007, the University of California at Los Angeles (referred to in this preamble as the ''Bruins'') won its 100th National Collegiate Athletic Association (NCAA) team title;

Whereas the Bruins won 70 NCAA championships in men's sports between 1950 and 2007 and 30 NCAA championships in women's sports between 1982 and 2007;

Whereas the Bruins won 60 NCAA championships in the 26 years since the inauguration of women's collegiate sports championships in 1981, including 30 NCAA women's titles and 30 NCAA men's titles;

Whereas 16 separate athletic programs, including 9 men's programs and 7 women's programs, won 1 or more NCAA team championships for the Bruins:

(1) Men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006.

(2) Men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005.

(3) Men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995.

(4) Softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004.

(5) Men's track and field in 1956, 1966, 1971, 1973, 1978, 1972, 1987, and 1988.

(6) Men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004.

(7) Women's water polo in 2001, 2003, 2005, 2006, and 2007.

(8) Women's gymnastics in 1997, 2000, 2001, 2003, and 2004.

(9) Men's soccer in 1985, 1990, 1997, and 2002.

(10) Women's track and field in 1982, 1983, and 2004.

(11) Women's volleyball in 1984, 1990, and 1991.

(12) Women's indoor track and field in 2000 and 2001.

(13) Women's golf in 1991 and 2004.

(14) Men's gymnastics in 1984 and 1987.

(15) Men's golf in 1988.

(16) Men's swimming in 1982;

Whereas, under the direction of head coach Al Scates, the Bruins won 19 NCAA team titles in the sport of men's volleyball between 1970 and 2006, tying the record for the most NCAA titles won by one coach in a single sport;

Whereas, between 1964 and 1975, under the direction of head coach John Robert Wooden, the Bruins won 10 NCAA team titles in the sport of men's basketball, including an unprecedented seven straight titles between 1967 and 1973;

Whereas, on May 13, 2007, under the direction of head coach Adam Krikorian, the Bruins won their 5th Division I team title in 7 years in the sport of women's water polo, and

ended the 2007 season with an overall record of 28 wins and 2 losses;

Whereas Bruin student-athletes are excellent representatives of the University of California at Los Angeles, the University of California system, and the State of California; and

Whereas the University of California at Los Angeles has demonstrated a strong tradition of academic excellence since the founding of the Univeristy in 1919 and a strong tradition of athletic excellence since winning its 1st NCAA team title in 1950, establishing the University of California at Los Angeles as a top university in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles women's water polo team for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; and

(3) commends the student-athletes, coaches, alumni, instructors, and staff of the University of California at Los Angeles for their contributions to the achievement of this distinguished milestone.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1903. Mr. DEMINT 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 1904. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1906. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1907. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1908. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1909. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1910. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1911. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1912. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. WARNER, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1913. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1914. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1915. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1916. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1917. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1918. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1919. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1920. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1921. Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1922. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1923. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1924. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1925. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1926. Mr. DOMENICI (for himself, Mr. MARTINEZ, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1927. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1928. 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 1929. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1930. Mr. COBURN (for himself, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, Mrs. HUTCHISON, Mr. VITTER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1931. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1932. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1933. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1934. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1639, supra.

SA 1935. Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. BOXER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1936. 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 1937. 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 1938. 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 1939. 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 1940. 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 1941. 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 1942. 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 1943. 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 1944. 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 1945. 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 1946. 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 1947. Mr. SALAZAR (for Mr. DODD) proposed an amendment to the bill S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes..

TEXT OF AMENDMENTS

SA 1903. Mr. DEMINT 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 subsection (e) of section 601, add the following:

(9) HEALTH COVERAGE.—The alien shall establish that the alien will maintain a minimum level of health coverage through a qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

SA 1904. Mr. DEMINT 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:

SEC. _____. CUSTOMS AND BORDER PATROL MANAGEMENT FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S. Customs and Border Patrol. The Commissioner shall establish levels of compensation

and other benefits for individuals so employed.

SA 1905. Mr. ENSIGN 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 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

SA 1906. Mr. CHAMBLISS 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:

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

''(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

''(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

''(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

''(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

''(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

''(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

''(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

''(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

''(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

''(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

''(B) contains recommendations for adjusting the methods used to make the estimates.

''(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

''(g) GAO EVALUATION AND REPORT.—

''(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

''(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

''(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

''(C) such recommendations as the Comptroller General determines appropriate.

''(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

''(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SA 1907. Mr. CORNYN 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 641, strike line 21 and all that follows through page 642, line 20, and insert the following:

''(B) TIMING OF PROBATIONARY BENEFITS.—An alien who submits an application for a Z–A visa under subsection (d), including any evidence required under such subsection, and any spouse or child of the alien seeking a Z–A dependent visa, may receive the probationary benefits described in subparagraph (A) after the Secretary has conducted, completed, and resolved all appropriate background checks, to include name and fingerprint checks.

SA 1908. Mr. CORNYN 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 635, strike line 12 and all that follows through page 636, line 14, and insert the following:

''(4) GROUNDS OF INADMISSIBILITY.—

''(A) IN GENERAL.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa, the grounds of inadmissibility under section 601(d)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 shall apply.

''(B) CONSTRUCTION.—Nothing in this paragraph may be construed to affect the authority of the Secretary to waive provisions of section 212(a).

SA 1909. Mr. CORNYN 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 135, between lines 11 and 12, insert the following:

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

''(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES THAT DENY OR DELAY ACCEPTING ALIENS.—Notwithstanding section 221(c), if the Secretary of Homeland Security determines that the government of a foreign country denies or unreasonably delays accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept an alien under this section, or after a determination that the alien is inadmissible under paragraph (6) or (7) of section 212(a)—

''(1) the Secretary of State, upon notification from the Secretary of Homeland Security of such denial or delay to accept aliens under circumstances described in this section, shall order consular officers in that foreign country to discontinue granting immigrant visas, nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens;

''(2) the Secretary of Homeland Security may deny admission to any citizens, subjects, nationals, and residents from that country; and

''(3) the Secretary of Homeland Security may impose limitations, conditions, or additional fees on the issuance of visas or travel from that country and any other sanctions authorized by law.''.

SA 1910. Mr. CORNYN 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 119, lines 21 and 22, strike ''which is punishable by a sentence of imprisonment of 5 years or more,''.

On page 571, lines 19 and 20, strike ''renunciation of gang affiliation;''.

SA 1911. Mr. CORNYN 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 118, between lines 8 and 9, insert the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information;''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after such date of enactment; and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after such date of enactment.

On page 570, between lines 3 and 4, insert the following:

(8) GOOD MORAL CHARACTER.—The alien shall establish that he or she has been a person of good moral character during the most recent 3-year period.

SA 1912. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. WARNER, and Mr. DOMENICI) 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 308, strike lines 19 through 24 and insert the following:

''(B) STATE IMPACT ASSISTANCE FEE.—Each alien applying for a Y–1 nonimmigrant visa shall pay, at the time of filing an application for Y–1 nonimmigrant status—

''(i) a State impact assistance fee of $750; and

''(ii) an additional fee of $100 for each dependent accompanying or following to join the alien.c

On page 569, strike lines 1 through 6 and insert the following:

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, each alien applying for probationary Z–1 status described in subparagraph (h) or renewable Z–1 status described in subparagraph (i) shall pay, at the time the alien files an application for such status—

(i) a State impact assistance fee of $750; and

(ii) an additional fee of $100 for each dependent accompanying or following to join the alien.

SA 1913. Mr. CORNYN 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 194, between line 24 and the matter following line 24, insert the following:

SEC. 230. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking ''notify the Attorney General in writing'' and inserting ''submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,'';

(B) by striking ''the Attorney General may require by regulation'' and inserting ''the Secretary may require''; and

(C) by adding at the end the following: ''If the alien is involved in a proceeding before an immigration judge or in an administrative appeal of such proceeding, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.'';

(2) in subsection (b), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(3) in subsection (c), by striking ''given to such parent'' and inserting ''given by such parent''; and

(4) by adding at the end the following:

''(d)(1) Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section—

''(A) shall be the alien's current residential mailing address; and

''(B) may not be a post office box, another nonresidential mailing address, or the address of an attorney, representative, labor organization, or employer.

''(2) The Secretary may provide specific requirements with respect to—

''(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

''(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

''(3) An alien who is being detained by the Secretary under this Act—

''(A) is not required to report the alien's current address under this section while the alien remains in detention; and

''(B) shall notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

''(e)(1) Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

''(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

''(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

''(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

''(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

''(2) The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

''(3) The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).''.

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II of the Immigration and Nationality Act (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in section 263(a), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subsection (f)—

(i) by striking ''Attorney General is authorized'' and inserting ''Secretary of Homeland Security and Attorney General are authorized''; and

(ii) by striking ''Attorney General or the Service'' and inserting ''Secretary or the Attorney General''.

(c) PENALTIES.—Section 266 of the Immigration and Nationality Act (8 U.S.C. 1306) is amended—

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

''(b)(1) Any alien or any parent or legal guardian in the United States of a minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

''(2) Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk.

''(3) The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.'';

(2) in subsection (c), by inserting ''or a notice of current address'' before ''containing statements''; and

(3) in subsections (c) and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

On page 592, strike line 14.

On page 592, line 17, strike the period at the end and insert ''; or''.

On page 592, between lines 17 and 18, insert the following:

(G) the alien fails to comply, at any time after being granted probationary Z nonimmigrant status under subsection (h) or renewable Z nonimmigrant status under subsection (i), with the address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305).

SA 1914. Mr. CORNYN 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 116, between lines 18 and 19, insert the following:

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) DETENTION OF INADMISSIBLE ARRIVING ALIENS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(2) DETENTION OF APPREHENDED ALIENS.—Section 236 of such Act (8 U.S.C. 1226) is amended—

(A) by redesignating subsection (e) as subsection (f);

(B) by inserting after subsection (e) the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of detention under this section shall not affect the validity of any detention under section 241.''; and

(C) in subsection (f), as redesignated, by adding at the end the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(c) SEVERABILITY.—If any provision of this section, any amendment made by this section, or the application of any such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this section, the amendments made by this section, and the application of the provisions and amendments made by this section to any other person or circumstance shall not be affected by such holding.

SA 1915. Mr. CORNYN 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:

SEC. ___. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in subsection (1) shall be—

(A) discussed and explained in writing in the order granting prospective relief; and

(B) sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court remands a decision on a motion subject to this section to a lower court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(E) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) PENDING MOTIONS.—

(A) 45 DAYS OR LESS.—Any motion pending for 45 days or less on the date of the enactment of this Act shall be treated as if it had been filed on the date of the enactment of this Act for purposes of this subsection.

(B) MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, which has been pending for more than 45 days on the date of enactment of this Act, and remains pending on the 10th day after such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion. An automatic stay pursuant to this subsection shall continue until the court enters an order granting or denying the Government's motion. No further postponement of any such automatic stay pursuant to this subsection shall be available under paragraph (2)(C).

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (a) shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(c) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JUDICIAL REVIEW.—Except as expressly provided under section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of such Act (8 U.S.C. 1225(b)(1)).

(2) GOVERNMENT MOTION.—If the Government files a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in a civil action identified in subsection (a), the court shall promptly—

(A) decide whether the court continues to have jurisdiction over the matter; and

(B) vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to the extent that an order granting prospective relief was entered before the date of the enactment of this Act and such prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(d) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree''—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(f) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(g) APPLICATION OF AMENDMENT.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(h) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected by such finding.

SA 1916. Mr. CORNYN 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 574, strike line 14 and all that follows through page 575, line 6, and insert the following:

(5) BEFORE THE APPLICATION PERIOD.—The Secretary, in the sole and unreviewable discretion of the Secretary, may provide an alien with a reasonable opportunity to file an application under this section after regulations are promulgated if the alien—

(A) is apprehended after the date of the enactment of this Act and before the date on which the period for initial registration closes under subsection (f)(2);

(B) is not described in, or subject to, paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), or section 241(a)(5) of such Act (if the basis for the prior removal was for criminal offenses or terrorists acts); and

(C) can establish prima facie eligibility for Z nonimmigrant status.

(6) DURING CERTAIN PROCEEDINGS.—

(A) IN GENERAL.—The Attorney General may determine that an alien who is in removal proceedings as of the date of the enactment of this Act is prima facie eligible for Z nonimmigrant status and permit the alien a reasonable opportunity to apply for such status.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any alien—

(i) who is currently in removal proceedings; or

(ii) who, after the date of the enactment of this Act, is subject to removal under section 237(a)(1) of the Immigration and Nationality Act (for inadmissibility under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act), paragraph (2) or (4) of section 237(a) of such Act, or section 241(a)(5) of such Act (if the basis for the prior removal was for criminal offenses or terrorists acts).

(C) UNREVIEWABLE DECISION.—A decision by the Attorney General to permit an alien currently in removal proceedings to apply for Z nonimmigrant status is in the sole and unreviewable discretion of the Attorney General.

SA 1917. Mr. CORNYN 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 121, strike line 8 and all that follows through page 122, line 13, and insert the following:

(b) INADMISSIBILITY.—

(1) IN GENERAL.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security determines has at any time has participated in a criminal gang, or knows or has reason to believe, has participated in a criminal gang knowing or having reason to know that such participation will promote, further, aid, or support the illegal activity of the criminal gang is inadmissible.

''(ii) WAIVER.—The Secretary may, in the discretion of the Secretary, waive the applicability of clause (i) if the alien—

''(I) is not currently subject to execution of an outstanding final order of removal, exclusion, or deportation under section 237(a)(1)(A) (for inadmissibility under this paragraph or paragraph (3)), or reinstatement of a removal order under section 241(a)(5) (if the basis for the prior order was for criminal offenses or terrorists acts covered under this paragraph, paragraph (3), or paragraph (2) or (4) of section 237(a));

''(II) establishes urgent humanitarian reasons or significant public benefit for allowing the alien to remain in the United States; and

''(III) can establish that his or her removal from the United States would result in extreme hardship to the alien's spouse or minor child.

''(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subparagraph may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect in the date of enactment of this Act and apply to acts or conduct that occurred before, on or after the date of enactment.

(c) DEPORTABILITY.—

(1) IN GENERAL.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation would promote, further, aid, or support the illegal activity of the criminal gang, is deportable.

''(ii) WAIVER.—The Secretary may, in the discretion of the Secretary, waive ineligibility under subsection (i) if the alien—

''(I) is not currently subject to execution of an outstanding final order of removal, exclusion, or deportation under paragraph (1)(A) (for inadmissibility under paragraph (2) or (3) of section 212(a)), or reinstatement of a removal order under section 241(a)(5) (if the basis for the prior order was for criminal offenses or terrorists acts covered under this paragraph, paragraph (4), or paragraph (2) or (3) of section 212(a));

''(II) establishes that urgent humanitarian reasons or significant public benefit exists, as determined by the Secretary, which warrant allowing the alien to remain in the United States; and

''(III) establishes that his or her removal from the United States would result in extreme hardship to the alien's spouse or minor child.

''(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subparagraph may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to acts or conduct that occurred before, on, or after such date of enactment.

On page 563, strike line 22 and all that follows through ''(2)'' on page 564, line 4, and insert the following:

(2) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the applicability of paragraph (1)(B) if the alien—

(i) has not been physically removed from the United States pursuant to the outstanding final order of removal, deportation or exclusion;

(ii) has never departed the United States since any order of exclusion, deportation, or removal became final and subject to execution or been previously removed pursuant to a final order of removal;

(iii) has been continuously physically present in the United States since January 1, 2007;

(iv) establishes that urgent humanitarian reasons or significant public benefit exists, as determined by the Secretary, which warrant allowing the alien to remain in the United States; and

(v) can establish that his or her departure from the United States would result in extreme hardship to the alien's spouse or minor child.

(B) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a decision under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to such decision.

(C) EFFECTIVE DATE.—This paragraph shall take effect on the date of the enactment of this Act and shall apply to any application for Z nonimmigrant status submitted on or after such date.

(3)

SA 1918. Mr. CORNYN 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 604, line 12, strike the period and insert ''with the Secretary not later than 30 days after the date of the decision. The filing of a motion to reopen or reconsider does not toll the time for filing an administrative appeal under paragraph (2).''.

On page 604, lines 20 and 21, strike ''or the mailing thereof, whichever occurs later in time''.

On page 604, line 22, strike ''The Secretary'' and all that follows through page 605, line 9, and insert the following: ''Except as provided under paragraph (2), the Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal (including a removal order that has not been executed or is subject to reinstatement pursuant to section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)). No court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings or review the order of removal, except as otherwise provided by law. If the alien failed to file a timely petition for review of an administratively final order of removal, as required under section 242(b) of such Act, no court shall have jurisdiction to review the final order of removal and an alien may only seek review of the denial under section 601(h), termination under section 601(o), or revocation under section 601(p), pursuant to section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)).''.

On page 605, line 20, strike ''may'' and insert ''shall''.

On page 606, lines 2 through 4, strike ''clauses (1)(F) (i), (iii), or (iv) of subsection [CITE: 601(d)] of [this Act] may'' and insert ''clause (i), (iii), or (iv) of section 601(d)(1)(F) shall''.

On page 606, strike lines 7 through 17 and insert the following:

(C) FINAL DENIAL, TERMINATION, OR REVOCATION.—Notwithstanding subsection (a)(2), the Secretary's denial, termination, or revocation of the status of any alien described in subparagraph (A) or (B) may be reviewed only in removal proceedings initiated pursuant to this paragraph and shall represent the required exhaustion of all review procedures for purposes of seeking judicial review under section 242(h)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(h)(3)(C)) of a denial under section 601(h), a termination under section 601(o), or a revocation under section 601(p).

On page 606, line 21, strike the period and insert ''with the Attorney General not later than 90 days after the date of a final decision under paragraph (2)(C). The filing of a motion to reopen or reconsider with the Attorney General does not toll the time for filing a petition for review of a final removal order under section 242(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(1)).''.

On page 608, line 3, insert ''within 2 years after the date of such denial, termination, or revocation, and only'' after ''only''.

SA 1919. Mr. CORNYN 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 184, line 12, strike ''(b)'' and insert the following:

(b) LIMITATION ON LANDOWNER'S LIABILITY.—Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by inserting after subsection (g) the following:

''(h) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—Subject to appropriations, an owner of land located within 100 miles of the international land border of the United States may seek reimbursement from the Department of Homeland Security for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under the Federal or State tort law, arising directly from such border security activity if—

''(A) such owner has been found negligent by a Federal or State court in any tort litigation;

''(B) such owner has not already been reimbursed for the final tort judgment, including outstanding attorney's fees and costs;

''(C) such owner did not have or does not have sufficient property insurance to cover the judgment and have had an insurance claim for such coverage denied; and

''(D) such tort action was brought as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property; and

''(B) the term 'owner' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

''(3) EXCEPTIONS.—Nothing in this subsection may be construed to limit landowner liability which would otherwise exist for—

''(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

''(B) maintaining an attractive nuisance;

''(C) gross negligence; or

''(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

''(i) a patrol of such landowner's land; or

''(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or evade execution of an arrest warrant for a violation of any immigration law.

''(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to the Federal Tort Claims Act.''.

(c)

SA 1920. Mr. ALEXANDER 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 4, between lines 23 and 24, insert the following:

(e) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary submits a written certification under subsection (a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a); and

(B) indicates the date on which Secretary's intends to submit a written certification under subsection (a).

(2) GOVERNORS' AFFIRMATION.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to the appropriate congressional committees that—

(A) analyzes the accuracy of the information received from the Secretary; and

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) will be established, funded, and operational before the Secretary's certification is submitted.

(3) EFFECT OF GOVERNORS AFFIRMATION.—If a majority of the border governors indicate their agreement with the Secretary under paragraph (2)(B), the Secretary may submit the certification under subsection (a).

(f) CONGRESSIONAL REVIEW OF GOVERNORS AFFIRMATION.—

(1) IN GENERAL.—If a majority of the border governors do not submit a report under subsection (e)(2) that indicates agreement with the information received from the Secretary before the end of the 60-day period described in subsection (e)(2), subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented if, during the first 90-calendar day period of continuous session of the Congress after the end of such period, Congress passes a Joint Resolution of Immigration Enforcement expressing opposition to the certification submitted by the Secretary under subsection (a), in accordance with this subsection.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Joint Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the end of the 60-day period described in subsection (e)(2), a Joint Resolution of Immigration Enforcement shall be introduced (by request) in the Senate—

(I) by the Majority Leader or Minority Leader of the Senate; or

(II) if such resolution is not introduced as provided under subclause (II), by any Senator on the third day on which the Senate is in session after the end of such period.

(ii) REFERRAL.—Upon introduction, a Joint Resolution of Immigration Enforcement shall be referred jointly to each of the appropriate congressional committees by the President of the Senate. Upon the expiration of 60 days of continuous session after the end of the 60-day period described in subsection (e)(2), each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—After each committee to which a Joint Resolution of Immigration Enforcement has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Joint Resolution of Immigration Enforcement, the following procedures shall apply:

(i) The resolution shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this subsection.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of a Joint Resolution of Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—A Joint Resolution of Immigration Enforcement shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. At the time any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Joint Resolution of Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition by the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions originating in the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; and

(II) on any vote on final passage of a resolution originating in the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution originating in the House of Representatives.

(g) DEFINED TERM.—In this section, the term ''operational control'' means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1921. Mr. ALEXANDER (for himself, Mr. COCHRAN, and Mr. CORNYN) 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 379, between lines 21 and 22, insert the following:

Subtitle C—Strengthening American Citizenship

SECTION 716. SHORT TITLE.

This subtitle may be cited as the ''Strengthening American Citizenship Act of 2007''.

SEC. 717. DEFINITION.

In this subtitle, the term ''Oath of Allegiance'' means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section __31(a)(2).

CHAPTER 1—LEARNING ENGLISH

SEC. 718. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the ''Chief'') shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.''.

SEC. 719. SAVINGS PROVISION.

Nothing in this chapter shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section 725(b)).

CHAPTER 2—EDUCATION ABOUT THE AMERICAN WAY OF LIFE

SEC. 721. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section 722(a), for grants under this section.

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

SEC. 722. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. 723. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this chapter may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. 724. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this chapter and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this chapter and chapter 1 successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this chapter and chapter 1.

CHAPTER 3—CODIFYING THE OATH OF ALLEGIANCE

SEC. 725. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking ''under section 310(b) an oath'' and all that follows through ''personal moral code.'' and inserting ''under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e).''; and

(2) by adding at the end the following:

''(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

''(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

''(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

''(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

''(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

''(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

''(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

''(4) As used in this subsection, the term 'religious training and belief'—

''(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

''(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

''(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.''.

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

CHAPTER 4—CELEBRATING NEW CITIZENS

SEC. 726. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 727. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SA 1922. Mr. ALEXANDER 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 376, between lines 11 and 12, insert the following:

SEC. 711A. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SA 1923. Mr. ALEXANDER 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 376, strike lines 9 through 11, and insert the following:

(b) ASSESSMENT TOOLS.—The Director of the United States Citizenship and Immigration Services, in consultation with the Secretary of Education, shall develop valid and reliable assessment tools to measure the progress of individuals—

(1) in the acquisition of the English language under subsection (a); and

(2) in meeting any other English language requirements in this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Education such sums as are necessary to carry out the purposes of this section.

SA 1924. Mr. ALEXANDER 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 375, strike lines 25 through 34, and insert the following:

SEC. 710. HISTORY AND GOVERNMENT TEST.

(a) IN GENERAL.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance provided by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) into the history and government test given to applicants for citizenship.

(b) TEST REDESIGN.—The goals of any naturalization test redesign undertaken by the Office of Citizenship of the United States Citizenship and Immigration Services with respect to determining if a candidate for naturalization meets the requirements relating to the English language and the fundamentals of the history, and of the principles and

form of government, of the United States, under section 312 of the Immigration and Nationality Act, shall include that a candidate demonstrate—

(1) a sufficient understanding of the English language for usage in everyday life;

(2) an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

(3) an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

(4) an attachment to the principles of the Constitution of the United States and the well-being and happiness of the people of the United States; and

(5) an understanding of the rights and responsibilities of citizenship in the United States.

(c) REPORT.—The United States Citizenship and Immigration Service shall report to Congress on how the current test redesign is meeting the requirements described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) KEY DOCUMENTS.—The term ''key documents'' means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term ''key events'' means the critical turning points in the history of the United States , including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term ''key ideas'' means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term ''key persons'' means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

SA 1925. Mr. VOINOVICH 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 2, lines 8 and 9, strike ''based on analysis by and in consultation with the Comptroller General'' and insert the following: ''based on analysis by the Comptroller General, and in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives''.

SA 1926. Mr. DOMENICI (for himself, Mr. MARTINEZ, and Mrs. HUTCHISON) 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:

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern district of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

"Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	3
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5

"Districts	Judges
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SA 1927. Mr. CORNYN 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 117, line 4, insert '', even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements,'' after ''15 years''.

On Page 117, line 14, strike lines 14 beginning at and through page 118, line 8, and insert:

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting '',(c),'' after ''924(b)'' and by striking ''or'' at the end, and

(B) by adding at the end the following new clauses:

''(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

''(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);''; and

(7) by amending subparagraph (F) to read as follows:

''(F) either—

''(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

''(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

''(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

''(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

SEC. 203B. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

''(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(K) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(L) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.''; and

(2) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), and (L) of subsection (a)(2)'';

(B) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' in the next to last sentence and inserting ''if since the date of such admission the alien''; and

(C) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(b) DEPORTABILITY FOR CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

''(F) CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 119, lines 21 and 22, strike '', which is punishable by a sentence of imprisonment of five years or more''.

On page 121, beginning with line 15, through page 17, strike ''Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any'' and insert ''Any''.

On page 121, strike beginning line 8 then page 122. line 13.

On page 122, lines 10 through 13, strike ''The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.''.

On page 123, strike all text beginning at line 23 through page 128 line 25.

On page 562, strike lines 1 through 6, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

On page 563, strike lines 22 through page 564, line 3, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 564, line 14, strike ''(9)(C)(i)(I),''.

On page 565, line 11, strike ''section 212(a)(9)(C)(i)(II)'' and insert ''section 212(a)(9)(C)''.

On page 565, between lines 15 and 16, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 565, strike lines 16 through 22.

On page 567, between lines 13 and 14, insert:

(5) GOOD MORAL CHARACTER.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

On page 567, line 14 strike ''(5)'' and insert ''(6)''.

On page 569, line 22 strike ''(6)'' and insert ''(7)''.

On page 569, line 24 strike ''(7)'' and insert ''(8)''.

SA 1928. 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:

In the appropriate place at the end of section 1, insert the following at the end of section 1:

''(e) REDUCTION IN ILLEGAL IMMIGRATION.—the Secretary shall submit a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General as follows:

''(1) within 18 months of enactment that illegal immigration at the border is reduced by 50% and the current level of overstay by nonimmigrant visa holders is reduced by 50%; and

''(2) within 24 months of enactment that illegal immigration at the border is reduced by 65% and the current level of overstay by nonimmigrant visa holders is reduced by 65%; and

''(3) within 30 months of enactment that illegal immigration at the border is reduced by 75% and the current level of overstay by nonimmigrant visa holders is reduced by 75%; and

''(4) within 36 months of enactment that illegal immigration at the border is reduced by 90% and the current level of overstay by nonimmigrant visa holders is reduced by 90%; and

''(5) within 42 months that effective systems are in place to maintain a permanently secure border and prevent the overstay of nonimmigrant visa holders.''

SA 1929. Mr. DEMINT 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 7, line 21, strike ''(v) Implementation of programs authorized in titles IV and VI''.

SA 1930. Mr. COBURN (for himself, Mr. DEMINT, Mr. INHOFE, Mr. SESSIONS, Mrs. HUTCHISON, Mr. VITTER, and Mr. GRASSLEY) 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 1, strike line 3 and all that follows through page 6, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—With the exception of the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that subsections (e) through (i) have been fulfilled and after the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109–13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as directed by Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act, and as further amended by this Act, have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, the programs described in the matter preceding paragraph (1) of subsection (a) shall not be implemented unless, during the first 90-calendar day period of continuous session of Congress after the receipt of notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of such resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the

case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.'',

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SA 1931. Mr. COBURN 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:.

SEC. ___. PROHIBITION ON WELFARE BENEFITS FOR ILLEGAL ALIENS.

Notwithstanding section 602(a)(6), in no event shall a Z nonimmigrant, as that term is defined in subsection (r) of the first section 601 (contained in title VI relating to nonimmigrants in the United States previously in unlawful status), or an alien granted probationary benefits under subsection (h) of such section 601 be eligible for assistance under the designated Federal program described in section 402(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)(A)) before the date that is 5 years after the date on which the alien's status is adjusted under this section to that of an alien lawfully admitted for permanent residence.

SA 1932. Mr. ISAKSON (for himself and Mr. CHAMBLISS) 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 268, strike line 6 and all that follows through page 261, line 13, and insert the following:

''(2) PREEMPTION.—This section preempts any State or local law that—

''(A) requires the use of the EEVS in a manner that—

''(i) conflicts with any Federal policy, procedure, or timetable; or

''(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

''(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

''(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seek- ing employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority; or

''(ii) shall carry out any other activity to facilitate the employment by others of—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the prope of the entity for the purpose of seek- ing employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority.''.

SA 1933. Mr. BROWNBACK 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:

In section 601(h), strike paragraphs (1) and (2), and insert the following:

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status may, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted and completed appropriate background checks, to include name and fingerprint checks, that do not produce information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks.

SA 1934. Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the bill, add the following:

TITLE ___—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

Subtitle A—Z Nonimmigrants

SEC. _00. REPEAL OF TITLE VI.

Title VI of this Act is repealed and the amendments made by title VI of this Act are null and void.

SEC. _01. Z NONIMMIGRANTS.

(a) IN GENERAL.—Notwithstanding section 244(h) of the Immigration and Nationality Act (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or a dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this title.

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following:

''(Z) subject to title ____ 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 1, 2007, 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 1, 2007, 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 is described in clause (i) or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) such spouse has been battered or subjected to extreme cruelty by such alien; 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 1, 2007, and was born to or legally adopted by at least one 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 present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days, or more than 180 days in the aggregate, shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—

(A) IN GENERAL.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(i) is inadmissible to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), provided that to be deemed inadmissible, nothing in this paragraph shall require the Secretary to have commenced removal proceedings against an alien;

(ii) subject to subparagraph (B), is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(iii) subject to subparagraph (B), is described in or is subject to section 241(a)(5) of such Act (8 U.S.C. 1231(a)(5));

(iv) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(v) is an alien—

(I) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense (as described in section 101(h) of such Act (8 U.S.C. 1101(h))) outside the United States before arriving in the United States; or

(II) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States;

(vi) has been convicted of—

(I) a felony;

(II) an aggravated felony (as defined in section 101(a)(43) of such Act);

(III) 3 or more misdemeanors under Federal or State law; or

(IV) a serious criminal offense (as described in section 101(h) of such Act);

(vii) has entered or attempted to enter the United States illegally on or after January 1, 2007; or

(viii) is an applicant for Z–2 nonimmigrant status, or is under 18 years of age and is an applicant for Z–3 nonimmigrant status, and the principal Z–1 nonimmigrant or Z–1 nonimmigrant status applicant is ineligible.

(B) WAIVER.—The Secretary may, in the Secretary's discretion, waive ineligibility under clause (ii) or (iii) of subparagraph (A) if the alien has not been physically removed from the United States and if the alien demonstrates that the alien's departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child.

(C) CONSTRUCTION.—Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)(i)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of such Act (relating to criminals);

(II) section 212(a)(3) of such Act (relating to security and related grounds);

(III) with respect to an application for Z nonimmigrant status, section 212(a)(6)(C)(i) of such Act;

(IV) paragraph (6)(A)(i) of section 212(a) of such Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II) of such Act; or

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of such Act (relating to polygamists, child abductors, and unlawful voters); and

(iii) the Secretary may, in the Secretary's discretion, waive the application of any provision of section 212(a) of such Act not listed in clause (ii) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of such Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(1) ELIGIBILITY.—The alien does not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien is not inadmissible as a nonimmigrant to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided in subsection (d)(2) of this section, regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 nonimmigrant status, Z–2 nonimmigrant status, or Z–3 nonimmigrant status, the alien shall—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be, on January 1, 2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) IN GENERAL.—An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(ii) FEE FOR EXTENSION APPLICATION.—An alien applying for extension of the alien's Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but not more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) IN GENERAL.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) DERIVATIVE STATUS.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a $500 penalty for each alien seeking Z–2 nonimmigrant status or Z–3 nonimmigrant status derivative to such applicant for Z–1 nonimmigrant status.

(iii) CHANGE OF Z NONIMMIGRANT CLASSIFICATION.—An alien who is a Z–2 nonimmigrant or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by subsection (w) of such section 286, as added by section 402.

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by subsection (x) of such section 286.

(6) HOME APPLICATION.—

(A) IN GENERAL.—An alien granted probationary status under subsection (h) shall not be eligible for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status until the alien has completed the following home application requirements:

(i) SUBMISSION OF SUPPLEMENTAL CERTIFICATION.—An alien awarded probationary status who seeks Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall, within 2 years of being awarded a secure ID card under subsection (j), perfect the alien's application for such nonimmigrant status at a United States consular office by submitting a supplemental certification in person in accordance with the requirements of this subparagraph.

(ii) CONTENTS OF SUPPLEMENTAL CERTIFICATION.—An alien in probationary status who is seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall certify, in addition to any other certifications specified by the Secretary, that the alien has during the period of the alien's probationary status remained continuously employed in accordance with the requirements of subsection (m) and has paid all tax liabilities owed by the alien pursuant to the procedures set forth in section 602(h). The probationary status of an alien making a false certification under this subparagraph shall be terminated pursuant to subsection (o)(1)(G).

(iii) PRESENTATION OF SECURE ID CARD.—The alien shall present the alien's secure ID card at the time the alien submits the supplemental certification under clause (i) at the United States consular office. The alien's secure ID card shall be marked or embossed with a designation as determined by the Secretary of State and the Secretary of Homeland Security to distinguish the card as satisfying all requirements for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status.

(iv) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall file the supplemental certification described in clause (ii) at a consular office in the alien's country of origin. A consular office in a country that is not the alien's country of origin as a matter of discretion may, or at the direction of the Secretary of State shall, accept a supplemental certification from such an alien.

(B) EFFECT OF FAILURE TO COMPLY.—The probationary status of an alien seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to complete the requirements of this paragraph shall be terminated in accordance with subsection (o)(1)(G).

(C) EXEMPTION.—Subparagraph (A) shall not apply to an alien who, on the date on which the alien is granted a secure ID card under subsection (j), is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(D) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (C), an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to depart and reenter the United States in accordance with subparagraph (A) may not be issued a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant visa under this section.

(E) DEPENDENTS.—An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status shall be awarded such status upon satisfaction of the requirements set forth in subparagraph (A) by the principal Z–1 or Z–A nonimmigrant. An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status and whose principal Z–1 or Z–A nonimmigrant fails to satisfy the requirements of subparagraph (A) may not be issued a Z–3 or minor Z–A dependent nonimmigrant visa under this section unless the principal Z–1 alien is exempted under subparagraph (C).

(7) INTERVIEW.—An applicant for Z nonimmigrant status shall appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610, the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning not more than 180 days after the date of the enactment of this Act. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may, in the Secretary's discretion, extend the period for accepting applications by not more than 1 year.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status shall submit biometric data in accordance with procedures established by the Secretary.

(4) HOME APPLICATION.—No alien may be awarded Z nonimmigrant status until the alien has completed the home application requirements set forth in subsection (e)(6).

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary shall create an application form that an alien shall be required to complete as a condition of obtaining probationary status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including—

(i) information concerning the alien's physical and mental health;

(ii) complete criminal history, including all arrests and dispositions;

(iii) gang membership or renunciation of gang affiliation;

(iv) immigration history;

(v) employment history; and

(vi) claims to United States citizenship.

(B) STATUS.—An alien applying for Z nonimmigrant status shall be required to specify on the application whether the alien ultimately seeks to be awarded Z–1, Z–2, or Z–3 nonimmigrant status.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not award Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) shall be granted probationary status in the form of employment authorization pending final adjudication of the alien's application;

(B) may, in the Secretary's discretion, receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY STATUS.—No alien may be granted probationary status until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY CARD.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in that paragraph. The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary status and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire not later than 6 months after the date on which the Secretary begins to issue secure ID cards under subsection (j).

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of the enactment of this Act and the date on which the period for initial registration closes under subsection (f)(2), and the alien is able to establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of a secure ID card, as described in subsection (j), to an applicant for Z nonimmigrant status who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or

study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under subsection (x) of section 286 of the Immigration and Nationality Act, as added by section 402, shall within 90 days of the enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of the Internal Revenue Code of 1986, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (A) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center; and

(v) remittance records.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of subparagraph (A), the term ''applicable Federal tax liability'' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been met; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(4) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(5) DENIAL OF APPLICATION.—

(A) IN GENERAL.—An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have the alien's application denied and may not file additional applications.

(B) FAILURE TO SUBMIT INFORMATION.—An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except if the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have the alien's application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) SECURE ID CARD EVIDENCING STATUS.—

(1) IN GENERAL.—Documentary evidence of status shall be issued to each Z nonimmigrant.

(2) FEATURES OF SECURE ID CARD.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that may be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title III; and

(E) shall be issued to the Z nonimmigrant by the Secretary promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years beginning on the date on which the alien is first issued a secure ID card under subsection (j).

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(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)) 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). The alien may make up to 3 attempts to demonstrate such understanding and knowledge, but shall satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirements of subclauses (I) and (II) 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—

(aa) is unable because of physical or developmental disability or mental impairment to meet the requirements of such subclauses;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 nonimmigrant status or Z–3 nonimmigrant status, an alien shall demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent period of authorized admission as of the date of application.

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that shall be completed to the satisfaction of the Secretary before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of a period of authorized admission under this paragraph, or a change of status to another Z nonimmigrant status under subsection (l), may not be approved for an applicant who failed to maintain Z nonimmigrant status or if such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized admission expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized admission expired, if it is demonstrated at the time of filing that—

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated the alien's Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z–1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z–1 nonimmigrant, and who is changing to Z–1 nonimmigrant status, may be exempted by the Secretary, in the Secretary's discretion, from the requirements under subsection (m) for a period of up to 180 days; and

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant

shall not be eligible to extend such nonimmigrant status if—

(i) the alien has violated any term or condition of the alien's Z nonimmigrant status, including failing to comply with the change of address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305);

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z–2 nonimmigrant or a Z–3 nonimmigrant, the principal alien's Z–1 nonimmigrant status has been terminated.

(l) CHANGE OF STATUS.—

(1) CHANGE FROM Z NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(B) CHANGE FROM Z–A STATUS.—A Z–A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act, as added by section 631.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365-day period. The Secretary may, in the Secretary's discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to Z nonimmigrant status.

(m) EMPLOYMENT.—

(1) Z–1 AND Z–3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z–1 nonimmigrants and Z–3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this title shall not apply to an alien who is under 16 years or over 65 years of age. A Z–1 nonimmigrant or Z–3 nonimmigrant between 16 and 65 years of age, or an alien in probationary status between 16 and 65 years of age who is seeking to become a Z–1 or Z–3 nonimmigrant, shall remain continuously employed full time in the United States as a condition of such nonimmigrant status, except if—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z–2 NONIMMIGRANTS.—Z–2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—An alien who has been issued a secure ID card under subsection (j) and who is in probationary status or is a Z nonimmigrant—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if—

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set out in subsection (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status shall establish that such alien is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of this Act have been exhausted or waived by the alien;

(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

(ii) the alien becomes inadmissible under section 212 of such Act (8 U.S.C. 1227) (except as provided in subsection (d)(2)); or

(iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa, in probationary status, or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 nonimmigrant or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated;

(F) with respect to an alien in probationary status, the alien's application for Z nonimmigrant status is denied; or

(G) with respect to an alien awarded probationary status who seeks to become a Z nonimmigrant or a Z–A nonimmigrant, the alien fails to complete the home application requirement set forth in subsection (e)(6) within 2 years of receiving a secure ID card.

(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(3) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z–2 nonimmigrant or Z–3 nonimmigrant dependents, shall depart the United States immediately.

(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(p) REVOCATION.—If, at any time after an alien has obtained status under this section, but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary of Homeland Security may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under this section, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2-year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z nonimmigrant classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top 5 principal languages, as determined by the Secretary in the Secretary's discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title:

(1) Z NONIMMIGRANT.—The term ''Z nonimmigrant'' means an alien admitted to the United States under subparagraph (Z) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as added by subsection (b). The term does not include aliens granted probationary benefits under subsection (h) or whose applications for nonimmigrant status under such subparagraph (Z) have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT.—The term ''Z–1 nonimmigrant'' means an alien admitted to the United States under clause (i) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(3) Z–A NONIMMIGRANT.—The term ''Z–A nonimmigrant'' means an alien admitted to the United States under subparagraph (Z-A) of section 101(a)(15) of the Immigration and Nationality Act, as added by section 631.

(4) Z–2 NONIMMIGRANT.—The term ''Z–2 nonimmigrant'' means an alien admitted to the United States under clause (ii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(5) Z–3 NONIMMIGRANT.—The term ''Z–3 nonimmigrant'' means an alien admitted to the United States under clause (iii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SEC. __02. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) Z–1 NONIMMIGRANTS.—

(1) PROHIBITION ON IMMIGRANT VISA.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202).

(2) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–1 nonimmigrant may be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence.

(3) REQUIREMENTS.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon

satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502, the following requirements:

(A) STATUS.—The alien must be in valid Z–1 nonimmigrant status.

(B) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(C) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of such Act, except for those grounds previously waived under subsection (d)(2) of section 601.

(D) FEES AND PENALTIES.—In addition to the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 nonimmigrant who is the head of household shall pay a $4,000 penalty at the time of submission of any immigrant petition on the alien's behalf, regardless of whether the alien submits such petition on the alien's own behalf or the alien is the beneficiary of an immigrant petition filed by another party.

(b) Z–2 AND Z–3 NONIMMIGRANTS.—

(1) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant who is under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(2) ADJUSTMENT OF STATUS.—

(A) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–2 nonimmigrant or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(B) REQUIREMENTS.—A Z–2 nonimmigrant or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(i) STATUS.—The alien must be in valid Z–2 nonimmigrant or Z–3 nonimmigrant status.

(ii) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(iii) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except for those grounds previously waived under subsection (d)(2) of section 601.

(iv) FEES.—The alien must pay the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa.

(c) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—The grounds of inadmissibility not applicable under subsection (d)(2) of section 601 shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this section.

(d) APPLICATION OF OTHER LAW.—In processing applications under this section on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply—

(1) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(2) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(e) BACK OF THE LINE.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153) that were filed before May 1, 2005.

(f) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(g) MEDICAL EXAMINATION.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(h) PAYMENT OF INCOME TAXES.—

(1) IN GENERAL.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of Z nonimmigrant status by establishing that—

(A) no such tax liability exists;

(B) all outstanding liabilities have been paid; or

(C) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(A) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(B) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for a benefit under this section.

(i) DEPOSIT OF FEES.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(j) DEPOSIT OF PENALTIES.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under subsection (w) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 402.

SEC. __03. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subsection (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under this Act.

(3) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection (h) of section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as added by subsection (c), as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (II) of subsection 601(d)(1)(A)(vi) because the alien has been convicted of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))) may be placed forthwith in proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (I), (III), or (IV) of section 601(d)(1)(A)(vi) may be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of subsection (h)(3)(C) of section 242 of the Immigration and Nationality Act, as added by subsection (c), and shall represent the exhaustion of all review procedures for purposes of subsection (h) or (o) of section 601, notwithstanding subsection (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or Attorney General's

decision whether to consider any such motion is committed to the discretion of the Secretary or the Attorney General, as appropriate.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER THE SECURE BORDERS, ECONOMIC OPPORTUNITY AND IMMIGRATION REFORM ACT OF 2007.—

''(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, including, without limitation, a denial, termination, or rescission of such status.

''(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 beyond the period for receipt of such applications established by section __01(f) of that Act. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

''(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS.—A denial, termination, or rescission of status under section __01 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that—

''(A) the venue provision set forth in subsection (b)(2) shall govern;

''(B) the deadline for filing the petition for review in subsection (b)(1) shall control;

''(C) the alien has exhausted all administrative remedies available to the alien as of right, including the timely filing of an administrative appeal pursuant to section __03(a) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

''(E) notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

''(F) an alien may file not more than 1 motion to reopen or to reconsider in proceedings brought under this section.

''(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary of Homeland Security's denial, termination, or rescission of status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 relating to any alien shall be based solely upon the administrative record before the Secretary when the Secretary enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

''(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

''(A) IN GENERAL.—Any claim that title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement such title, violates the Constitution of the United States or is otherwise in violation of law, is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under such title from asserting that an action taken or decision made by the Secretary with respect to the applicant's status under such title was contrary to law in a proceeding under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and subsection (b)(2) of this section.

''(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph—

''(i) shall, if it asserts a claim that title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement such title violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the date of the publication or promulgation of the challenged regulation, policy, or directive or, in cases challenging the validity of such Act, not later than 1 year after the date of the enactment of such Act; and

''(ii) shall, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

''(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with the Class Action Fairness Act of 2005 (Public Law 109–2; 119 Stat. 4), the amendments made by that Act, and the Federal Rules of Civil Procedure.

''(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of this Act.''.

SEC. __04. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section __01 and __02, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section __01 and __02 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections __01 and __02, any application to extend such status under section __01(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section __02, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section __02, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections __01 or __02 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections __01 or __02, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section __01 or __02 are references to sections __01 and __02 of this Act and the amendments made by those sections.

SEC. __05. EMPLOYER PROTECTIONS.

(a) IN GENERAL.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title ___, or under the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. __06. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the prompt enumeration of a social security account number after the Secretary has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. __07. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following:

''(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

''(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. __08. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) PROCEDURES.—The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in section __01(e)(5)(B) and section __02(a)(3)(D) through an installment payment plan.

(b) USE.—Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) Such penalties shall be credited as offsetting collections to appropriations provided pursuant to section __11 for the fiscal year in which this Act is enacted and the subsequent fiscal year.

(2) Such penalties shall be deposited and remain available as otherwise provided under this title.

SEC. __09. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud, or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for eligibility for an immigration benefit described in subsection (a) may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. __10. RULEMAKING.

(a) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule within 6 months of the date of the enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset 2 years after issuance unless the Secretary issues a final rule within 2 years of the issuance of the interim final rule.

(b) EXEMPTION.—The exemption provided under this section shall sunset not later than 2 years after the date of the enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. __11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections __01 and __02.

Subtitle B—Dream Act

SEC. __20. SHORT TITLE.

This subtitle may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. __21. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. __22. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary of Homeland Security may beginning on the date that is 3 years after the date of the enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been granted probationary or Z nonimmigrant status if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of the enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) subject to paragraph (2), the alien has not abandoned the alien's residence in the United States;

(D) the alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge;

(E) the alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) the alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(2) ABANDONMENT.—The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has

been granted probationary or Z nonimmigrant status and has satisfied the requirements of paragraphs (A) through (F) of subsection (a)(1) shall beginning on the date that is 8 years after the date of the enactment of this Act be considered to have satisfied the requirements of section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1427(a)(1)).

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. __23. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. __24. HIGHER EDUCATION ASSISTANCE.

(a) INAPPLICABILITY OF OTHER LAWS.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who has been granted probationary or Z nonimmigrant status.

(b) ASSISTANCE.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section 622(a)(1), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV, subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV, subject to the requirements of such part.

(3) Services under such title IV, subject to the requirements for such services.

SEC. __25. DELAY OF FINES AND FEES.

(a) IN GENERAL.—Payment of the penalties and fees specified in section __01(e)(5) shall not be required with respect to an alien who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section __22(a)(1) until the date that is 6 years and 6 months after the date of the enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section __22(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section __22(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section __01(e)(5) consistent with the procedures set forth in section __08 within 90 days.

(b) REFUNDS.—With respect to an alien who meets the eligibility criteria set forth in subparagraphs (A) and (F) of section __22(a)(1), but not the eligibility criteria in section __22(a)(1)(B), the individual who pays the penalties specified in section __01(e)(5) shall be entitled to a refund when the alien makes all the demonstrations specified in section __22(a)(1).

SEC. __26. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section __22;

(2) the number of aliens who applied for adjustment of status under section __22; and

(3) the number of aliens who were granted adjustment of status under section __22.

SEC. __27. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary of Homeland Security shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

Subtitle C—Agricultural Workers

SEC. __30. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2007'' or the ''AgJOBS Act of 2007''.

PART I—ADMISSION

SEC. __31. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section __01(b), is further amended by adding at the end the following new subparagraph:

''(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A; or

''(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.''.

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following:

''SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

''(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

''(B) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by such Act.

''(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

''(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

''(8) Z–A DEPENDENT VISA.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(ii).

''(9) Z–A VISA.—The term 'Z–A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

''(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

''(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

''(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is issued a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

''(3) AUTHORIZED TRAVEL.—An alien who is issued a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

''(c) QUALIFICATIONS.—

''(1) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, issued a Z–A visa to an alien if the Secretary determines that the alien—

''(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

''(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

''(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

''(E) meets the requirements of paragraph (3).

''(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall issue a Z–A dependent visa to an alien who is—

''(A) described in section 101(a)(15)(Z–A)(ii);

''(B) meets the requirements of paragraph (3); and

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

''(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

''(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

''(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

''(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

''(B) WAIVER OF OTHER GROUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

''(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

''(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

''(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

''(d) APPLICATION.—

''(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

''(2) SUBMISSION.—Applications for a Z–A visa under paragraph (1) may be submitted—

''(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

''(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

''(3) PROOF OF ELIGIBILITY.—

''(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

''(B) DOCUMENTATION OF WORK HISTORY.—

''(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (j) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

''(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

''(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

''(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

''(A) REQUIREMENTS.—Each qualified designated entity shall agree—

''(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

''(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

''(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

''(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

''(5) APPLICATION FEES.——

''(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

''(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

''(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

''(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order.

''(7) TREATMENT OF APPLICANTS.—

''(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependant visa, on the date described in subparagraph (B)—

''(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

''(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

''(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

''(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which the alien's application for a Z–A visa is denied.

''(B) TIMING OF PROBATIONARY BENEFITS.—

''(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under this subsection, including any evidence required under this subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

''(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

''(II) the end of the next business day after the date that the Secretary receives the alien's application for a Z–A visa.

''(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

''(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may, by regulation, establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

''(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

''(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

''(A) BEFORE APPLICATION PERIOD.—Beginning on the date of the enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(e) NUMERICAL LIMITATIONS.—

''(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas.

''(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa

issued against the numerical limitation described in paragraph (1).

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—

''(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

''(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

''(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

''(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

''(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

''(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

''(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

''(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

''(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

''(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien issued a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien issued a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

''(3) TERMS OF EMPLOYMENT.—

''(A) PROHIBITION.—No alien issued a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

''(B) TREATMENT OF COMPLAINTS.—

''(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens issued a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

''(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

''(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is issued a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

''(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

''(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

''(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

''(4) RECORD OF EMPLOYMENT.—

''(A) IN GENERAL.—Each employer of an alien who is issued a Z–A visa shall annually—

''(i) provide a written record of employment to the alien; and

''(ii) provide a copy of such record to the Secretary.

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien issued a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(i) TERMINATION OF A GRANT OF Z–A VISA.—

''(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa issued to an alien only if the Secretary determines that the alien is deportable.

''(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

''(A) the Secretary finds, by a preponderance of the evidence, that the issuance of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

''(iv) in the case of an alien issued a Z–A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

''(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien issued a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

''(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

''(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien issued a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

''(A) QUALIFYING EMPLOYMENT.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

''(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of the AgJOBS Act of 2007; or

''(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of enactment.

''(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 workdays during 3 years of those 4 years and at least 100 workdays during the remaining year, during the 4-year period beginning on such date of enactment.

''(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

''(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

''(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

''(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

''(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

''(i) the record of employment described in subsection (h)(4); or

''(ii) such documentation as may be submitted under subsection (d)(3).

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) renew the alien's Z visa status as described in section 601(k)(2).

''(D) FINE.—The alien pays to the Secretary a fine of $400.

''(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

''(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

''(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

''(4) GROUNDS FOR REMOVAL.—Any alien granted Z–A visa status who does not apply for adjustment of status or renewal of Z status under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

''(5) PAYMENT OF TAXES.—

''(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all such outstanding tax liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

''(6) ENGLISH LANGUAGE.—

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section __01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, a Z–A nonimmigrant who is 18 years of age or older shall pass the naturalization test described in paragraph (1) and (2) of section 312(a).

''(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—

''(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

''(ii) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

''(iii) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

''(7) PRIORITY OF APPLICATIONS.—

''(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

''(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

''(C) CONSULAR APPLICATION.—

''(i) IN GENERAL.—A Z–A nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence shall be filed in person with a United States consulate abroad.

''(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. The Secretary of State shall direct a consular office in a country that is not a Z–A nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, where the Z–A nonimmigrant's country of origin is not contiguous to the United States, and as consular resources make possible.

''(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this section shall be afforded confidentiality as provided under section __04 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(l) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—Any person who—

''(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–54) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (b) or an adjustment of status under subsection (j).

''(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

''(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.''.

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by this Act, is further amended—

(A) in subparagraph (A), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (N)''; and

(B) by adding at the end the following:

''(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.''.

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of such Act (8 U.S.C. 1152) is amended by adding at the end the following:

''(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.''.

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

''Sec. 214A. Admission of agricultural workers.''.

SEC. __32. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

''(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking

nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status.

''(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.''.

SEC. _33. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle and the amendments made by this subtitle, including any sums needed for costs associated with the initiation of such implementation.

SEC. _34. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

SEC. ___. ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.

(a) IN GENERAL.—Section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by section 601(b), is amended to read as follows:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

''(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(II) is employed, and seeks to continue performing labor, services, or education; and

''(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

''(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

''(bb) the amount of cumulative time the applicant has lived in the United States;

''(cc) whether the applicant owns property in the United States;

''(dd) whether the applicant owns a business in the United States;

''(ee) the extent to which the applicant knows the English language;

''(ff) the applicant's work history in the United States;

''(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

''(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

''(ii) whether the applicant has been convicted of criminal activity in the United States; and

''(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

''(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

''(II) was, during the 2-year period ending on 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 and was born to, or legally adopted by, a parent described in clause (i).''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary shall use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by subsection (a).

(c) ADDITIONAL Z NONIMMIGRANT ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any provision of section 601(e), an alien is not eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I) of the Immigration and Nationality Act unless—

(A) the alien was physically present in the United States on the date that is 4 years before the date of the enactment of this Act and has maintained physical presence in the United States since that date; and

(B) the alien was, on the date that is 4 years before the date of the enactment of this Act, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) TREATMENT OF APPLICANTS.—Notwithstanding any provision of section 601(h), an alien who files an application for Z nonimmigrant status shall submit sufficient evidence that the alien resided in the United States for not less than 4 years before the date of the enactment of this Act before receiving any benefit under section 601(h).

(3) APPLICATION.—Notwithstanding any provision of section 602(a)(1), a Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SEC. ___. PROHIBITION ON ADJUSTMENT OF STATUS FOR Z NONIMMIGRANTS.

Notwithstanding any provision of section 602—

(1) a Z nonimmigrant may not be issued an immigrant visa pursuant to section 221 or 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202); and

(2) the status of a Z nonimmigrant may not be adjusted to that of an alien lawfully admitted for permanent residence.

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

(a) PREFERENCE CATEGORIES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c) of this Act, is further amended to read as follows:

''(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted immigrant visas as follows:

''(1) PARENTS OF A CITIZEN OF THE UNITED STATES IF THE CITIZEN IS AT LEAST 21 YEARS OF AGE.—Qualified immigrants who are the parents of a citizen of the United States if the citizen at least 21 years of age shall be allocated immigrant visas in a number not to exceed the sum of—

''(A) 90,000; and

''(B) the number of visas not required for the classes specified in paragraph (3).

''(2) SPOUSES OR CHILDREN OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR A NATIONAL.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States (as defined in section 101(a)(22)(B)) who is resident in the United States shall be allocated immigrant visas in a number not to exceed the sum of—

''(A) 87,000; and

''(B) the number of visas not required for the class specified in paragraph (1).

''(3) FAMILY-SPONSORED IMMIGRANTS WHO ARE BENEFICIARIES OF FAMILY-BASED VISA PETITIONS FILED BEFORE MAY 1, 2005.—Immigrant visas totaling 440,000 shall be allotted as follows:

''(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

''(i) 70,400; and

''(ii) the number of visas not required for the class specified in subparagraph (D).

''(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the sum of—

''(i) 110,000; and

''(ii) the number of visas not required for the class specified in subparagraph (A).

''(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

''(i) 70,400; and

''(ii) the number of visas not required for the classes specified in subparagraphs (A) and (B).

''(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the sum of—

''(i) 189,200; and

''(ii) the number of visas not required for the classes specified in subparagraphs (A), (B), and (C).''.

(b) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b) of this Act, is amended to read as follows:

''(s) PARENT VISITOR VISAS.—

''(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating

satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

''(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

''(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

''(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

''(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

''(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

''(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

''(B) shall, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

''(C) may not be issued employment authorization by the Secretary or be employed.

''(4) PERMANENT BARS FOR OVERSTAYS.—

''(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

''(i) asylum under section 208(a);

''(ii) withholding of removal under section 241(b)(3); or

''(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

''(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

''(ii) the alien has not otherwise violated his or her nonimmigrant status.

''(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y–1 nonimmigrant sponsor of an alien—

''(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

''(B) who remains in the United States beyond his or her authorized period of admission,

shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

''(6) CONSTRUCTION.—Except as specifically provided in this subsection, nothing in this subsection may be construed to make inapplicable—

''(A) the requirements for admissibility and eligibility; or

''(B) the terms and conditions of admission as a nonimmigrant under section 101(a)(15)(B).''.

SEC. ___. REDUCING CHAIN MIGRATION AND PERMITTING PETITIONS BY NATIONALS.

(a) PREFERENCE CATEGORIES.—Section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c), is further amended—

(1) by striking ''not to exceed'' and inserting ''equal to''; and

(2) by adding at the end the following: ''If the number of visas issued pursuant to this paragraph is fewer than 87,000, such unused visas may be available for visas issued pursuant to paragraph (1).''.

(b) PARENT VISITOR VISAS.—Section 214(s)(4) of the Immigration and Nationality Act, as added by section 506(b), is amended by striking ''7 percent'' each place it appears and inserting ''5 percent''.

SEC. ___. EFFECT OF EXTENDED FAMILY ON MERIT-BASED EVALUATION SYSTEM.

Section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502(b)(1), is amended by striking the merit-based evaluation system set forth in all the matter relating to ''Extended family'' and insert the following:

Extended family	Adult (21 or older) son or daughter of a United States citizen – **10 points** Adult (21 or older) son or daughter of a legal permanent resident – **10 points** Sibling of a United States citizen or legal permanent resident – **10 points** If an alien had applied for a family visa in any of the above categories after May 1, 2005 – **5 points**	**15** ....
Total		**105**

SEC. ___. IDENTIFICATION CARD STANDARDS.

(a) REPEAL.—Section 306 of this Act is repealed.

(b) LIMITATION.—Notwithstanding any other provision of this Act or the amendments made by this Act—

(1) no Federal agency may require that a driver's license or personal identification card meet the standards specified under the REAL ID Act of 2005 (division B of Public Law 109–13) to establish employment authorization or identity in order to be hired by an employer; and

(2) no Federal funds may be provided under this Act to assist States to meet such standards to establish employment authorization or identity in order to be hired by an employer.

TITLE ___—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. _01. REPEAL OF TITLE III.

Title III of this Act is repealed and the amendments made by title III of this Act are null and void.

SEC. _02. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

''SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

''(1) IN GENERAL.—It is unlawful for an employer—

''(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, an individual for employment in the United States, unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing, or with reckless disregard for the fact that, the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—

''(A) IN GENERAL.—It is unlawful for an employer to obtain, or continue to obtain, the labor of an alien through a contract, subcontract, or exchange knowing that the alien is, or has become, an unauthorized alien with respect to such employment.

''(B) REBUTTABLE PRESUMPTION.—There shall be a rebuttable presumption that the employer has violated subparagraph (A) if the employer fails to terminate such contract or subcontract upon written or electronic notice from the Secretary that such alien is, or has become, an unauthorized alien with respect to such employment.

''(C) NOTIFICATION.—The Secretary shall establish procedures to permit the notification of employers under subparagraph (B).

''(4) DEFENSE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

''(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

''(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

''(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

''(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

''(A) the employer is in compliance with the requirements of subsections (c) and (d); or

''(B) that the employer has instituted a program to come into compliance with such requirements.

''(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

''(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

''(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States, shall verify that the individual is eligible for such employment by meeting the following requirements:

''(1) ATTESTATION BY EMPLOYER.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

''(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

''(i) in the case of an individual who is a national of the United States—

''(I) a United States passport, or passport card issued pursuant to the Secretary of State's authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

''(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that—

''(aa) contains a photograph of the individual and other identifying information, including the individual's name, date of birth, gender, and address; and

''(bb) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

''(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary that meets the requirements of items (aa) and (bb) of clause (i)(II);

''(iii) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary that meets the requirements of such items (aa) and (bb); or

''(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that meets the requirements of such items (aa) and (bb).

''(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

''(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

''(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized to be hired, or to be recruited or referred for a fee, in the United States.

''(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

''(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraphs (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 5 years after the date of such hiring;

''(ii) 1 year after the date the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

''(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

''(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

''(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary, the Secretary of State, the Commissioner of Social Security, or the official of a State responsible for issuing drivers' licenses and identity cards; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—

''(A) NEW EMPLOYEES.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is not later than 18 months after the date of enactment of this section.

''(B) OTHER EMPLOYEES.—Not later than 3 years after such date of enactment, the Secretary shall require all employers to verify through the System the identity and employment eligibility of any individual who—

''(i) the Secretary has reason to believe is unlawfully employed based on the information received under section 6103(l)(21) of the Internal Revenue Code of 1986; and

''(ii) has not been previously verified through the System.

''(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

''(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

''(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of this section—

''(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

''(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

''(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (2) or (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(iv).

''(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

''(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

''(A) the attestation requirement in subsection (c); and

''(B) the employment eligibility verification requirements in this subsection.

''(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

''(8) DESIGN AND OPERATION OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

''(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

''(B) INITIAL INQUIRY.—

''(i) INFORMATION REQUIRED.—A registered employer shall with respect to hiring or recruiting or referring for a fee any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

''(I) the individual's name and date of birth;

''(II) the individual's social security account number;

''(III) the identification number contained on the document presented by the individual pursuant to subsection (c)(1)(B); and

''(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

''(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

''(I) not earlier than the date of hire and no later than the first day of employment, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired before such employer was required to participate in the system, at such time as the Secretary shall specify.

''(C) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

''(D) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under subparagraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

''(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under subparagraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

''(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(ii) not later than 10 days after receiving the notice from the individual's employer.

''(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii) or a final confirmation notice or final nonconfirmation notice is issued through the System.

''(vi) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

''(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of error or fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(vii) PROHIBITION ON TERMINATION.—An employer may not terminate such employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of such employment for any reason other than such tentative nonconfirmation.

''(viii) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

''(ix) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall immediately terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

''(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

''(II) a determination of whether the individual is authorized to be employed in the United States.

''(ii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

''(iii) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

''(I) information about the reason for such notice;

''(II) the right to contest such notice;

''(III) contact information for the appropriate agency and instructions for initiating such contest; and

''(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

''(iv) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

''(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

''(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(I) and transmit to the Secretary the related photographic image or other identifying information.

''(H) RESPONSIBILITIES OF A STATE.—The official responsible for issuing drivers' licenses and identity cards for a State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(II) and transmit to the Secretary the related photographic image or other identifying information.

''(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(10) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 30 days after the date of such termination, file an appeal of such notice.

''(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

''(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine whether the final nonconfirmation notice issued for the individual was the result of—

''(i) the decision rules, processes, or procedures utilized by the System;

''(ii) a natural disaster, or other event beyond the control of the government;

''(iii) acts or omissions of an employee or official operating or responsible for the System;

''(iv) acts or omissions of the individual's employer;

''(v) acts or omissions of the individual; or

''(vi) any other reason.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was caused by a negligent, reckless, willful, or malicious act of the government, and was not due to an act or omission of the individual, the Secretary, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under this paragraph and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a confirmation described in subparagraph (C).

''(11) JUDICIAL REVIEW.—

''(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 30 days after the date of such decision, or such further time as the Secretary may allow.

''(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

''(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under paragraph (10) and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a reversal described in clause (i).

''(12) COMPENSATION FOR LOSS OF EMPLOYMENT.—For purposes of paragraphs (10) and (11)—

''(A) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was not present in, or was ineligible for employment in, the United States.

''(B) AUTHORIZATION OF APPROPRIATION OF FUNDS.—There is authorized to be appropriated such sums as may be necessary to provide the compensation or reimbursement provided for under such paragraphs. An appropriation made pursuant to this authorization shall be in addition to any funds otherwise authorized to be appropriated to the Department of Homeland Security.

''(13) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The Secretary shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

''(I) information necessary to register employers under paragraph (5);

''(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

''(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

''(IV) information necessary to detect and prevent employment-related identity fraud; and

''(V) such other information the Secretary determines is necessary, subject to a 180-day notice and comment period in the Federal Register.

''(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined $1,000 for each violation.

''(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

''(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

''(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

''(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

''(14) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System. The Secretary shall minimize the collection and storage of paper documents and maximize the use of electronic records, including electronic signatures.

''(15) ANNUAL GAO STUDY AND REPORT.—

''(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

''(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

''(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of this section, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

''(ii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iii) An assessment of the effects of the System on the employment of unauthorized aliens.

''(iv) An assessment of the effects of the System, including the effects of tentative confirmations on unfair immigration-related employment practices, and employment discrimination based on national origin or citizenship status.

''(v) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

''(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

''(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

''(3) COMPLIANCE PROCEDURES.—

''(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) specify the amount of fines or other penalties to be imposed;

''(iv) disclose the material facts which establish the alleged violation; and

''(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim

for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

''(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of $5,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $25,000 for each unauthorized alien with respect to each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $75,000 for each unauthorized alien with respect to each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3)(C) shall be fined $75,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of $1,000 for each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $2,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of $5,000 for each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph, pay a civil penalty of $15,000 for each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3) shall be fined $15,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 30 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 31 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) ADJUSTMENT FOR INFLATION.—All penalties in this section shall be increased every 4 years beginning January 2011 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

''(h) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referral of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referral of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

''(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of a Federal contract, grant, or cooperative agreement for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of the debarment.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be subject to debarment from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years.

''(C) WAIVER.—After consideration of the views of all agencies or departments that hold a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of nor more than 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(4) DETERMINATION OF REPEAT VIOLATORS.—Inadvertent violations of recordkeeping or verification requirements, in the

absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

''(j) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

''(2) PREEMPTION.—The provisions of this section preempt any State or local law—

''(A) imposing civil or criminal sanctions upon those who hire, or recruit or refer for a fee, unauthorized aliens for employment; or

''(B) requiring the use of the System for any unauthorized purpose, or any authorized purpose prior to the time such use is required or permitted by Federal law.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the general fund of the Treasury.

''(l) DEFINITIONS.—In this section:

''(1) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(2) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary under any other provision of law.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(c) and (d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(c)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) EEVS DETERMINATIONS.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section __01(f)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

''(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner;

''(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

''(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

''(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

''(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

''(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall—

''(i) to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security;

''(ii) in all cases, record, verify, and maintain an electronic record of the alien identification or authorization number issued by the Secretary and utilized by the Commissioner in assigning such social security account number; and

''(iii) upon the issuance of a social security account number, transmit such number to the Secretary of Homeland Security for inclusion in such alien's record maintained by the Secretary.''.

(2) AGREEMENT.—Section 205(c)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) is amended by adding at the end the following: ''Any State that utilizes a social security account number for such purpose shall enter into an agreement with the Commissioner to allow the Commissioner to verify the name, date of birth, and the identity number issued by the official the State responsible for issuing drivers' licenses and identity cards. Such agreement shall be under the same terms and conditions as agreements entered into by the Commissioner under paragraph 205(r)(8).''.

(3) DISCLOSURE OF DEATH INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

''(9) Notwithstanding this section or any agreement entered into thereunder, the Commissioner of Social Security is authorized to disclose death information to the Secretary of Homeland Security to the extent necessary to carry out the responsibilities required under subsection (c)(2) and section 6103(l)(21) of the Internal Revenue Code of 1986.''.

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY THE SOCIAL SECURITY ADMINISTRATION TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—Upon written request by the Secretary of Homeland Security, the Commissioner of Social Security or the Secretary shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains—

''(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of section 6051) or any recipient (within the meaning of section 6041(a)) that could not be matched to the records maintained by the Commissioner of Social Security, or

''(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) or recipients (within the meaning of section 6041(a)) with the same taxpayer identifying number,

and the taxpayer identity of each such employee or recipient.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE TAXPAYER IDENTIFYING INFORMATION OF EMPLOYEES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051) or a recipient (within the meaning of section 6041(a))—

''(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

''(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

''(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year,

''(IV) who is not authorized to work in the United States, according to the records so maintained, or

''(V) who is not a national of the United States, according to the records so maintained,

and the taxpayer identity of each such employee or recipient.

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) which the

Commissioner of Social Security or the Secretary, as the case may be, has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

''(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) hired and recipients (within the meaning of section 6041(a)) retained after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) and recipients (within the meaning of section 6041(a)) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—The taxpayer identity of each person participating in the System and the taxpayer identity of all employees (within the meaning of section 6051) of such person hired and all recipients (within the meaning of section 6041(a)) of such person retained during the period beginning with the later of—

''(I) the date such person begins to participate in the System, or

''(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

''(B) RESTRICTION ON DISCLOSURE.—The taxpayer identities disclosed under subparagraph (A) may be used by officers, employees, and contractors of the Department of Homeland Security only for purposes of, and to the extent necessary in—

''(i) preventing identity fraud;

''(ii) preventing unauthorized aliens from obtaining employment in the United States;

''(iii) establishing and enforcing employer participation in the System;

''(iv) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act; and

''(v) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security and the Secretary shall prescribe a reasonable fee schedule based on the additional costs directly incurred for furnishing taxpayer identities under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) INFORMATION RETURNS UNDER SECTION 6041.—For purposes of this paragraph, any reference to information returns required by reason of section 6041(a) shall only be a reference to such information returns relating to payments for labor.

''(E) FORM OF DISCLOSURE.—The taxpayer identities to be disclosed under paragraph (A) shall be provided in a form agreed upon by the Commissioner of Social Security, the Secretary, and the Secretary of Homeland Security.

''(F) TERMINATION.—This paragraph shall not apply to any request made after the date which is 5 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—Section 6103(p) of such Code is amended by adding at the end the following:

''(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an on-site review every 3 years (midpoint review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary, for the most recent annual period, that such contractor is in compliance with all such requirements, by submitting the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: ''The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).''.

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking ''or (17)'' both places it appears and inserting ''(17), or (21)''; and

(ii) by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(E) Section 7213(a)(2) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent funds are appropriated, in advance, to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. __03. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of United States Immigration and Customs Enforcement personnel during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by United States Immigration and Customs Enforcement personnel is used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. __04. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. __05. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),'' after ''the individual for employment''; and

(B) in subparagraph (B), by striking ''in the case of a protected individual (as defined in paragraph (3)),''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

''(i) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(ii) to use the verification system for screening of an applicant prior to an offer of employment;

''(iii) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first day of employment, unless a waiver is provided by the Secretary of Homeland Security for good cause, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(iv) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).

''(B) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in subparagraph (A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.''.

(b) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)) is amended in subparagraph (B)(iv)—

(1) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(2) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(3) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(4) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(c) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2008 through 2010'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

''Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such

agreement. The President's report shall include the following:

''(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

''(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

''(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

''(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

''(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

''(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

''(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

''(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

''(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

''(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

''(B) contains recommendations for adjusting the methods used to make the estimates.

''(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

''(g) GAO EVALUATION AND REPORT.—

''(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

''(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

''(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

''(C) such recommendations as the Comptroller General determines appropriate.

''(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

''(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SEC. ___. IMMIGRATION ENFORCEMENT IMPROVEMENTS.

(a) VISA EXIT TRACKING SYSTEM.—In addition to the border security and other measures described in paragraphs (1) through (6) of section 1(a), the certification required under section 1(a) shall include a statement that the Secretary of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act at designated ports of entry or designated United States consulates abroad.

(b) PROMPT REMOVAL PROCEEDINGS.—Subject to the availability of appropriations, the Secretary of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien admitted into the United States under subparagraph (B) (admitted under the terms and conditions of section 214(s)), (H)(ii) (as amended by title IV), or (Y) of section 101(a)(15) of the Immigration and Nationality Act, and who exceeds the alien's period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

(c) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary of Homeland Security submits a written certification under section 1(a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a) and section 1(a); and

(B) indicates the date on which the Secretary intends to submit a written certification under subsection (a) and section 1(a).

(2) GOVERNOR'S RESPONSE.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to Congress that—

(A) analyzes the accuracy of the information received by the Secretary;

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) and section 1(a) will be established, funded, and operational before the Secretary's certification is submitted; and

(C) makes recommendations regarding new border enforcement policies, strategies, and additional programs needed to secure the border.

(3) CONSULTATION.—The Secretary shall consult with any governor who submits a report under subsection (2) before submitting written certification under section 1(a).

(d) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(1) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—In each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in United States Immigration and Customs Enforcement—

(A) to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States;

(B) to investigate immigration fraud; and

(C) to enforce workplace violations.

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

(3) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

(e) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 of the Immigration and Nationality Act, as amended by section 111(a), is further amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by striking subsection (c), as added by section 111(a)(3), and inserting the following:

''(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—The Secretary of Homeland Security shall require an alien entering and departing the United States to provide biometric data and other information relating to the alien's immigration status.

''(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall require an alien who was admitted to the United States under subparagraph (B) (under the terms and conditions of section 214(s)), (H)(ii), or (Y) of section 101(a)(15) to record the alien's departure at a designated port of entry or at a designated United States consulate abroad.

''(2) FAILURE TO RECORD DEPARTURE.—If an alien does not record the alien's departure as required under paragraph (1), the Secretary, not later than 48 hours after the expiration of the alien's period of authorized admission, shall enter the name of the alien into a database of the Department of Homeland Security as having overstayed the alien's period of authorized admission.

''(3) INFORMATION SHARING WITH LAW ENFORCEMENT AGENCIES.—Consistent with the authority of State and local police to assist the Federal Government in the enforcement of Federal immigration laws, the information in the database described in paragraph (2) shall be made available to State and local law enforcement agencies pursuant to the provisions of section 240D.''.

(f) EFFECTIVE DATE OF AGGRAVATED FELONY SECTION.—

(1) IN GENERAL.—Notwithstanding section 203(b), and except as provided under paragraph (2), the amendments made by section 203(a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(2) APPLICATION WITH RESPECT TO CONVICTIONS FOR SEXUAL ABUSE OF A MINOR.—Notwithstanding paragraph (1), the amendment made by section 203(a)(2) related to the sexual abuse of a minor shall apply to any conviction for sexual abuse of a minor that occurred before, on, or after the date of the enactment of this Act.

(3) APPLICATION OF IIRAIRA AMENDMENTS.—In accordance with section 203(b)(2) of this Act, the amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 11 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

(g) INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2)(K) of the Immigration and Nationality Act, as added by section 205(a)(1), is amended by inserting ''or 2 convictions for driving under the influence under Federal or State law,'' after ''imprisonment,''.

(2) DEPORTABILITY.—Section 237(a)(2)(F) of the Immigration and Nationality Act, as added by section 205(a)(2), is amended by inserting ''or 2 convictions for driving under the influence under Federal or State law,'' after ''imprisonment,''.

(h) DEFINITION OF CRIMINAL GANG.—Section 101(a)(52)(B)(iv) of the Immigration and Nationality Act, as added by section 204(a), is amended by striking ''which is punishable by a sentence of imprisonment of 5 years or more,''.

(i) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2)(F) of the Immigration and Nationality Act, as added by section 204(b), is amended to read as follows:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—An alien is inadmissible if—

''(I) a consular officer, the Secretary of Homeland Security, or the Attorney General knows, or has reason to believe, that the alien is a member of a criminal gang; or

''(II) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe that the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's inadmissibility under clause (i).''.

(2) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act, as added by section 204(c), is amended to read as follows:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—An alien is deportable if—

''(I) there is a preponderance of the evidence to believe the alien is a member of a criminal gang; or

''(II) there is reasonable ground to believe the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's deportability under clause (i).''.

(j) TEMPORARY PROTECTED STATUS.—Section 244(c)(2)(B) of the Immigration and Nationality Act, as amended by section 204(d), is further amended—

(1) in clause (ii), by striking ''or'' at the end and inserting a semicolon;

(2) in clause (iii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) the alien is a member of a criminal gang.''.

(k) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendments made by subsections (i) and (j) of this section and subsections (b), (c), and (d) of section 204 shall apply to—

(1) all aliens required to establish admissibility on or after such date of enactment; and

(2) all aliens in removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(l) DETENTION PENDING DEPORTATION OF ALIENS WHO OVERSTAY.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226)is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) DETENTION OF ALIENS WHO EXCEED THE ALIEN'S PERIOD OF AUTHORIZED ADMISSION.—

''(1) CUSTODY.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

''(2) WAIVER.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien.''.

SEC. ___. WORKSITE ENFORCEMENT.

(a) NOTIFICATION OF EXPIRATION OF ADMISSION.—Notwithstanding any other provision of this Act, an employer or educational institution shall notify an alien in writing of the expiration of the alien's period of authorized admission not later than 14 days before such eligibility expires.

(b) UNLAWFUL EMPLOYMENT OF ALIENS.—

(1) IN GENERAL.—Section 274A(a) of the Immigration and Nationality Act, as amended by section 302(a), is further amended—

(A) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

''(B) The Secretary may establish procedures by which an employer may obtain confirmation from the Secretary that the contractor or subcontractor has registered with the EEVS and is utilizing the EEVS.

''(C) The Secretary may establish such other requirements for employers using contractors or subcontractors as are necessary to prevent knowing violations of this paragraph after rulemaking pursuant to section 553 of title 5, United States Code. The Secretary may issue widely disseminated guidelines to clarify and supplement the regulations issued hereunder and disseminate the guidelines broadly in coordination with the Private Sector Office of the Department of Homeland Security.''; and

(B) by striking paragraph (6) and inserting the following:

''(6) A rebuttable presumption is created that an employer has acted with knowledge or reckless disregard if the employer is shown by clear and convincing evidence to have materially failed to comply with written standards, procedures or instructions issued by the Secretary. Standards, procedures or instructions issued by the Secretary shall be objective and verifiable.''.

(2) DEFINITIONS.—Section 274A(b) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by striking paragraph (2) and inserting the following:

''(2) DEFINITION OF EMPLOYER.—In this section, the term 'employer' means any person or entity hiring, recruiting, or referring an individual for a fee for employment in the United States. Franchised businesses that operate independently do not constitute a single employer solely on the basis of sharing a common brand.

''(3) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this section, the term 'critical infrastructure' means agencies and departments of the United States, States, their suppliers or contractors, and any other employer whose employees have access as part of their jobs to a government building, military base, nuclear energy site, weapon site, airport, or seaport.''.

(3) MANAGEMENT OF EEVS.—Section 274A(d)(9)(E)(v) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by adding at the end the following: ''The Secretary shall further study the feasibility of providing other alternatives for employers that do not have Internet access.''.

(4) REPEAT VIOLATOR.—Section 274A(h)(1) of the Immigration and Nationality Act, as amended by section 302(a), is amended by adding at the end the following: ''The Secretary shall define 'repeat violator', as used

in this subsection, in a rulemaking that complies with the requirements of section 553 of title 5, United States Code.''.

(5) PREEMPTION.—Section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a), is amended by striking paragraph (2) and inserting the following:

''(2) PREEMPTION.—The provisions of this section shall preempt any State or local law that requires the use of the EEVS in a fashion that—

''(A) conflicts with Federal policies, procedures or timetables;

''(B) requires employers to verify whether or not an individual is authorized to work in the United States; or

''(C) imposes civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding the matter preceding subparagraph (A) of section 310(a)(1), there are authorized to be appropriated to the Secretary of Homeland Security, in each of the 2 fiscal years beginning after the date of the enactment of this Act, such sums as may be necessary to annually hire not less than 2,500 personnel of the Department of Homeland Security, who are to be assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the compliance and monitoring activities described in subparagraphs (A) through (O) of section 310(a)(1).

SEC. ___. TEMPORARY WORKER PROGRAM.

(a) H–1B STREAMLINING AND SIMPLIFICATION.—Section 214(g) of the Immigration and Nationality Act, as amended by this Act, is further amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''; and

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by title IV, is further amended—

(A) by striking paragraph (6), as redesignated by section 409 of this Act, and inserting the following:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 20,000, has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States;

''(B) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 40,000, has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965); and

''(C) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 50,000—

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965; 20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization.''; and

(B) by adding at the end the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment-authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or greater than 15 percent of the number of such full-time employees, may file not more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1)(A) shall apply to any petition or visa application pending on the date of the enactment of this Act and any petition or visa application filed on or after such date.

(B) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established under section 502(d).

(c) DOCUMENT REQUIREMENT.—Section 212(n)(1) of the Immigration and Nationality Act, as amended by section 420, is further amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking '', and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(d) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall, subject to the availability of appropriations, submit to Congress a fraud risk assessment of the H–1B visa program.

(e) GROUNDS OF INADMISSIBILITY.—Section 218A(f) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) WAIVER.—For a Y nonimmigrant, the Secretary of Homeland Security may waive those provisions of section 212(a) for which the Secretary had discretionary authority to waive before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007.''.

(f) TERMINATION.—Section 218A(j) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under paragraph (1)(D) if the alien attests under the penalty of perjury and submits documentation to the satisfaction of the Secretary of Homeland Security that establishes that such unemployment was the result of—

''(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

''(C) any other period of temporary unemployment that is the direct result of a force majeure event.

''(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall immediately depart the United States.''.

(g) REGISTRATION OF DEPARTURE.—Section 218A(k) of the Immigration and Nationality Act, as added by section 402(a), is amended by striking the subsection heading and inserting the following:

''(k) LEAVING THE UNITED STATES.—

''(1) REGISTRATION OF DEPARTURE.—

''(A) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure or designated United States consulate abroad in a manner to be prescribed by the Secretary of Homeland Security.

''(B) EFFECT OF FAILURE TO DEPART.—If an alien described in subparagraph (A) fails to depart the United States or to register such departure as required under subsection (j)(3), the Secretary of Homeland Security shall—

''(i) take immediate action to determine the location of the alien; and

''(ii) if the alien is located in the United States, remove the alien from the United States.

''(C) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in subparagraph (A) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates. The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 274A.

''(2) VISITS OUTSIDE THE UNITED STATES.—''.

(h) OVERSTAY.—Section 218A(o) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraph (2) and inserting the following:

''(2) Except as provided in paragraph (3) or (4), any alien, other than a Y nonimmigrant,

who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is permanently barred from any future benefits under Federal immigration law.''.

SEC. ___. IMMIGRATION BENEFITS.

(a) NUMERICAL LIMITS.—Section 201(d)(1)(A) of the Immigration and Nationality Act, as amended by section 501(b), is further amended—

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

(2) in clause (ii), by striking ''Section 502(d) of the [Insert title of Act].'' and inserting ''section 502(d) of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007;''; and

(3) by adding at the end the following:

''(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1) on January 1, 2007; and

''(iv) the remaining visas shall be allocated as follows:

''(I) In fiscal years 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.''.

(b) MERIT-BASED IMMIGRANTS.—Section 203(b)(1) of the Immigration and Nationality Act, as amended by section 502(b)(1) of this Act, is further amended by adding at the end the following:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under subparagraph (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary shall collect applications and petitions not later than July 1 of each fiscal year and shall adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit-based threshold is insufficient for the number of visas available that year, the Secretary may continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

(c) EFFECTIVE DATE FOR PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Notwithstanding the provisions under section 502(d)(2)—

(1) petitions for an employment-based visa filed for classification under paragraphs (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (as such paragraphs existed on the date before the date of the enactment of this Act) that were filed before the date on which this Act was introduced and were pending or approved on the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa;

(2) the beneficiary, who has been classified as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed;

(3) the application for adjustment of status filed under paragraph (2) shall not be approved until an immigrant visa becomes available; and

(4) aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(d) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b), is amended—

(1) in paragraph (2)(B), by striking ''$1,000, which shall be forfeit'' and inserting ''$2,500, which shall be forfeited''; and

(2) in paragraph (3), by amending subparagraph (A) to read as follows:

''(A) may not stay in the United States, within any calendar year—

''(i) in the case of a spouse or child sponsored by a nonimmigrant described in section 101(a)(15)(Y)(i), for an aggregate period in excess of 30 days; and

''(ii) in the case of a parent sponsored by a United States citizen child, for an aggregate period in excess of 100 days;''.

SEC. ___. Z NONIMMIGRANT STATUS.

(a) APPLICATION AND BACKGROUND CHECKS.—Notwithstanding any provision of section 601(g) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) the application forms created pursuant to section 601(g)(1) of this Act and section 214A(d) of the Immigration and Nationality Act shall request such information as the Secretary determines necessary and appropriate, including information concerning the alien's—

(A) physical and mental health;

(B) complete criminal history, including all arrests and dispositions;

(C) gang membership;

(D) immigration history;

(E) employment history; and

(F) claims to United States citizenship; and

(2) the Secretary shall utilize fingerprints and other biometric data provided by the alien pursuant to section 601(g)(3)(A) and any other appropriate information to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under section 601 of this Act or section 214A of the Immigration and Nationality Act; and

(3) appropriate background checks conducted pursuant to paragraph (2) for applicants determined to be from countries designated as state sponsors of terrorism or for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States shall include—

(A) other appropriate background checks involving databases operated by the Department of State and other national security databases; and

(B) other appropriate procedures used to conduct terrorism and national security background investigations.

(b) PROBATIONARY BENEFITS.—Notwithstanding any provision of section 601(h) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) no probationary benefits described in section 601(h)(1) of this Act or section 214A(d)(7) of the Immigration and Nationality Act may be granted to any alien unless the alien passes all appropriate background checks under such section;

(2) an alien awaiting adjudication of the alien's application for probationary status under such sections shall not be considered unauthorized to work pending the granting or denial of such status; and

(3) the term unauthorized alien, for purposes of such section, has the meaning set forth in section 274A(b) of the Immigration and Nationality Act, as added by section 302(a) of this Act.

(c) RETURN HOME REQUIREMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of title VI, an alien who is applying for a Z–1 nonimmigrant visa under section 601 shall not be eligible for such status until the alien, in addition to the requirements described in such section, has completed the following requirements:

(A) The alien shall demonstrate that the alien departed from the United States and received a home return certification of such departure from a United States consular office in order to complete the alien's application for Z status. The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop an appropriate certification for such purposes.

(B) The certification provided under subparagraph (A) shall be obtained not later than 3 years after the date on which the alien was granted probationary status. Failure to obtain such certification shall terminate the alien's eligibility for Z status for a Z–1 applicant and the eligibility of the applicant's derivative Z–2 or Z–3 applicants pursuant to section 601.

(C) Unless otherwise authorized, an applicant for a Z–1 nonimmigrant visa shall file a home return supplement to the alien's application for Z status at a consular office in the alien's country of origin. The Secretary of State may direct a consular office in a country that is not a Z nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, if the Z nonimmigrant's country of origin is not contiguous to the United States, to the extent made possible by consular resources.

(2) RULEMAKING.—The Secretary of Homeland Security shall promulgate regulations to ensure a secure means for Z applicants to fulfill the requirements under paragraph (1).

(3) CLARIFICATION.—Notwithstanding any other provision of this Act, The return home requirement described in paragraph (1) shall be the sole return home requirement for Z–1 nonimmigrants.

(d) ELECTRONIC SYSTEM FOR PREREGISTRATION OF APPLICANTS FOR Z AND Z–A NONIMMIGRANT STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security may establish an online registration process allowing applicants for Z and Z–A nonimmigrant status to provide, in advance of submitting the application described in section 601(f), such biographical information and other information as the Secretary shall prescribe—

(A) for the purpose of providing applicants with an appointment to provide fingerprints and other biometric data at a facility of the Department of Homeland Security;

(B) to initiate background checks based on such information; and

(C) for other purposes consistent with this Act.

(2) MANDATORY DISCLOSURE OF INFORMATION.—The provisions of section 604 shall apply to the information provided pursuant to the process established under this section.

(e) PERJURY AND FALSE STATEMENTS.—Notwithstanding any other provision of this Act, all application forms for immigration benefits, relief, or status under this Act (including application forms for Z non-immigrant status) shall bear a warning to the applicant and to any other person involved in the preparation of the application that the making of

any false statement or misrepresentation on the application form (or any supporting documentation) will subject the applicant or other person to prosecution for false statement, fraud, or perjury under the applicable laws of the United States, including sections 1001, 1546, and 1621 of title 18, United States Code.

(f) FRAUD PREVENTION PROGRAM.—Notwithstanding any other provision of this Act, the head of each department responsible for the administration of a program or authority to confer an immigration benefit, relief, or status under this Act shall, subject to available appropriations, develop an administrative program to prevent fraud within or upon such program or authority. Such program shall provide for fraud prevention training for the relevant administrative adjudicators within the department and such other measures as the head of the department may provide.

(g) ELIGIBILITY FOR MILITARY SERVICE.—In addition to the benefits described in subparagraphs (A) through (D) of section 601(h)(1), an alien described in such section shall be eligible to serve as a member of the Uniformed Services of the United States.

SEC. ___. GOVERNMENT CONTRACTS.

(a) GOVERNMENT CONTRACTS.—Section 274A(h) of the Immigration and Nationality Act, as amended by section 302 of this Act, is further amended by striking paragraphs (1) and (2) and inserting the following:

''(1) EMPLOYERS.—

''(A) IN GENERAL.—If an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

''(2) CONTRACTORS AND RECIPIENTS.—

''(A) IN GENERAL.—If an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.''.

(b) LIMIT ON PERCENTAGE OF H–1B AND L EMPLOYEES.—Subparagraph (I) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as added by section 420(d), is amended to read as follows:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(c) WAGE DETERMINATION FOR H–1B NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(p)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(3)) is amended by adding at the end the following sentence: ''The wage rate required under subsections (n)(1)(A)(i)(II) and (t)(1)(A)(i)(II) shall be determined and issued by the Secretary of Labor, pursuant to a request from an employer filing a labor condition application with the Secretary for purposes of those subsections and as part of the adjudication of such application. The Secretary shall respond to such a request within 14 days.''.

(2) LABOR CONDITION APPLICATIONS.—Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended—

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

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i) the following new clauses:

''(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate;

''(iii) in no instance will pay more than 30 percent of the H–1B nonimmigrants employed by the employer wages equivalent to the lowest wage level under section 212(p)(4); and''.

(3) NONIMMIGRANT PROFESSIONALS; LABOR ATTESTATIONS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended in paragraph (1)(A) of the first subsection (t) (as added by section 402(b)(2) of Public Law 108–77 (117 Stat. 941))—

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

(B) by redesignating clause (ii) as clause (iii); and

(C) inserting after clause (i) the following new clause:

''(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate; and''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(d) PROHIBITION ON OUTPLACEMENT OF H–1B NONIMMIGRANTS.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this Act, is further amended—

(A) in paragraph (1), by amending subparagraph (F), as amended by section 420, to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer where there are indicia of an employment relationship between the nonimmigrant and such other employer unless the employer of the alien has been granted a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E), as amended by section 420, to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(ii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iii) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(e) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(f) WAGE DETERMINATION FOR L NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the prevailing wage level for the occupational classification in the area of employment; or

''(bb) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(g) PROHIBITION ON OUTPLACEMENT OF L NONIMMIGRANTS.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by this section, is further amended by adding at the end the following:

''(M)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer where there are indicia of an employment relationship between the alien and such other employer unless the employer of the alien has been granted a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(II) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(c)(2)(M)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SEC. ___. H–1B PROVISIONS.

(a) REPEAL OF CERTAIN TEMPORARY WORKER PROVISIONS.—The following amendments are null and void and have no effect:

(1) The amendments to subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) made by subsection (c) of section 418 of this Act.

(2) The amendments to subsection (h) of such section 214 made by subsection (d) of such section 418.

(3) The amendments to subsection (g) of such section 214 made by subsection (a) of section 419 of this Act.

(4) The amendments to paragraph (2) of subsection (i) of such made by subsection (b) such of section 419.

(b) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

(c) H–1B AMENDMENTS.—Subsection (g) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 15,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;'';

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(d) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(e) EMPLOYER REQUIREMENT.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(f) APPLICABILITY.—The amendment made by subsection (d) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subsection (e) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act.

(g) DOCUMENT REQUIREMENT.—Paragraph (1) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by this Act, is further amended—

(1) in subparagraph (A)—

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

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

(C) by adding at the end the following:

''(iii) will provide to the H–1B non-immigrant—

''(I) a copy of each application filed on behalf of the n nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.'';

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(h) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

(i) MERIT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 11519(d)), as amended by section 501(b) to is amended to read as follows:

''(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—

''(1) IN GENERAL.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection for a fiscal year—

''(A) for the first five fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which—

''(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y);

''(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of section 502(d) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

''(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1)(as of January 1, 2007); and

''(iv) the remaining visas be allocated as follows:

''(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

''(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.''.

(j) AMENDMENTS TO MERIT-BASED IMMIGRANT PROVISIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as amended by section 502(b), is further amended in paragraph (1) by adding at the end the following new subparagraphs:

''(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

''(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.''.

(k) EFFECTIVE DATE.—

(1) REPEAL.—Paragraph (2) of section 502(d) is null and void and shall have no effect.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of section 502) that were pending or approved at the time of the effective date of section 502, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available. Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

SEC. ___. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The certification submitted under section 1(a) shall include a statement that the Secretary of Homeland Security has promulgated a regulation stating that no person, agency, or Federal, State, or local government entity may prohibit a law enforcement officer from acquiring information regarding the immigration status of any individual if the officer seeking such information has probable cause to believe that the individual is not lawfully present in the United States.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed—

(1) to limit the acquisition of information as otherwise provided by law; or

(2) to require a person to disclose information regarding an individual's immigration status prior to the provision of medical or education services.

SEC. ___. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a) of the Immigration and Nationality Act;

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a) of such Act;

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for employment eligibility verification.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SEC. ___. INCLUSION OF PROBATIONARY BENEFITS IN TRIGGER PROVISION.

Notwithstanding section 1(a), no probationary benefit authorized under section 601(h) may be issued to an alien until after section 1 has been implemented.

SEC. ___. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

TITLE ___—STRENGTHENING AMERICAN CITIZENSHIP

SEC. _01. SHORT TITLE.

This title may be cited as the ''Secure Borders, Economic Opportunity and Immigration Reform Act of 2007''.

SEC. _02. DEFINITION.

In this title, the term ''Oath of Allegiance'' means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section _31(a)(2).

Subtitle A—Learning English

SEC. _11. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the ''Chief'') shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for

citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.''.

SEC. __12. SAVINGS PROVISION.

Nothing in this subtitle shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of the United States Citizenship and Immigration Services (except for the requirement under section __31(b)).

Subtitle B—Education About the American Way of Life

SEC. __21. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section __22(a), for grants under this section.

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

SEC. __22. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. __23. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this subtitle may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. __24. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this subtitle and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this subtitle and subtitle A successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this subtitle and subtitle A.

Subtitle C—Codifying the Oath of Allegiance

SEC. __31. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking ''under section 310(b) an oath'' and all that follows through ''personal moral code.'' and inserting ''under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e).''; and

(2) by adding at the end the following:

''(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

''(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

''(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

''(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

''(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

''(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

''(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

''(4) As used in this subsection, the term 'religious training and belief'—

''(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

''(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

''(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.''.

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

Subtitle D—Celebrating New Citizens

SEC. __41. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. __42. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SEC. ____. EMPLOYER OBLIGATION TO DOCUMENT COMPARABLE JOB OPPORTUNITIES.

(a) IN GENERAL.—Section 218B(b) of the Immigration and Nationality Act, as added by section 403 of this Act, is amended—

(1) in paragraph (1)—

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

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

(C) by adding at the end the following:

''(E) documenting that for a period of not less than 90 days before the date an application is filed under subsection (a)(1), and for a period of 1 year after the date that such application is filed, every comparable job opportunity (including those in the same occupation for which an application for a Y–1 worker is made, and all other job opportunities for which comparable education, training, or experience are required), that becomes available at the employer is posted to the designated State employment service agency, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, and the designated State agency has been authorized—

''(i) to post all such job opportunities on the Internet website established under section 414 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, with local job banks, and with unemployment agencies and other referral and recruitment sources pertinent to the job involved; and

''(ii) to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.'';

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

(3) by inserting after paragraph (1), the following:

''(2) PENALTY FOR FAILURE TO DOCUMENT COMPLIANCE.—The failure of an employer to document compliance with paragraph (1)(E) shall result in the employer's ineligibility to make a subsequent application under subsection (a)(1) during the 1-year period following the initial application. The Secretary of Labor shall routinely publicize the requirement under paragraph (1)(E) in communications with employers, and encourage State agencies to also publicize such requirement, to help employers become aware of and comply with such requirement in a timely manner.''.

(b) DEFINITION OF EMPLOYER.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), as amended by subsection (a) of the first section 302 (relating to unlawful employment of aliens), is further amended by striking paragraph (2).

SEC. ____. TREATMENT OF CERTAIN NATIONALS OF IRAQ.

(a) REQUIREMENT FOR REHEARING OF CERTAIN CLAIMS DENIED ON BASIS OF CHANGED COUNTRY CONDITIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for rehearing before an immigration judge of an application for asylum or withholding of removal if the alien—

''(A) is a religious minority from Iraq whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

''(B) has remained in the United States as of the date of the enactment of this paragraph.''.

(b) CONSIDERATION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that he or she is a member of a religious minority group in Iraq; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SEC. ____. PREEMPTION.

In section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a) of this Act, strike paragraph (2) and insert the following:

''(2) PREEMPTION.—This section preempts any State or local law that—

''(A) requires the use of the EEVS in a manner that—

''(i) conflicts with any Federal policy, procedure, or timetable; or

''(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

''(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

''(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority; or

''(ii) shall carry out any other activity to facilitate the employment by others of—

''(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

''(II) any contractor, customer, or other person over which the business entity has no authority.''.

SEC. ____. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking ''; or'' and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting ''; or''; and

(iii) by adding at the end the following:

''(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act.''; and

(B) in subparagraph (D)(i), by striking ''may'' and inserting ''shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,''; and

(2) in subsection (d)(9)(B)(v)(I), by striking ''as specified in (D)'' and inserting ''as specified in subparagraph (D), including photographs and any other biometric information as may be required''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new

sentence: ''As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended—

(1) by striking subsections (c) and (d), as added by section 607, and inserting the following:

''(c) The criterion specified in this subsection is that the individual, if not a citizen or national of the United States—

''(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements under subclause (I) or (III) of section 205(c)(2)(B)(i); or

''(2) at the time any such quarters of coverage are earned—

''(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

''(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)); and

''(C) the business engaged in, or service as a crewman performed, is within the scope of the terms of such individual's admission to the United States.

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e)(3) of such Act, as added by section 607(b)(3), is amended—

(1) by inserting ''who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007'' after ''earnings of an individual'';

(2) by striking ''for any year''; and

(3) by striking ''section 214(c)'' and inserting ''section 214(d)''.

(c) EFFECTIVE DATE.—Notwithstanding section 607(c), the amendments made by this section and by section 607 shall take effect on the date of the enactment of this Act.

SEC. ___. PROTECTION FOR SCHOLARS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) of the Immigration and Nationality Act is amended by striking subparagraph (W), as added by section 401(a)(4), and inserting the following:

''(W) subject to section 214(s), an alien—

''(i) who the Secretary of Homeland Security determines—

''(I) is a scholar; and

''(II) is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity; or

''(ii) who is the spouse or child of an alien described in clause (i) who is accompanying or following to join such alien;''.

(b) CONDITIONS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act, is further amended by adding at the end the following:

''(s) REQUIREMENTS APPLICABLE TO PERSECUTED SCHOLARS.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—An alien is eligible for nonimmigrant status under section 101(a)(15)(W)(i) if the alien demonstrates that the alien is a scholar in any field who is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity.

''(B) CONSULTATION.—In determining eligibility of aliens under subparagraph (A), the Secretary of Homeland Security shall consult with nationally recognized organizations that have not less than 5 years of experience in assisting and funding scholars needing to escape dangerous conditions.

''(2) NUMERICAL MINIMUMS.—The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(W) in any fiscal year may not be less than 2,000, unless the Secretary determines that less than 2,000 aliens who are qualified for such status are seeking such status during the fiscal year.

''(3) CREDIBLE EVIDENCE CONSIDERED.—In acting on any application filed under this subsection, the consular officer or the Secretary of Homeland Security, as appropriate, shall consider any credible evidence relevant to the application, including information received in connection with the consultation required under paragraph (1)(B).

''(4) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of an alien who qualifies for status under section 101(a)(15)(W) to seek any other immigration benefit or status for which the alien may be eligible.

''(5) DURATION OF STATUS.—

''(A) INITIAL PERIOD.—The initial period of admission of an alien granted status as a nonimmigrant under section 101(a)(15)(W) shall be not more than 2 years.

''(B) EXTENSION OF PERIOD.—The period of admission described in subparagraph (A) may be extended for 1 addi+tional 2-year period.''.

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(d) INFORMATION SHARING.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240D, as added by section 223(a) of this Act, the following:

"SEC. 240E. INFORMATION SHARING WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

''(a) AUTHORITY.—Consistent with the authority of State and local law enforcement agencies and political subdivisions to assist the Federal Government in the enforcement of Federal immigration laws, the Secretary of Homeland Security or the Attorney General may make available information collected and maintained pursuant to any provision of this Act. Nothing in this section 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.

''(b) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

''(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

''(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

''(I) the conclusion of the State charging process or dismissal process; or

''(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(c) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (a)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be equal to—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (b) and the time of transfer into Federal custody.

''(d) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

''(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

''(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(e) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (b), into Federal custody.

''(f) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary may not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

''(g) PROVISION OF INFORMATION TO NATIONAL CRIME INFORMATION CENTER.—

''(1) IN GENERAL.—Except as provided in paragraph (3), 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—

''(A) against whom a final order of removal has been issued;

''(B) 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) or (b)(2) of section 240B or who has violated a condition of a voluntary departure agreement under section 240B;

''(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

''(D) whose visa has been revoked.

''(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

''(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, 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 paragraph (1) related to such alien. Under such procedures, 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 paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and for each subsequent fiscal year for the detention and removal of aliens who are not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

(f) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General, based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: ''regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

''(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

''(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or''.

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not of good moral character.'' and inserting ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(g) PENDING PROCEEDINGS.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(h) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) of such Act (8 U.S.C. 1186b(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(i) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' after ''may''; and

(2) by adding at the end the following: ''In any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.''.

(j) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).''.

(k) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended by striking ''the Attorney General if'' and all that follows and inserting ''the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.''.

(l) DISTRICT COURT JURISDICTION.—Section 336(b) of the Immigration and Nationality Act (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.''.

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall constantly report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 26 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a).

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

TITLE — ___MISCELLANEOUS

Subtitle A—Other Matters

SEC. ___. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) FEDERAL PHYSICIAN WAIVER PROGRAM.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b), is further amended by adding at the end the following:

''(5) In administering the Federal physician waiver program authorized under paragraph (1)(C), the Secretary of Health and Human Services shall accept applications from—

''(A) primary care physicians and physicians practicing specialty medicine; and

''(B) hospitals and health care facilities of any type located in an area that the Secretary has designated as having a shortage of physicians, including—

''(i) a Health Professional Shortage Area (as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)));

''(ii) a Mental Health Professional Shortage Area;

''(iii) a Medically Underserved Area (as defined in section 330I(a)(4) of the Public Health Service Act (42 U.S.C. 254c–14(a)(4)));

''(iv) a Medically Underserved Population (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

''(v) a Physician Scarcity Areas (as identified under section 1833(u)(4) of the Social Security Act (42 U.S.C. 13951(u)(4))).

''(6) Any employer shall be deemed to have met the requirements under paragraph (1)(D)(iii) if the facility of the employer is located in an area listed in paragraph (5)(B).''.

(b) RETAINING AMERICAN-TRAINED PHYSICIANS IN PHYSICIAN SHORTAGE COMMUNITIES.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Alien physicians who have completed service requirements under section 214(l).''.

SEC. ___. REPORT ON PROCESSING OF VISA APPLICATIONS.

Not later than February 1, 2008, and each year thereafter through 2011, the Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the fiscal year preceding the report, the length of time between the submission of a request for a personal interview for a nonimmigrant visa and the date of the personal interview of the applicant exceeded, on average, 30 days:

(1) The number of visa applications submitted in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The average length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new procedure or program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives or outreach undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant, and the impact of those factors on the quality of the review of the application.

(11) Specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview to occur not more than 30 days following the submission of a visa application.

SEC. ___. REPEAL OF SPECIAL RULE FOR ALIENS TO PROVIDE MEDICAL SERVICES.

The amendments made by paragraph (3) of section 425(h) are null and void and shall have no effect.

SEC. ___. TECHNICAL CORRECTION TO QUALIFICATIONS FOR CERTAIN IMMIGRANTS.

(a) REPEAL OF TECHNICAL AMENDMENT.—The amendment made by paragraph (6) of subsection (e) of the first section 502 (relating to increasing American competitiveness through a merit-based evaluation system for immigrants) is null and void and shall have no effect.

(b) REPEAL OF LABOR CERTIFICATION REQUIREMENT.—Paragraph (5) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. ___. TECHNICAL CORRECTIONS TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295;

120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

SEC. ___. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ATHLETES, ARTISTS, ENTERTAINERS, AND OTHER ALIENS OF EXTRAORDINARY ABILITY.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (6)(D)—

(A) by striking ''Any person'' and inserting the following:

''(i) Except as provided in clause (ii), any person''; and

(B) by adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien described in subparagraph (O) or (P) of section 101(a)(15) not later than 30 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.''.

SEC. ___. REPORTS ON BACKGROUND AND SECURITY CHECKS.

(a) REPEAL OF REPORT REQUIREMENT.—The requirement set out in subsection (c) of section 216 that the Director of the Federal Bureau of Investigation shall submit the report described in such subsection is null and void and shall have no effect.

(b) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by United States Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the check and the time from the initiation of check processing to the completion of the check;

(D) a description of the obstacles that impede the timely completion of such background checks;

(E) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(F) a plan for the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to that fiscal year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks; and

(D) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

SEC. ___. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING.

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

''(i) VISA APPLICATION INTERVIEWS.—

''(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies to the appropriate committees of Congress that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

''(2) MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with Secretary of Homeland Security, certifies to the appropriate committees of Congress that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

''(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection the term 'appropriate committees of Congress' means—

''(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

''(B) the Committee on Foreign Affairs, Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.''.

SEC. ___. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH VOLUME PORTS.

Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest number of foreign visitors arriving annually, as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of the enactment of this Act.

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SEC. ___. REPEAL OF ENGLISH LEARNING PROGRAM.

The requirements of section 711 are null and void and such section shall have no effect.

SEC. ___. REPEAL OF AUTHORIZATION OF ADDITIONAL PORTS OF ENTRY.

The requirements of the first section 104 (relating to ports entry) are null and void and such section shall have no effect.

SEC. ___. LIMITATION ON SECURE COMMUNICATION REQUIREMENT.

Notwithstanding section 123, the Secretary may develop and implement the plan described in such section only subject to the availability of appropriations for such purpose.

SEC. ___. DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.

Notwithstanding clause (ii) of subsection (e)(6)(E) of the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), the fees collected under subparagraph (C) of subsection (e)(6) of such section 601 shall be deposited in the State Impact Assistance Account established under the first subsection (x) (relating to the State Impact Assistance Account) of section 286 of the Immigration and Nationality Act, as added by subsection (b) of the first section 402 (relating to admission of nonimmigrant workers), and used for the purposes described in such section 286(x).

SEC. ___. ADDITIONAL REQUIREMENTS FOR THE BORDER PATROL TRAINING CAPACITY REVIEW.

(a) ADDITIONAL COMPONENT OF REVIEW.—The review conducted under subsection (a) of section 128 shall include an evaluation of the positive and negative impacts of privatizing border patrol training, including an evaluation of the impact of privatization on the quality, morale, and consistency of border patrol agents.

(b) CONSIDERATIONS.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consider—

(1) the report by the Government Accountability Office entitled ''Homeland Security: Information on Training New Border Patrol Agents'' and dated March 30, 2007;

(2) the ability of Federal providers of border patrol training, as compared to private providers of similar training, to incorporate time-sensitive changes based on the needs of an agency or changes in the law;

(3) the ability of a Federal agency, as compared to a private entity, to defend the Federal agency or private entity, as applicable, from lawsuits involving the nature, quality, and consistency of law enforcement training; and

(4) whether any other Federal training would be more appropriate and cost efficient for privatization than basic border patrol training.

(c) CONSULTATION.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consult with—

(1) the Secretary of Homeland Security;

(2) the Commissioner of the Bureau of Customs and Border Protection; and

(3) the Director of the Federal Law Enforcement Training Center.

SEC. ___. Y–2B VISA ALLOCATION BETWEEN THE FIRST AND SECOND HALVES OF EACH FISCAL YEAR.

(a) NUMERICAL LIMITATIONS.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 409(1), is further amended in subparagraph (D) by striking ''101(a)(15)(Y)(ii)(II)'' and inserting ''101(a)(15)(Y)(ii)''.

(b) TECHNICAL CORRECTION.—

(1) REPEAL.—The amendment made by paragraph (3) of section 409 shall be null and void and shall have no effect.

(2) CORRECTION.—Paragraph (10)(A) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by paragraph (2) of section 409, is amended by striking ''an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007.'' and inserting ''an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''.

(c) ALLOCATION.—Paragraph (11) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409(2), is amended—

(1) by inserting ''(A)'' before ''The''; and

(2) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SEC. ___. H–2A STATUS FOR FISH ROE PROCESSORS AND TECHNICIANS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''for employment as a fish roe processor or fish roe technician or'' before ''to perform agricultural labor or services''.

SEC. ___. AUTHORITY FOR ALIENS WITH PROBATIONARY Z NONIMMIGRANT STATUS TO SERVE IN THE ARMED FORCES.

An alien who files an application for Z nonimmigrant status shall under the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), upon submission of any evidence required under paragraphs (f) and (g) of such section 601 and after the Secretary of Homeland Security has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible shall be eligible to serve as a member of the Armed Forces of the United States.

SEC. ___. CONSULTATION WITH CONGRESS.

Notwithstanding subsection (a) of the first section 1 (relating to effective date triggers), the certification by the Secretary of Homeland Security under such subsection (a) shall be prepared in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

SEC. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

SEC. ___. PILOT PROGRAM RELATED MEDICAL SERVICES IN UNDERSERVED AREAS.

Clause (iii) of section 214(l)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b)(1), is amended by striking subclause (I) and inserting the following:

''(I) with respect to a State, for the first fiscal year of the pilot program conducted under this paragraph, the greater of—

''(aa) 15; or

''(bb) the number of the waivers received by the State in the previous fiscal year;''.

SEC. ___. ESTABLISHMENT OF AN ADDITIONAL UNITED STATES ATTORNEY OFFICE AND AN ADDITIONAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

(a) ESTABLISHMENT OF A SATELLITE UNITED STATES ATTORNEY OFFICE IN ST. GEORGE, UTAH.—The Attorney General, acting through the United States Attorney for the District of Utah, shall establish a satellite office under the jurisdiction of the United States Attorney for the District of Utah in St. George, Utah. The primary function of the satellite office shall be to prosecute and deter criminal activities associated with illegal immigrants.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall establish an office under the jurisdiction of the Assistant Secretary within the vicinity of the intersection U.S. Highway 191 and U.S. Highway 491 to reduce the flow of illegal immigrants into the interior of the United States.

(2) STAFFING.—The office established under paragraph (1) shall be staffed by 5 full-time employees, of whom—

(A) 3 shall work for the Office of Investigations; and

(B) 2 shall work for the Office of Detention and Removal Operations.

(3) OTHER RESOURCES.—The Assistant Secretary shall provide the office established

under paragraph (1) with the resources necessary to accomplish the purposes of this subsection, including office space, detention beds, and vehicles.

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

(A) $1,100,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

SEC. ___. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US–VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US–VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.''.

SEC. ___. WORKING CONDITIONS FOR Y NONIMMIGRANTS.

Paragraph (1) of subsection (c) of section 218B of the Immigration and Nationality Act, as added by section 403, is amended—

(1) by redesignating subparagraphs (D) through (L) as subparagraphs (E) through (M), respectively; and

(2) by inserting after subparagraph (C), the following:

''(D) WORKING CONDITIONS.—Y nonimmigrants will be provided the same working conditions and benefits as similarly employed United States workers.''.

SEC. ___. MATTERS RELATED TO TRIBES.

(a) BORDER SECURITY ON CERTAIN FEDERAL LANDS.—

(1) REPEAL OF REQUIREMENTS.—Subparagraph (B) of section 122(b)(1) shall be null and void and have no effect.

(2) TRAINING REQUIREMENTS.—In addition to the requirements of subparagraphs (A) and (C) of section 122(b), to gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned (as that term is defined in section 122(a), shall provide Federal land resource, sacred sites, and Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (commonly referred to as NAGPRA) training for U.S. Customs and Border Protection agents dedicated to protected land (as that term is defined in section 122(a)).

(b) BORDER RELIEF GRANT PROGRAM.—

(1) REPEAL OF DEFINITION.—Paragraph (2) of subsection (d) of section 132 shall be null and void and have no effect.

(2) HIGH IMPACT AREA DEFINED.—For the purposes of section 132, the term ''High Impact Area'' means any county or Indian reservation designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United State border and the rise, if any, of criminal activity in that county or Indian reservation; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(c) NATIONAL LAND BORDER SECURITY PLAN.—Notwithstanding subsection (a) of section 134, the Secretary of Homeland Security shall consult with representatives of Tribal law enforcement prior to submitting to Congress the National Land Border Security Plan required by such subsection.

(d) REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.—Notwithstanding paragraph (2) of subsection (c) of section 219, the report required by such subsection shall not include the material described in such paragraph.

SEC. ___. EB–5 REGIONAL CENTER PROGRAM.

Paragraph (3) of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as redesignated and amended by section 502(b)(3) of this Act, is further amended—

(1) by striking ''2,800'' and inserting ''10,000''; and

(2) by striking ''1,500'' and inserting ''7,500''.

Subtitle B—Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

SEC. ___2. PURPOSE.

The purpose of this subtitle is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. ___3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this subtitle as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the latter of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this subtitle.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. ___4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section ___3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. ___6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. ___7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section ___4(b).

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Amendments Related to the AgJOBS Act of 2007

SEC. ___1. EVIDENCE OF IDENTITY AND WORK AUTHORIZATION.

Clause (iii) of section 274A(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(c)(1)(B)), as amended by section 302, is further amended inserting ''or Z-A visa.'' at the end.

SEC. ___2. TECHNICAL CORRECTION.

Paragraph (1) of section 218C(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking ''218E, 218F, and 218G'' and inserting ''218D and 218E''.

SEC. ___3. H–2A EMPLOYMENT REQUIREMENTS.

(a) TECHNICAL CORRECTION TO REQUIREMENTS FOR MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Subsection (b) of section 218D of the Immigration and Nationality Act, as added by section 404, is amended in the matter preceding paragraph (1) by striking ''218C(b)(2)'' and inserting ''218C(a)''.

(b) LIMITATION ON REQUIRED WAGES.—Paragraph (3) of such section 218D(b) is further amended by striking subparagraph (B) and inserting the following:

''(B) LIMITATION.—Effective on the date of the enactment of section 404 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.''.

(c) RANGE PRODUCTION OF LIVESTOCK.—Section 218D of the Immigration and Nationality Act, as added by section 404, is amended by striking subsection (e) and inserting the following:

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218C, or section 218E shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.''.

(d) EVIDENCE OF NONIMMIGRANT STATUS.—Such section 218D is further amended by striking subsection (f).

SEC. ___4. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS.

(a) IDENTIFICATION DOCUMENT.—Paragraph (2) of subsection (g) of section 218E of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) The document shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States;

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses;

''(iii) shall, during the alien's authorized period of admission as an H–2A nonimmigrant, serve as a valid entry document for the purpose of applying for admission to the United States—

''(I) instead of a passport and visa if the alien—

''(aa) is a national of a foreign territory contiguous to the United States; and

''(bb) is applying for admission at a land border port of entry; or

''(II) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

''(iv) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

''(v) shall be issued to the H–2A nonimmigrant by the Secretary promptly after such alien's admission to the United States as an H–2A nonimmigrant and reporting to the employer's worksite under or, at the discretion of the Secretary, may be issued by the Secretary of State at a consulate instead of a visa.''.

(b) SPECIAL RULES.—Such section 218E is further amended by striking subsection (i) and inserting the following:

''(i) SPECIAL RULE FOR ALIENS EMPLOYED AS SHEEPHERDER OR GOAT HERDERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder or goat herder—

''(1) may be admitted for a period of up to 3 years;

''(2) shall be subject to readmission; and

''(3) shall not be subject to the requirements of subsection (h)(4).''.

''(j) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker—

''(1) may be admitted for a period of up to 3 years;

''(2) may not be extended beyond 3 years;

''(3) shall not be subject to the requirements of subsection (h)(4)(A); and

''(4) shall not after such 3 year period has expired be readmitted to the United States as an H–2A or Y–1 worker.''.

SEC. ___5. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

Paragraph (7) of section 218F(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraph (C).

SEC. ___6. DEFINITIONS.

(a) SEASONAL.—Section 218G of the Immigration and Nationality Act, as added by section 404, is amended by striking paragraph (11) and inserting the following:

''(11) SEASONAL.—

''(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

''(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

''(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

''(B) EXCEPTION.—Labor performed on a dairy farm or on a horse farm shall be considered to be seasonal labor.''

(b) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), as amended by subsection (c) of section 404, is further amended, by striking ''dairy farm,'' and inserting ''dairy farm or horse farm,''.

SEC. ___7. ADMISSION OF AGRICULTURAL WORKERS.

(a) LIMITATION ON ACCESS TO INFORMATION.—Subsection (d) of section 214A of the Immigration and Nationality Act, as added by section 622(b), is amended by striking paragraph (6), and insert the following:

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to section 604.''.

(b) TERMS OF EMPLOYMENT.—Subsection (h)(3)(b) of such section 214A is amended by striking clause (iv) and inserting the following:

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (j)(1)(A).''.

(c) RECORD OF EMPLOYMENT.—Subsection (h)(4) of such section 214A is amended by striking subparagraph (B) and inserting the following:

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted Z–A nonimmigrant status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(iii) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations requiring an alien granted Z–A nonimmigrant status to file a report by the conclusion of the 4-year period beginning on the date of enactment showing that the alien is making satisfactory progress toward complying with the requirements of subsection (j)(1)(A).''.

(d) TERMINATION OF A GRANT OF Z–A VISA.—Subsection (i) of such section 214A is amended by striking paragraph (3).

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—Paragraph (1) of subsection (j) of such section 214A is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) change status to Z nonimmigrant status pursuant to section 601(l)(1)(B) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, provided that the alien also complies with the requirements for second renewal described in section 601(k)(2) of such Act, except for sections 601(k)(2)(B)(i) and (iii).

''(D) FINE.—The alien pays to the Secretary a fine of $400.''.

(f) ENGLISH LANGUAGE.—Paragraph (6) of such subsection (j) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or is renewed under section 601(l)(1)(B), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in paragraphs (1) and (2) of section 312(a).''.

(g) ELIGIBILITY FOR LEGAL SERVICES.—Such section 214A is amended by striking subsection (m) and inserting the following:

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (d) or an adjustment of status under subsection (j).''.

SEC. ___8. EFFECTIVE DATE.

Subsection (a) of section 1 in the material preceding paragraph (1) shall be deemed to read as follows:

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, section 214A(d) of the Immigration and Nationality Act, as added by section 622, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

SA 1935. Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. BOXER, and Mr. CORNYN) 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:

TITLE ___—U.S. BORDER HEALTH

SEC. _01. SHORT TITLE.

This title may be cited as the ''Border Health Security Act of 2007''.

SEC. _02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. _03. BORDER HEALTH GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education;

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

(Q) trauma care;

(R) infectious disease testing and monitoring;

(S) health research with an emphasis on infectious disease; and

(T) cross-border health surveillance; and

(2) other programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year.

SEC. __04. GRANTS FOR ALL HAZARDS PREPAREDNESS IN THE BORDER AREA INCLUDING BIOTERRORISM AND INFECTIOUS DISEASE.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, trauma centers, regional trauma center coordinating entity, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for all hazards preparedness in the border area including bioterrorism and infectious disease.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

(1) develop and implement all hazards preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate all hazard and emergency preparedness planning in the region;

(3) improve infrastructure, including surge capacity syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

(7) provide infectious disease testing in the border area; and

(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

SEC. __05. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended by adding at the end the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SEC. __06. COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.

The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

(2) is alerted to signs of health threats, disasters of mass scale, or bioterrorism along the border area.

SEC. __07. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational health infrastructure and health insurance efforts.

SEC. __08. PROVISION OF RECOMMENDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–3) is amended by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.''.

SA 1936. 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 454, strike line 3 and all that follows to line 16, and insert the following:

''Notwithstanding any other provision of this Act,

''(3) Annual limit on the total number of Y(ii) seasonal non-agricultural temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(ii) worker that returns to the United States for subsequent seasonal work periods, or an individual who previously worked in the United States as a H(ii)(b) worker that returns to the United States as a Y(ii) worker, shall count against the annual cap of 100,000 to 200,000 Y(ii) workers; and

''(b) the total number of Y(ii) workers present in the United States, at any one time shall not exceed 200,000.

''(4) Annual limit on the total number of Y(i) 2-year temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(i) worker returning to the United States for a second or third two-year work period shall be counted against the annual cap of 200,000 Y(i) workers; and

''(b) the total number of Y(i) workers present in the United States during any single year shall not exceed 400,000. (The number will be higher than 200,000 because, in any given year after the first fiscal year, workers will be present in both their first and second years of their first, second, or third 2-year work periods).''.

SA 1937. 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:

In the appropriate place at the end of section 409, insert the following:

''Notwithstanding any other provision of this Act,

''(4) Annual limit on the total number of Y(i) 2-year temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(i) worker returning to the United States for a second or third two-year work period shall be counted against the annual cap of 200,000 Y(i) workers; and

''(b) the total number of Y(i) workers present in the United States during any single year shall not exceed 400,000. (The number will be higher than 200,000 because, in any given year after the first fiscal year, workers will be present in both their first and second years of their first, second, or third 2–year work periods).''.

SA 1938. 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 454, strike line 3 and all that follows to line 16, and insert the following:

''Notwithstanding any other provision of this Act,

''(3) Annual limit on the total number of Y(ii) seasonal non-agricultural temporary workers allowed to perform labor in the U.S. during any single year—

''(a) a Y(ii) worker that returns to the United States for subsequent seasonal work periods, or an individual who previously worked in the United States as a H(ii)(b) worker that returns to the United States as a Y(ii) worker, shall count against the annual cap of 100,000 to 200,000 Y(ii) workers; and

''(b) the total number of Y(ii) workers present in the United States, at any one time shall not exceed 200,000.''.

SA 1939. 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 595, between lines 12 and 13, insert the following:

(s) NUMERICAL LIMITATION.—Notwithstanding any other provision of this Act, not more than 13,000,000 visas authorized to be issued under this title may be issued to aliens described under section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SA 1940. 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 595, between lines 12 and 13, insert the following:

(s) NUMERICAL LIMITATION.—Section 214(g) (8 U.S.C. 1184(g)), as amended by title IV, is further amended by adding at the end the following:

''(13) Notwithstanding any provision of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, not more than 13,000,000 visas authorized to be issued under title VI of such Act may be issued to aliens described under section 101(a)(15)(Z).''.

SA 1941. 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 668, between lines 12 and 13, insert the following:

Subtitle D—Self-Sufficiency

SEC. 631. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 213A the following:

''SEC. 213B. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.

''(a) IN GENERAL.—In addition to the eligibility requirements under section 601(e) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien applying for Z nonimmigrant status under section 601 of such Act shall submit a signed a guarantee of self-sufficiency in accordance with this section.

''(b) ENFORCEABILITY.—

''(1) IN GENERAL.—No guarantee of self-sufficiency may be accepted by the Secretary or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such guarantee is executed as a contract—

''(A) which is legally enforceable against the guarantor of self-sufficiency by the alien seeking immigration benefits, the Federal Government, and by any State (or any political subdivision of such State) providing any means-tested public benefits program during the 10-year period beginning on the date on which the alien last received any such immigration benefit;

''(B) in which the guarantor of self-sufficiency agrees to financially support the alien to prevent the alien from becoming a public charge; and

''(C) in which the guarantor of self-sufficiency agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

''(2) SCOPE.—A contract under paragraph (1) shall be enforceable with respect to means-tested public benefits (other than the benefits described in subsection (g)) provided to the alien before the alien is naturalized as a United States citizen under chapter 2 of title III.

''(c) FORMS.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall develop a form of guarantee of self-sufficiency that is consistent with the provisions under this section.

''(d) REMEDIES.—

''(1) IN GENERAL.—Remedies available to enforce a guarantee of self-sufficiency under this section include—

''(A) any of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code;

''(B) an order for specific performance and payment of legal fees and other costs of collection; and

''(C) corresponding remedies available under State law.

''(2) COLLECTION.—A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

''(e) NOTIFICATION OF CHANGE OF ADDRESS.—

''(1) IN GENERAL.—The guarantor of self-sufficiency shall notify the Secretary and the State in which the guaranteed alien is a resident not later than 30 days after any change of address of the guarantor of self-sufficiency during the period specified in subsection (b)(2).

''(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

''(A) not less than $25,000 and not more than $50,000; or

''(B) if such failure occurs with knowledge that the alien has received any means-tested public benefit, not less than $50,000 or more than $100,000.

''(f) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

''(1) REQUEST.—

''(A) IN GENERAL.—Upon notification that a guaranteed alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the guarantor of self-sufficiency equal to the amount of assistance received by such alien.

''(B) RULEMAKING.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

''(2) CIVIL ACTION.—If the appropriate Federal, State, or local agency has not received a response from the guarantor of self-sufficiency within 45 days after requesting reimbursement, which indicates that such guarantor is willing to commence payments, an action may be brought against the guarantor of self-sufficiency to enforce the terms of the guarantee of self-sufficiency.

''(3) FAILURE TO COMPLY WITH REPAYMENT TERMS.—If the guarantor of self-sufficiency fails to comply with the repayment terms established by such agency, the agency may, not earlier than 60 days after such failure, bring an action against the guarantor of self-sufficiency pursuant to the affidavit of support.

''(4) STATUTE OF LIMITATIONS.—No cause of action may be brought under this subsection later than 50 years after the alien last received a benefit under any means-tested public benefits program.

''(5) COLLECTION AGENCIES.—If a Federal, State, or local agency requests reimbursement under this subsection from the guarantor of self-sufficiency in the amount of assistance provided, or brings an action against the guarantor of self-sufficiency pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. Nothing in this subsection shall preclude any appropriate Federal, State, or local agency from directly requesting reimbursement from a guarantor of self-sufficiency for the amount of assistance provided, or from bringing an action against a guarantor of self-sufficiency pursuant to an affidavit of support.

''(g) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—A guarantor shall not be liable under this section for the reimbursement of any of the following benefits provided to a guaranteed alien:

''(1) Emergency medical services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(2) Short-term, non-cash, in-kind emergency disaster relief.

''(3) Assistance or benefits under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(4) Assistance or benefits under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(5) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

''(6) Payments for foster care and adoption assistance under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) for a child, but only if the foster or adoptive parent or parents of such child are not otherwise ineligible pursuant to section 4403 of this Act.

''(7) Programs, services, or assistance (including soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which—'

''(A) deliver in-kind services at the community level, including through public or private nonprofit agencies;

''(B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

''(C) are necessary for the protection of life or safety.

''(8) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

''(9) Benefits under the Head Start Act (42 U.S.C. 9831 et seq.).

''(10) Means-tested programs under the Elementary and Secondary Education Act of 1965 (Public Law 89–10).

''(11) Benefits under the Job Training Partnership Act (Public Law 97–300).

''(h) DEFINITIONS.—In this section:

''(1) GUARANTOR OF SELF-SUFFICIENCY.—The term 'guarantor' means an individual who—

''(A) seeks a benefit under title IV or VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or under any amendment made under either such title;

''(B) is at least 18 years of age; and

''(C) is domiciled in any of the 50 States or in the District of Columbia.

''(2) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, food assistance, and social services) administered by the Federal Government, a State, or a political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program or the amount of such benefits is determined on the basis of income, resources, or financial need of the individual, household, or unit.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 213A the following:

''Sec. 213B. Requirement for guarantee of self-sufficiency.''.

SA 1942. 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 311, strike line 17 and all that follows through page 315, line 14, and insert the following:

''(f) GROUNDS OF INADMISSIBILITY.—

''(1) WAIVED GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility as a Y nonimmigrant, such alien shall be found to be inadmissible if the alien would be subject to the grounds of inadmissibility under section 601(d)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(2) WAIVER.—The Secretary may in the Secretary's discretion waive the application of any provision of section 212(a) not listed in paragraph (2) of such section on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the

authority of the Secretary other than under this paragraph to waive the provisions of section 212(a).

''(g) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien seeking a Y nonimmigrant visa or Y nonimmigrant status unless all appropriate background checks have been completed to the satisfaction of the Secretary of State and the Secretary of Homeland Security.

''(h) GROUNDS OF INELIGIBILITY.—

''(1) IN GENERAL.—An alien is ineligible for a Y nonimmigrant visa or Y nonimmigrant status if the alien is described in section 601(d)(1)(A), (D), (E), (F), or (G) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(2) INELIGIBILITY OF DERIVATIVE Y–3 NONIMMIGRANTS.—An alien is ineligible for Y–3 nonimmigrant status if the principal Y nonimmigrant is ineligible under paragraph (1).

''(3) APPLICABILITY TO GROUNDS OF INADMISSIBILITY.—Nothing in this subsection shall be construed to limit the applicability of any ground of inadmissibility under section 212.

''(i) PERIOD OF AUTHORIZED ADMISSION.—

''(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

''(A) Y–1 NONIMMIGRANTS.—Except as provided in paragraph (2), aliens granted admission as Y–1 nonimmigrants shall be granted an authorized period of admission of 2 years. Subject to paragraph (4), such 2-year period of admission may be extended for an indefinite number of subsequent 2-year periods if the alien remains outside the United States for the 12-month period immediately prior to each 2-year period of admission.

''(B) Y–2B NONIMMIGRANTS.—Aliens granted admission as Y–2B nonimmigrants shall be granted an authorized period of admission of 10 months.

''(2) FAMILY MEMBERS.—A Y–1 nonimmigrant—

''(A) may not be accompanied by the nonimmigrant's spouse or other dependants while in the United States under Y–1 nonimmigrant status; and

''(B) may not sponsor a family member to enter the United States through a 'parent visitor visa' authorized under section 214(s).

SA 1943. 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 137, on line 25, strike ''.'' and insert the following:

'; or

'(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 1944. 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 663, line 7, strike ''not''.

SA 1945. 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:

SEC. _____. 5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting '', including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income),'' after ''means-tested public benefit''.

SA 1946. 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 118, between lines 8 and 9, insert the following:

SEC. 203A. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or the Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: '', regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

''(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

''(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or''; and

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not of good moral character'' and inserting the following: ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' after ''may''; and

(2) by adding at the end the following: ''Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.''.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).''.

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking ''the Attorney General if'' and all that follows and inserting: ''the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.''.

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.''.

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

SEC. 203B. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) 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.

(b) CONSTRUCTION.—Nothing in this section 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.

SEC. 203C. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3), 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—

(A) against whom a final order of removal has been issued;

(B) 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;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) 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 paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under subparagraph (A), 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 paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) 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''.

SA 1947. Mr. SALAZAR (for Mr. DODD) proposed an amendment to the bill S. 1612, to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; as follows:

Strike subsection (b), and insert the following:

(b) EFFECTIVE DATE.—

(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 26, 2007, at 9:30 a.m., in closed session to receive an updated briefing from the Joint Improvised Explosive Device Defeat Organization.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WHITEHOUSE. 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 Tuesday, June 26, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing on the Impact of Media Violence on Children hearing will focus on issues related to the impact of violent television programming on children, including issues raised by the recently released Federal Communications Commission (FCC) report, Violent Television Programming and Its Impact on Children.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 26, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities has been rescheduled.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 26, 2007, at 10 a.m. to conduct a hearing to receive testimony on Smithsonian Institution governance reform and a report by the Smithsonian's Independent Review Committee.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a markup of S. 1671 ''Entrepreneurial Development Act of 2007,'' S. 1622 ''Small Business Venture Capital Act of 2007,'' and other pending business on Tuesday, June 26, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 26, 2007 at 1:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. WHITEHOUSE. 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 26, 2007, at 2:30 p.m., to conduct a hearing entitled ''Ending Mortgage Abuse: Safeguarding Homebuyers.''

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

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Madam President, I ask unanimous consent that Ms. Kathleen Pepper, a detailee in the office of Senator KYL, be granted the privileges of the floor today and tomorrow.

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

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

On Thursday, June 21, 2007, the Senate passed H.R. 6, as amended, which was incorrectly printed in the RECORD of Monday, June 25, 2007.

The correct version of H.R. 6, as amended, is as follows:

H.R. 6

Resolved, That the bill from the House of Representatives (H.R. 6) entitled ''An Act 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.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007''.

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

SEC. 2. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Biofuels for Energy Security and Transportation Act of 2007''.

SEC. 102. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term ''advanced biofuel'' means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term ''advanced biofuel'' includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term ''conventional biofuel'' means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term ''renewable biomass'' means—

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle or furnace.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy

(7) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

Subtitle A—Renewable Fuel Standard

SEC. 111. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel and home heating oil sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities that commence operations after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0.

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 30 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

SEC. 112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term ''facility'' means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term ''renewable energy'' has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term ''renewable energy'' includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

SEC. 113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

Subtitle B—Renewable Fuels Infrastructure

SEC. 121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan

to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 122. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(2) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. 123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: '', including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts''.

SEC. 124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(f) RENEWABLE FUEL FACILITIES.—

''(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 102 of the Biofuels for Energy Security and Transportation Act of 2007).

''(2) REQUIREMENTS.—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 at the time that the guarantee is issued.

''(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

''(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

''(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

''(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

''(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

''(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).''.

(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 paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—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.''.

(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 into 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.''.

SEC. 125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as ''eligible entities'') to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

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

SEC. 127. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

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

SEC. 128. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 129. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking ''The Federal Trade Commission'' and inserting the following:

''(1) IN GENERAL.—The Federal Trade Commission''; and

(2) by adding at the end the following:

''(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.''.

SEC. 130. BIODIESEL.

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

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

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.—

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

(A) $3,000,000 for fiscal year 2008.

(B) $3,000,000 for fiscal year 2009.

(C) $3,000,000 for fiscal year 2010.

SEC. 131. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term ''cellulosic crop'' means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term ''cellulosic refiner'' means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term ''cellulosic refinery'' means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term ''qualified cellulosic crop'' means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 132. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term ''fuel emission baseline'' means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel

component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 122, there are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;

(2) $50,000,000 for fiscal year 2010;

(3) $55,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $65,000,000 for fiscal year 2013.

Subtitle C—Studies

SEC. 141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, 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 conducted under this section.

SEC. 142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, 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 that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of 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 on-road, 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 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 143. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E–85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E–85 fuel.

(b) 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 Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months 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 that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 111(d).

SEC. 146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

SEC. 147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

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

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

(b) GOALS.—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

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

SEC. 148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) REPORT.—Not later than 1 year 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 that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

SEC. 149. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF-ROAD VEHICLES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) EVALUATION.—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

SEC. 150. 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.

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 supersedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.''.

TITLE II—ENERGY EFFICIENCY PROMOTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Energy Efficiency Promotion Act of 2007''.

SEC. 202. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of Energy.

Subtitle A—Promoting Advanced Lighting Technologies

SEC. 211. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

''(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

''(1) IN GENERAL.—Not later than October 1, 2013, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

''(2) GUIDELINES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.

''(B) REPLACEMENT COSTS.—The guidelines shall take into consideration the costs of replacing all general service lighting and the reduced cost of operation and maintenance expected to result from such replacement.''.

SEC. 212. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is 40 watts or higher''; and

(2) by adding at the end the following:

''(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.''.

SEC. 213. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours

under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(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.

(i) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

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

SEC. 214. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

SEC. 215. RENEWABLE ENERGY CONSTRUCTION GRANTS.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term ''Alaska small hydroelectric power'' means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term ''ocean energy'' includes current, wave, and tidal energy.

(B) EXCLUSION.—The term ''ocean energy'' excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set

forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

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

Subtitle B—Expediting New Energy Efficiency Standards

SEC. 221. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting 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.''.

SEC. 222. REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.

(a) IN GENERAL.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) REGIONAL EFFICIENCY STANDARDS FOR HEATING AND COOLING PRODUCTS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—The Secretary may determine, after notice and comment, that more stringent Federal energy conservation standards are appropriate for furnaces, boilers, or central air conditioning equipment than applicable Federal energy conservation standards.

''(B) FINDING.—The Secretary may determine that more stringent standards are appropriate for up to 2 different regions only after finding that the regional standards—

''(i) would contribute to energy savings that are substantially greater than that of a single national energy standard; and

''(ii) are economically justified.

''(C) REGIONS.—On making a determination described in subparagraph (B), the Secretary shall establish the regions so that the more stringent standards would achieve the maximum level of energy savings that is technologically feasible and economically justified.

''(D) FACTORS.—In determining the appropriateness of 1 or more regional standards for furnaces, boilers, and central and commercial air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4) of section 325(o).

''(2) STATE PETITION.—After a determination made by the Secretary under paragraph (1), a State may petition the Secretary requesting a rule that a State regulation that establishes a standard for furnaces, boilers, or central air conditioners become effective at a level determined by the Secretary to be appropriate for the region that includes the State.

''(3) RULE.—Subject to paragraphs (4) through (7), the Secretary may issue the rule during the period described in paragraph (4) and after consideration of the petition and the comments of interested persons.

''(4) PROCEDURE.—

''(A) NOTICE.—The Secretary shall provide notice of any petition filed under paragraph (2) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, on the petition.

''(B) DECISION.—Except as provided in subparagraph (C), during the 180-day period beginning on the date on which the petition is filed, the Secretary shall issue the requested rule or deny the petition.

''(C) EXTENSION.—The Secretary may publish in the Federal Register a notice—

''(i) extending the period to a specified date, but not longer than 1 year after the date on which the petition is filed; and

''(ii) describing the reasons for the delay.

''(D) DENIALS.—If the Secretary denies a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, the denial.

''(5) FINDING OF SIGNIFICANT BURDEN ON MANUFACTURING, MARKETING, DISTRIBUTION, SALE, OR SERVICING OF COVERED PRODUCT ON NATIONAL BASIS.—

''(A) IN GENERAL.—The Secretary may not issue a rule under this subsection if the Secretary finds (and publishes the finding) that interested persons have established, by a preponderance of the evidence, that the State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of a covered product on a national basis.

''(B) FACTORS.—In determining whether to make a finding described in subparagraph (A), the Secretary shall evaluate all relevant factors, including—

''(i) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

''(ii) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State; and

''(iii) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

''(I) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

''(II) in the current or projected sales volume of the covered product type (or class) in the State and the United States.

''(6) APPLICATION.—No State regulation shall become effective under this subsection with respect to any covered product manufactured before the date specified in the determination made by the Secretary under paragraph (1).

''(7) PETITION TO WITHDRAW FEDERAL RULE FOLLOWING AMENDMENT OF FEDERAL STANDARD.—

''(A) IN GENERAL.—If a State has issued a rule under paragraph (3) with respect to a covered product and subsequently a Federal energy conservation standard concerning the product is amended pursuant to section 325, any person subject to the State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (3) with respect to the product in the State.

''(B) BURDEN OF PROOF.—The Secretary shall consider the petition in accordance with paragraph (5) and the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (3) should be withdrawn as a result of the amendment to the Federal standard.

''(C) WITHDRAWAL.—If the Secretary determines that the petitioner has shown that the rule issued by the Secretary under paragraph (3) should be withdrawn in accordance with subparagraph (B), the Secretary shall withdraw the rule.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(ii) in paragraph (3)—

(I) by striking ''subsection (f)(1)'' and inserting ''subsection (g)(1)''; and

(II) by striking ''subsection (f)(2)'' and inserting ''subsection (g)(2)''; and

(B) in subsection (c)(3), by striking ''subsection (f)(3)'' and inserting ''subsection (g)(3)''.

(2) Section 345(b)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(2)) is amended by adding at the end the following:

''(E) RELATIONSHIP TO CERTAIN STATE REGULATIONS.—Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) with respect to the equipment specified in subparagraphs (B), (C), (D), (H), (I), and (J) of section 340 shall not supersede a State regulation that is effective under the terms, conditions, criteria, procedures, and other requirements of section 327(e).''.

SEC. 223. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

''(E) FINAL RULE.—

''(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2014.

''(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).''.

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''.

SEC. 225. PERIODIC REVIEWS.

(a) TEST PROCEDURES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking ''(1)'' and all that follows through the end of the paragraph and inserting the following:

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

''(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

''(ii) publish notice in the Federal Register of any determination not to amend a test procedure.''.

(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.''.

(d) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking ''(a)'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

''(1) TEST PROCEDURES.—

''(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

''(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

''(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) take effect on January 1, 2012.

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).''.

SEC. 227. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

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

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

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

''(B) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

''(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.''.

SEC. 228. TECHNICAL CORRECTIONS.

(a) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

(b) STANDARDS FOR COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT.—Section 342(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(1)) is amended in the matter preceding subparagraph (A) by striking ''but before January 1, 2010,''.

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 212(a)(2)) is amended—

(A) in paragraph (46)(A)—

(i) in clause (i), by striking ''bulb'' and inserting ''the arc tube''; and

(ii) in clause (ii), by striking ''has a bulb'' and inserting ''wall loading is'';

(B) in paragraph (47)(A), by striking ''operating at a partial'' and inserting ''typically operating at a partial vapor'';

(C) in paragraph (48), by inserting ''intended for general illumination'' after ''lamps''; and

(D) by adding at the end the following:

''(56) The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

''(A) is designed and marketed for medical use, optical comparators, quality inspection, industrial processing, or scientific use, including fluorescent microscopy, ultraviolet curing, and the manufacture of microchips, liquid crystal displays, and printed circuit boards; and

''(B) in the case of a specialty application mercury vapor lamp ballast, is labeled as a specialty application mercury vapor lamp ballast.''.

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting ''(other than specialty application mercury vapor lamp ballasts)'' after ''ballasts''.

SEC. 229. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'electric motor' means—

''(I) a general purpose electric motor—subtype I; and

''(II) a general purpose electric motor—subtype II.

''(ii) The term 'general purpose electric motor—subtype I' means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

''(iii) The term 'general purpose electric motor—subtype II' means a motor that, in addition to the design elements for a general purpose electric motor—subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG–1 (2006)) for any of the following:

''(I) A U–Frame Motor.

''(II) A Design C Motor.

''(III) A close-coupled pump motor.

''(IV) A footless motor.

''(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

''(VI) An 8-pole motor.

''(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).''.

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(3)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE I.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor—subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG–1 (2006).

''(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(B) GENERAL PURPOSE ELECTRIC MOTORS—SUBTYPE II.—A general purpose electric motor—subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).

''(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12–11 of NEMA MG–1 (2006).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 230. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking ''or, in the case of'' and inserting ''and, in the case of residential clothes washers, residential dishwashers,''.

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.''.

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) CLOTHES WASHERS.—

''(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

''(I) a modified energy factor of at least 1.26; and

''(II) a water factor of not more than 9.5.

''(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2015, and including any amended standards.

''(E) DISHWASHERS.—

''(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall use not more than—

''(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

''(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

''(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018, and including any amended standards.''.

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting ''and before October 1, 2012,'' after ''2007,''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.''.

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''2010'' and inserting ''2009''.

SEC. 231. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

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

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

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 232. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term ''high-efficiency consumer product'' means a product that exceeds the energy efficiency of comparable products available in the market by a percentage determined by the Secretary to be an appropriate benchmark for the consumer product category competing for an award under this section.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 233. INDUSTRIAL EFFICIENCY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term eligible entity means—

(A) an institution of higher education under contract or in partnership with a nonprofit or for-profit private entity acting on behalf of an industrial or commercial sector or subsector;

(B) a nonprofit or for-profit private entity acting on behalf on an industrial or commercial sector or subsector; or

(C) a consortia of entities acting on behalf of an industrial or commercial sector or subsector.

(2) ENERGY-INTENSIVE COMMERCIAL APPLICATIONS.—The term ''energy-intensive commercial applications'' means processes and facilities that use significant quantities of energy as part of the primary economic activities of the processes and facilities, including—

(A) information technology data centers;

(B) product manufacturing; and

(C) food processing.

(3) FEEDSTOCK.—The term ''feedstock'' means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) MATERIALS MANUFACTURERS.—The term ''materials manufacturers'' means the energy-intensive primary manufacturing industries, including the aluminum, chemicals, forest and paper products, glass, metal casting, and steel industries.

(5) PARTNERSHIP.—The term ''partnership'' means an energy efficiency and utilization partnership established under subsection (c)(1)(A).

(6) PROGRAM.—The term ''program'' means the industrial efficiency program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with materials manufacturers, companies engaged in energy-intensive commercial applications, and national industry trade associations representing the manufactures and companies, shall support, develop, and promote the use of new materials manufacturing and industrial and commercial processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall—

(A) establish energy efficiency and utilization partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve energy efficiency and utilization by materials manufacturers and in energy-intensive commercial applications, including the conduct of activities to—

(i) increase the energy efficiency of industrial and commercial processes and facilities in energy-intensive commercial application sectors;

(ii) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance in energy-intensive commercial application sectors; and

(iii) promote the use of the processes, technologies, and techniques described in clauses (i) and (ii); and

(B) pay the Federal share of the cost of any eligible partnership activities for which a proposal has been submitted and approved in accordance with paragraph (3)(B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for financial assistance under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting manufacturing feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(C) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(D) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for financial assistance under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of financial assistance under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

Subtitle C—Promoting High Efficiency Vehicles, Advanced Batteries, and Energy Storage

SEC. 241. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys, fiberglass, and carbon composites) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 242. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and loan guarantees under section 1703 to automobile manufacturers and suppliers''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C.

16513(b)) is amended by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.''.

SEC. 243. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term ''adjusted average fuel economy'' means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2005.

(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) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary, using a petroleum equivalence factor for the off-board electricity (as defined in section 474 of title 10, Code of Federal Regulations).

(4) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment and developing new manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005.

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms or consortia led by a covered firm.

SEC. 244. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(D) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i).

(C) MEETINGS.—

(i) IN GENERAL.—The Council shall meet not less than once a year.

(ii) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) PLANS.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) REVIEW.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) BASIC RESEARCH PROGRAM.—

(A) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

(iv) surface and interface dynamics;

(v) modeling and simulation; and

(vi) thermal behavior and life degradation mechanisms; and

(vii) thermal behavior and life degradation mechanisms.

(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.

(5) APPLIED RESEARCH PROGRAM.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries and battery systems (including flow batteries);

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems; and

(G) thermal management systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) PROGRAM MANAGEMENT.—The centers shall be jointly managed by the Under Secretary for Science of the Department.

(C) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) COST SHARING.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(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.

(9) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

SEC. 245. ADVANCED TRANSPORTATION TECHNOLOGY PROGRAM.

(a) ELECTRIC DRIVE VEHICLE DEMONSTRATION PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) PROGRAM.—The Secretary shall establish a competitive program to provide grants for demonstrations of plug-in electric drive vehicles.

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt-hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

(4) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to proposals that—

(A) are likely to contribute to the commercialization and production of plug-in electric drive vehicles in the United States; and

(B) reduce petroleum usage.

(5) SCOPE OF DEMONSTRATIONS.—The Secretary shall ensure, to the extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(6) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to vehicle, performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(7) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(8) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $60,000,000 for each of fiscal years 2008 through 2012, of which not less than $20,000,000 shall be available each fiscal year only to make grants local and municipal governments.

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term ''qualified electric transportation project'' means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term ''qualified electric transportation project'' includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) ⅔ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) ⅓ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) $125,000,000 for each of fiscal years 2008 through 2013.

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term ''energy storage device'' means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term ''energy storage device'' includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term ''engine dominant hybrid vehicle'' means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term ''nonroad vehicle'' means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—In this section, the term ''plug-in electric drive vehicle'' means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) PLUG-IN ELECTRIC DRIVE VEHICLE RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for plug-in electric drive vehicle technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the ''Dr. Andrew Frank Plug-In Electric Vehicle Competition''.

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) $200,000,000; and

(B) to carry out paragraph (4) $5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

''(a) DEFINITIONS.—In this section:

''(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road 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)).

''(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

''(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

''(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

''(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

''(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

''(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—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 any combination of—

''(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

''(B) an internal combustion engine or heat engine using any combustible fuel.'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) ALLOCATION.—The Secretary''; and

(B) by adding at the end the following:

''(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

''(A) allocate credit in an amount to be determined by the Secretary for—

''(i) acquisition of—

''(I) a hybrid electric vehicle;

''(II) a plug-in hybrid electric vehicle;

''(III) a fuel cell electric vehicle;

''(IV) a neighborhood electric vehicle; or

''(V) a medium- or heavy-duty electric vehicle; and

''(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

''(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

''(i) a reduction in petroleum demand;

''(ii) technological advancement; and

''(iii) a reduction in vehicle emissions.'';

(4) in subsection (c) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(5) by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.''.

SEC. 247. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 911(b) of Public Law 109–58, the Energy Policy Act of 2005, such sums shall be allocated to carry out this program.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. OIL SAVINGS PLAN AND REQUIREMENTS.

(a) OIL SAVINGS TARGET AND ACTION PLAN.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to subsection (b) that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under subsection (e)—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis demonstrating—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) that all such requirements, taken together, will achieve the oil savings specified in this subsection.

(b) STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—On or before the date of publication of the action plan under subsection (a), the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in paragraph (2).

(2) AUTHORITIES.—The head of each agency described in paragraph (1) shall use to carry out this subsection—

(A) any authority in existence on the date of enactment of this Act (including regulations); and

(B) any new authority provided under this Act (including an amendment made by this Act).

(3) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in paragraph (1) shall promulgate final versions of the regulations required under this subsection.

(4) CONTENT OF REGULATIONS.—Each proposed and final regulation promulgated under this subsection shall—

(A) be sufficient to achieve at least the oil savings resulting from the regulation under the action plan published under subsection (a); and

(B) be accompanied by an analysis by the applicable agency demonstrating that the regulation will achieve the oil savings from the baseline determined under subsection (e).

(c) INITIAL EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall—

(A) publish in the Federal Register a Federal Government-wide analysis of—

(i) the oil savings achieved from the baseline established under subsection (e); and

(ii) the expected oil savings under the standards and requirements of this Act (and amendments made by this Act); and

(B) determine whether oil savings will meet the targets established under subsection (a).

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the analysis required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(d) REVIEW AND UPDATE OF ACTION PLAN.—

(1) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(A) evaluates the progress achieved in implementing the oil savings targets established under subsection (a);

(B) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(C)(i) analyzes the potential to achieve oil savings that are in addition to the savings required by subsection (a); and

(ii) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(2) INSUFFICIENT OIL SAVINGS.—If the oil savings are less than the targets established under subsection (a), simultaneously with the report required under paragraph (1)—

(A) the Director shall publish a revised action plan that is sufficient to achieve the targets; and

(B) the head of each agency referred to in subsection (b)(1) shall propose new or revised regulations that are sufficient to achieve the targets under paragraphs (1), (2), and (3), respectively, of subsection (b).

(3) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under paragraph (2)(B), the head of each agency referred to in subsection (b)(1) shall promulgate final versions of those regulations that comply with subsection (b)(1).

(e) BASELINE AND ANALYSIS REQUIREMENTS.—In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this section, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2005'';

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

(f) NONREGULATORY MEASURES.—The action plan required under subsection (a) and the revised action plans required under subsections (c) and (d) shall include—

(1) a projection of the barrels of oil displaced by efficiency and sources of energy other than oil, including biofuels, electricity, and hydrogen; and

(2) a projection of the barrels of oil saved through enactment of this Act and the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.).

SEC. 252. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) GOALS.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

SEC. 253. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States over the next decade;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television,

radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 254. MODERNIZATION OF ELECTRICITY GRID SYSTEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States that developing and deploying advanced technology to modernize and increase the efficiency of the electricity grid system of the United States is essential to maintain a reliable and secure electricity transmission and distribution infrastructure that can meet future demand growth.

(b) PROGRAMS.—The Secretary, the Federal Energy Regulatory Commission, and other Federal agencies, as appropriate, shall carry out programs to support the use, development, and demonstration of advanced transmission and distribution technologies, including real-time monitoring and analytical software—

(1) to maximize the capacity and efficiency of electricity networks;

(2) to enhance grid reliability;

(3) to reduce line losses;

(4) to facilitate the transition to real-time electricity pricing;

(5) to allow grid incorporation of more onsite renewable energy generators;

(6) to enable electricity to displace a portion of the petroleum used to power the national transportation system of the United States; and

(7) to enable broad deployment of distributed generation and demand side management technology.

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;

(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 fossil fuel 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 consider 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, and 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) total costs;

''(ii) cost-effectiveness;

''(iii) improved reliability;

''(iv) security;

''(v) system performance; and

''(vi) 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.''.

SEC. 259. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

SEC. 260. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''National Commission on Energy Independence'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

Subtitle E—Promoting Federal Leadership in Energy Efficiency and Renewable Energy

SEC. 261. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

(1) IN GENERAL.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

''SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—The Secretary shall issue regulations (including provisions for waivers from the requirements of this section) for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(2) PLAN.—

''(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

''(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(i) the use of alternative fuels;

''(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug–in hybrid vehicles if the vehicles are commercially available;

''(iii) the substitution of cars for light trucks;

''(iv) an increase in vehicle load factors;

''(v) a decrease in vehicle miles traveled;

''(vi) a decrease in fleet size; and

''(vii) other measures.

''(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as—

''(A) telecommuting;

''(B) public transit;

''(C) carpooling; and

''(D) bicycling and the use of 2-wheeled electric drive devices.

''(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

''(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

''(c) REPLACEMENT TIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

''(2) EXCEPTIONS.—This section does not apply to—

''(A) law enforcement motor vehicles;

''(B) emergency motor vehicles; or

''(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

''(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

''Sec. 400FF. Federal fleet conservation requirements.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 262. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—The President, acting through the Secretary, shall require that, to the extent economically feasible and technically practicable, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

''(A) Not less than 10 percent in fiscal year 2010.

''(B) Not less than 15 percent in fiscal year 2015.

''(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

''(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on a fiscal-year basis if the President determines that complying with paragraph (1) for a fiscal year would result in—

''(A) a negative impact on military training or readiness activities conducted by the Department of Defense;

''(B) a negative impact on domestic preparedness activities conducted by the Department of Homeland Security; or

''(C) a requirement that a Federal agency provide emergency response services in the event of a natural disaster or terrorist attack.''; and

(2) by adding at the end the following:

''(e) CONTRACTS FOR RENEWABLE ENERGY FROM PUBLIC UTILITY SERVICES.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract for renewable energy may be made for a period of not more than 50 years.''.

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(c) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

''(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

(d) NOTIFICATION.—

(1) AUTHORITY TO ENTER INTO CONTRACTS.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(A) in clause (ii), by inserting ''and'' after the semicolon at the end;

(B) by striking clause (iii); and

(C) by redesignating clause (iv) as clause (iii).

(2) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting ''and any termination penalty exposure'' after ''the energy and cost savings that have resulted from such contracts''.

(3) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term ''secondary savings'' includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 264. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

''Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.''.

SEC. 265. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

''(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

''(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).''.

SEC. 266. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''this paragraph'' and by inserting ''the Energy Efficiency Promotion Act of 2007''; and

(2) in clause (i)—

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

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following:

''(II) the buildings be designed, to the extent economically feasible and technically practicable, so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

''Fiscal Year	Percentage reduction
2007	50
2010	60
2015	70
2020	80
2025	90
2030	100;

and''.

SEC. 267. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

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

(1) in subsection (a)(1)(C), by striking, '', where such standards are determined to be cost effective by the Secretary of Housing and Urban Development'';

(2) in subsection (a)(2)—

(A) by striking ''the Council of American Building Officials Model Energy Code, 1992'' and inserting ''2006 International Energy Conservation Code''; and

(B) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(3) in subsection (b)—

(A) in the heading, by striking ''MODEL ENERGY CODE.—'' and inserting ''INTERNATIONAL ENERGY CONSERVATION CODE.—'';

(B) after ''all new construction'' in the first sentence insert ''and rehabilitation''; and

(C) by striking '', and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(4) in subsection (c)—

(A) in the heading, by striking ''MODEL ENERGY CODE AND''; and

(B) by striking '', or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code'';

(5) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—If the Secretaries have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1–2004 are revised, amended the standards or made a determination under subsection (c) of this section, 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 the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency, all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard.'';

(6) by striking ''CABO Model Energy Code, 1992'' each place it appears and inserting ''the 2006 IECC''; and

(7) by striking ''1989'' each place it appears and inserting ''2004''.

SEC. 268. ENERGY EFFICIENT COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means a working group that is comprised of—

(A) individuals representing—

(i) 1 or more businesses engaged in—

(I) commercial building development;

(II) construction; or

(III) real estate;

(ii) financial institutions;

(iii) academic or research institutions;

(iv) State or utility energy efficiency programs;

(v) nongovernmental energy efficiency organizations; and

(vi) the Federal Government;

(B) 1 or more building designers; and

(C) 1 or more individuals who own or operate 1 or more buildings.

(2) ENERGY EFFICIENT COMMERCIAL BUILDING.—The term ''energy efficient commercial building'' means a commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy;

(B) to meet, on an annual basis, the balance of energy needs of the commercial building from renewable sources of energy; and

(C) to be economically viable.

(3) INITIATIVE.—The term ''initiative'' means the Energy Efficient Commercial Buildings Initiative.

(b) INITIATIVE.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the consortium to develop and carry out the initiative—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of energy efficient commercial buildings in the United States.

(2) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop technologies and practices and implement policies that lead to energy efficient commercial buildings for—

(A) any commercial building newly constructed in the United States by 2030;

(B) 50 percent of the commercial building stock of the United States by 2040; and

(C) all commercial buildings in the United States by 2050.

(3) COMPONENTS.—In carrying out the initiative, the Secretary, in collaboration with the consortium, may—

(A) conduct research and development on building design, materials, equipment and controls, operation and other practices, integration, energy use measurement and benchmarking, and policies;

(B) conduct demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(C) conduct deployment activities to disseminate information on, and encourage widespread adoption of, technologies, practices, and policies to achieve energy efficient commercial buildings; and

(D) conduct any other activity necessary to achieve any goal of the initiative, as determined by the Secretary, in collaboration with the consortium.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to amounts authorized to be appropriated under paragraph (1), the Secretary may allocate funds from other appropriations to the initiative without changing the purpose for which the funds are appropriated.

SEC. 269. CLEAN ENERGY CORRIDORS.

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) in subsection (a)—

(A) by striking ''(1) Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than'';

(B) by striking paragraph (2) and inserting the following:

''(2) REPORT AND DESIGNATIONS.—

''(A) IN GENERAL.—After considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States), the Secretary shall issue a report, based on the study conducted under paragraph (1), in which the Secretary may designate as a national interest electric transmission corridor any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers, including constraints or congestion that—

''(i) increases costs to consumers;

''(ii) limits resource options to serve load growth; or

''(iii) limits access to sources of clean energy, such as wind, solar energy, geothermal energy, and biomass.

''(B) ADDITIONAL DESIGNATIONS.—In addition to the corridor designations made under subparagraph (A), the Secretary may designate additional corridors in accordance with that subparagraph upon the application by an interested person, on the condition that the Secretary provides for an opportunity for notice and comment by interested persons and affected States on the application.'';

(C) in paragraph (3), the striking ''(3) The Secretary'' and inserting the following:

''(3) CONSULTATION.—The Secretary''; and

(D) in paragraph (4)—

(i) by striking ''(4) In determining'' and inserting the following:

''(4) BASIS FOR DETERMINATION.—In determining''; and

(ii) by striking subparagraphs (A) through (E) and inserting the following:

''(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

''(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

''(ii) a diversification of supply is warranted;

''(C) the energy independence of the United States would be served by the designation;

''(D) the designation would be in the interest of national energy policy; and

''(E) the designation would enhance national defense and homeland security.''; and

(2) by adding at the end the following:

''(l) RATES AND RECOVERY OF COSTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Commission shall promulgate regulations providing for the allocation and recovery of costs prudently incurred by public utilities in building and operating facilities authorized under this section for transmission of electric energy generated from clean sources (such as wind, solar energy, geothermal energy, and biomass).

''(2) APPLICABLE PROVISIONS.—All rates approved under the regulations promulgated under paragraph (1), including any revisions to the regulations, shall be subject to the requirements under sections 205 and 206 that all rates, charges, terms, and conditions be just and reasonable and not unduly discriminatory or preferential.''.

SEC. 270. 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).

SEC. 270A. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) (as amended by section 266) is amended—

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

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

(3) by adding at the end the following:

''(iii) if life-cycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new or substantially modified Federal building be met through the installation and use of solar hot water heaters.''.

SEC. 270B. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as

the ''Program''), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

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

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

SEC. 270C. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'biomass'—

''(aa) means any organic material that is available on a renewable or recurring basis, including—

''(AA) agricultural crops;

''(BB) trees grown for energy production;

''(CC) wood waste and wood residues;

''(DD) plants (including aquatic plants and grasses);

''(EE) residues;

''(FF) fibers;

''(GG) animal wastes and other waste materials; and

''(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

''(bb) does not include—

''(AA) paper that is commonly recycled; or

''(BB) unsegregated solid waste;

''(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(III) the term 'renewable energy system' means a system of energy derived from—

''(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

''(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

''(I) purchasing a renewable energy system; or

''(II) an energy efficiency project for an existing business.''.

SEC. 270D. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''association'' means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term ''disability'' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term ''electric utility'' has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term ''on-bill financing'' means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) 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);

(8) the term ''telecommuting'' means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(A) assist small business concerns in becoming more energy efficient; and

(B) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(3) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(A) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(B) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(i) oversee and administer the requirements under this subsection and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(ii) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(4) REPORTS.—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 an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

(c) SMALL BUSINESS ENERGY EFFICIENCY.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this subsection referred to as the ''Efficiency Pilot Program'') to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(v) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(B) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, 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 summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(A) GROUPINGS.—

(i) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in clauses (ii) through (xi) to participate in the pilot program established under this subsection.

(ii) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(5) 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 Efficiency Pilot Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated from such sums as are already authorized under section 21 of the Small Business Act to carry out this subsection—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this subsection.

(10) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—In accordance with this subsection, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this subsection referred to as the ''Telecommuting Pilot Program'').

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator 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 report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

''(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

''(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

''(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

''(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

''(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'biomass'—

''(i) means any organic material that is available on a renewable or recurring basis, including—

''(I) agricultural crops;

''(II) trees grown for energy production;

''(III) wood waste and wood residues;

''(IV) plants (including aquatic plants and grasses);

''(V) residues;

''(VI) fibers;

''(VII) animal wastes and other waste materials; and

''(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

''(ii) does not include—

''(I) paper that is commonly recycled; or

''(II) unsegregated solid waste;

''(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(C) the term 'renewable energy system' means a system of energy derived from—

''(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(ii) hydrogen derived from biomass or water using an energy source described in clause (i).''.

Subtitle F—Assisting State and Local Governments in Energy Efficiency

SEC. 271. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$700,000,000 for fiscal year 2008'' and inserting ''$750,000,000 for each of fiscal years 2008 through 2012''.

SEC. 272. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 273. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—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) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class; and

''(v) allowing timely recovery of energy efficiency-related costs.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

''(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.''.

SEC. 274. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 275. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

''SEC. 123. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

''(a) DEFINITIONS.—In this section

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) an eligible unit of local government within a State; and

''(C) an Indian tribe.

''(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term 'eligible unit of local government' means—

''(A) a city with a population—

''(i) of at least 35,000; or

''(ii) that causes the city to be 1 of the top 10 most populous cities of the State in which the city is located; and

''(B) a county with a population—

''(i) of at least 200,000; or

''(ii) that causes the county to be 1 of the top 10 most populous counties of the State in which the county is located.

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

''(4) 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.

''(b) PURPOSE.—The purpose of this section is to assist State, Indian tribal, and local governments in implementing strategies—

''(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government in an environmentally sustainable way that, to the maximum extent practicable, maximizes benefits for local and regional communities;

''(2) to reduce the total energy use of the States, Indian tribes, and units of local government; and

''(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

''(c) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

''(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

''(3) ALLOCATION TO STATES, INDIAN TRIBES, AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

''(i) 68 percent to eligible units of local government;

''(ii) 28 percent to States; and

''(iii) 4 percent to Indian tribes.

''(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

''(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

''(C) DISTRIBUTION TO STATES.—

''(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

''(I) at least 1.25 percent to each State; and

''(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

''(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

''(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

''(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.

''(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an activity relating to the implementation of an environmentally beneficial energy strategy.

''(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

''(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii), (C)(ii), or (D)(ii) of subsection (c)(3); and

''(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

''(3) COST-SHARING REQUIREMENT.—

''(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

''(B) NON-FEDERAL SHARE.—

''(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

''(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

''(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, tribal, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

''(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

''(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States, Indian tribes, and units of local government that are not eligible entities or to consortia of such units of local government.

''(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, Indian tribe, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

''(A) States with populations of less than 2,000,000; and

''(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.''.

SEC. 276. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) DEFINITIONS.—In this section:

''(1) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

''(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

''(A) implement a public awareness campaign concerning the project in the community in which the institution of higher education is located; and

''(B) submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1).

''(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

''(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

''(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

''(A) involve—

''(i) an innovative technology that is not yet commercially available; or

''(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

''(B) have the greatest potential for testing or demonstrating new technologies or processes; and

''(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

''(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

''(d) AWARDING OF GRANTS.—

''(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

''(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

''(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

''(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

''(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

''(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.''.

SEC. 277. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c), the following:

''(d) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

''(1) PURPOSE.—It is the purpose of this subsection to—

''(A) create a sustainable, comprehensive public program that provides quality training that is linked to jobs that are created through renewable energy and energy efficiency initiatives;

''(B) satisfy industry demand for a skilled workforce, to support economic growth, to boost America's global competitiveness in the expanding energy efficiency and renewable energy industries, and to provide economic self-sufficiency and family-sustaining jobs for America's workers, including low wage workers, through quality training and placement in job opportunities in the growing energy efficiency and renewable energy industries;

''(C) provide grants for the safety, health, and skills training and education of workers who are, or may be engaged in, activities related to the energy efficiency and renewable energy industries; and

''(D) provide funds for national and State industry-wide research, labor market information and labor exchange programs, and the development of nationally and State administered training programs.

''(2) GRANT PROGRAM.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this subsection as the 'Secretary'), in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (3) to achieve the purposes of this subsection.

''(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

''(i) target populations of individuals eligible for training and other services shall include, but not be limited to—

''(I) veterans, or past and present members of the reserve components of the Armed Forces;

''(II) workers affected by national energy and environmental policy;

''(III) workers displaced by the impacts of economic globalization;

''(IV) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency;

''(V) formerly incarcerated, adjudicated, nonviolent offenders; and

''(VI) individuals in need of updated training related to the energy efficiency and renewable energy industries; and

''(ii) energy efficiency and renewable energy industries eligible for such assistance and services shall include—

''(I) the energy-efficient building, construction, and retrofits industries;

''(II) the renewable electric power industry;

''(III) the energy efficient and advanced drive train vehicle industry;

''(IV) the bio-fuels industry; and

''(V) the deconstruction and materials use industries.

''(3) ACTIVITIES.—

''(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (2), the Secretary, acting through the Bureau of Labor Statistics, shall provide assistance to support national research to develop labor market data and to track future workforce trends resulting from energy-related initiatives carried out under this section. Activities carried out under this paragraph shall include—

''(i) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

''(ii) the tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

''(iii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

''(iv) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

''(v) collaborating with State agencies, industry, organized labor, and community and nonprofit organizations to disseminate successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology.

''(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out national training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

''(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

''(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include community-based organizations, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

''(II) demonstrates—

''(aa) experience in implementing and operating worker skills training and education programs;

''(bb) the ability to identify and involve in training programs carried out under this grant, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries; and

''(cc) the ability to help workers achieve economic self-sufficiency.

''(iii) ACTIVITIES.—Activities to be carried out under a grant under this subparagraph may include—

''(I) the provision of occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(II) the provision of safety and health training;

''(III) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

''(IV) individual referral and tuition assistance for a community college training program;

''(V) the provision of customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VI) the provision of career ladder and upgrade training; and

''(VII) the implementation of transitional jobs strategies.

''(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange informational programs that include the implementation of the activities described in clause (ii).

''(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

''(I) The identification of job openings in the renewable energy and energy efficiency sector.

''(II) The administration of skill and aptitude testing and assessment for workers.

''(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

''(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

''(i) IN GENERAL.—Under the program established under paragraph (2), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

''(ii) ACTIVITIES.—

''(I) IN GENERAL.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

''(II) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

''(aa) consist of non-profit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

''(bb) demonstrate experience in implementing and operating worker skills training and education programs; and

''(cc) demonstrate the ability to identify and involve in training programs, target populations of workers who are, or will be engaged in, activities related to energy efficiency and renewable energy industries.

''(iii) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate linkages of activities under the grant with—

''(I) meeting national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

''(II) meeting State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases.

''(iv) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees, including providing—

''(I) outreach and recruitment services, in coordination with the appropriate State agency;

''(II) occupational skills training, including curriculum development, on-the-job training, and classroom training;

''(III) safety and health training;

''(IV) basic skills, literacy, GED, English as a second language, and job readiness training;

''(V) individual referral and tuition assistance for a community college training program;

''(VI) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

''(VII) career ladder and upgrade training; and

''(VIII) services under transitional jobs strategies.

''(4) WORKER PROTECTIONS AND NON-DISCRIMINATION REQUIREMENTS.—

''(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

''(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this subsection, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $100,000,000 for each fiscal year, of which—

''(A) not to exceed 20 percent of the amount appropriated in each fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (3)(A) and State labor market information and labor exchange research under paragraph (3)(C); and

''(B) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (3)(B) and State energy training partnership grants under paragraph (3)(D).

''(6) DEFINITION.—In this subsection, the term 'renewable electric power' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).''.

SEC. 278. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. 279. 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.''.

SEC. 280. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authoirze the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 281. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

SEC. 282. ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

''(h) ADMINISTRATION.—

''(1) PERSONNEL APPOINTMENTS.—

''(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as

the Federal Coordinator determines to be appropriate.

''(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(2) COMPENSATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

''(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(C) APPLICABILITY OF SECTION 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

''(3) TEMPORARY SERVICES.—

''(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

''(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(4) FEES, CHARGES, AND COMMISSIONS.—

''(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as delineated in the Alaska Natural Gas Pipeline Act (15 U.S.C. 720 et seq.), as amended.

''(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.''.

SEC. 283. 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 inserting after ''Secretary of the Department in which the Coast Guard is operating'' the following: '', the Secretary of Commerce,'';

(2) 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

(3) 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) CONSIDERATION OF CERTAIN REQUESTS FOR AUTHORIZATION.—In considering a request for authorization of a project pending before the Commission on the outer Continental Shelf 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.

(c) 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 on the outer Continental Shelf, for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 291. 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 nonmechanical 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. 292. 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. 293. 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) COORDINATION.—Prior to carrying out any activity under this section in waters subject to the jurisdiction of the United States, the Secretary shall identify, in conjunction with the Secretary of Commerce and the Secretary of Interior, the potential environmental impacts of such activity and measures to minimize or prevent adverse impacts.

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

TITLE III—CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Carbon Capture and Sequestration Act of 2007''.

SEC. 302. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking ''**RESEARCH AND DEVELOPMENT**'' and inserting ''**AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION**'';

(2) in subsection (a)—

(A) by striking ''research and development'' and inserting ''and storage research, development, and demonstration''; and

(B) by striking ''capture technologies on combustion-based systems'' and inserting ''capture and storage technologies related to energy systems'';

(3) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geological formations that will provide information on the cost and feasibility of deployment of sequestration technologies.''; and

(4) by striking subsection (c) and inserting the following:

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) ENERGY RESEARCH AND DEVELOPMENT UNDERLYING CARBON CAPTURE AND STORAGE TECHNOLOGIES AND CARBON USE ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and store, recycle, or reuse carbon dioxide.

''(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

''(i) development of new or improved technologies for the capture and storage of carbon dioxide;

''(ii) development of new or improved technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the storage of carbon dioxide;

''(iii) modeling and simulation of geological sequestration field demonstrations;

''(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

''(v) research and development of new and improved technologies for—

''(I) carbon use, including recycling and reuse of carbon dioxide; and

''(II) the containment of carbon dioxide in the form of solid materials or products derived from a gasification technology that does not involve geologic containment or injection; and

''(vi) research and development of new and improved technologies for oxygen separation from air.

''(2) FIELD VALIDATION TESTING ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geological settings, including—

''(i) operating oil and gas fields;

''(ii) depleted oil and gas fields;

''(iii) unmineable coal seams;

''(iv) deep saline formations;

''(v) deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity;

''(vi) deep geologic systems containing basalt formations; and

''(vii) coal-bed methane recovery.

''(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

''(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

''(ii) to validate modeling of geological formations;

''(iii) to refine storage capacity estimated for particular geological formations;

''(iv) to determine the fate of carbon dioxide concurrent with and following injection into geological formations;

''(v) to develop and implement best practices for operations relating to, and monitoring of, injection and storage of carbon dioxide in geologic formations;

''(vi) to assess and ensure the safety of operations related to geological storage of carbon dioxide; and

''(vii) to allow the Secretary to promulgate policies, procedures, requirements, and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and storage that are funded by the Department of Energy.

''(3) LARGE-SCALE TESTING AND DEPLOYMENT.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests involving at least 1,000,000 tons of carbon dioxide per year for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to collect and validate information on the cost and feasibility of commercial deployment of technologies for geological containment of carbon dioxide.

''(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geological formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

''(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall give preference to proposals from partnerships among industrial, academic, and government entities.

''(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost-sharing requirements of section 988(b).

''(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

''(A) conduct a review of programmatic activities carried out under this subsection; and

''(B) make recommendations with respect to continuation of the activities.

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

''(1) $150,000,000 for fiscal year 2008;

''(2) $200,000,000 for fiscal year 2009;

''(3) $200,000,000 for fiscal year 2010;

''(4) $180,000,000 for fiscal year 2011; and

''(5) $165,000,000 for fiscal year 2012.''.

SEC. 303. CARBON DIOXIDE STORAGE CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term ''engineered hazard'' includes the location and completion history of any well that could affect potential storage.

(4) RISK.—The term ''risk'' includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term ''storage formation'' means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this title to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining storage capacity of carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geologic formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites for capacity and risk, across the United States,

within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 304. CARBON CAPTURE AND STORAGE INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL SOURCES OF CARBON DIOXIDE.—The term ''industrial sources of carbon dioxide'' means one or more facilities to—

(A) generate electric energy from fossil fuels;

(B) refine petroleum;

(C) manufacture iron or steel;

(D) manufacture cement or cement clinker;

(E) manufacture commodity chemicals (including from coal gasification);

(F) manufacture transportation fuels from coal; or

(G) manufacture biofuels.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources of carbon dioxide.

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide;

(B) provides for the cost of transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) QUALIFICATIONS FOR AWARD.—To be eligible for an award under this section, a project proposal must include the following:

(A) CAPACITY.—The capture of not less than eighty-five percent of the produced carbon dioxide at the facility, and not less than 500,000 short tons of carbon dioxide per year.

(B) STORAGE AGREEMENT.—A binding agreement for the storage of all of the captured carbon dioxide in—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005, as amended by this Act; or

(ii) other geological storage projects approved by the Secretary.

(C) PURITY LEVEL.—A purity level of at least 95 percent carbon dioxide by volume for the captured carbon dioxide delivered for storage.

(D) COMMITMENT TO CONTINUED OPERATION OF SUCCESSFUL UNIT.—If the project successfully demonstrates capture and storage of carbon dioxide, a commitment to continued capture and storage of carbon dioxide after the conclusion of the demonstration.

(4) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 shall apply to this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 per year for fiscal years 2009 through 2013.

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.''.

SEC. 306. 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) FEDERAL LAND—The term ''Federal land'' means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(7) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term ''terrestrial ecosystem'' means any ecological and surficial geological system on Federal 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; including from man-caused and natural fires; 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) Federal 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.

SEC. 307. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of such sums previously authorized, there is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required under this section.

TITLE IV—COST-EFFECTIVE AND ENVIRONMENTALLY SUSTAINABLE PUBLIC BUILDINGS

Subtitle A—Public Buildings Cost Reduction

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Public Buildings Cost Reduction Act of 2007''.

SEC. 402. COST-EFFECTIVE AND GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices and geothermal heat pumps at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related and geothermal heat pump-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices and geothermal heat pump technologies is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) with respect to cost-effective technologies and practices—

(i) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(ii) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in clause (i);

(B) includes an estimate of the funds necessary to carry out this section;

(C) describes the status of the implementation of cost-effective technologies and practices and

geothermal heat pump technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies or geothermal heat pump technologies;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices and geothermal heat pump technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices and geothermal heat pump technologies and practices;

(G)(i) with respect to geothermal heat pump technologies, achieves substantial operational cost savings through the application of the technologies; and

(ii) with respect to cost-effective technologies and practices, achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

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

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices or geothermal heat pumps by not later than—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GEOTHERMAL HEAT PUMP.—The term ''geothermal heat pump'' means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(5) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA facility'' means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''GSA facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''GSA facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

Subtitle B—Installation of Photovoltaic System at Department of Energy Headquarters Building

SEC. 411. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, Southwest, Washington, D.C., commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alterations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

(c) OBLIGATION OF FUNDS.—None of the funds made available pursuant to subsection (b) may be obligated prior to September 30, 2007.

Subtitle C—High-Performance Green Buildings

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ''High-Performance Green Buildings Act of 2007''.

SEC. 422. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) high-performance green buildings—

(A) reduce energy, water, and material resource use and the generation of waste;

(B) improve indoor environmental quality, and protect indoor air quality by, for example, using materials that emit fewer or no toxic chemicals into the indoor air;

(C) improve thermal comfort;

(D) improve lighting and the acoustic environment;

(E) improve the health and productivity of individuals who live and work in the buildings;

(F) improve indoor and outdoor impacts of the buildings on human health and the environment;

(G) increase the use of environmentally preferable products, including biobased, recycled, and nontoxic products with lower lifecycle impacts; and

(H) increase opportunities for reuse of materials and for recycling;

(2) during the planning, design, and construction of a high-performance green building, the environmental and energy impacts of building location and site design, the minimization of energy and materials use, and the environmental impacts of the building are considered;

(3) according to the United States Green Building Council, certified green buildings, as compared to conventional buildings—

(A) use an average of 36 percent less total energy (and in some cases up to 50 to 70 percent less total energy);

(B) use 30 percent less water; and

(C) reduce waste costs, often by 50 to 90 percent;

(4) the benefits of high-performance green buildings are important, because in the United States, buildings are responsible for approximately—

(A) 39 percent of primary energy use;

(B) 12 percent of potable water use;

(C) 136,000,000 tons of building-related construction and demolition debris;

(D) 70 percent of United States resource consumption; and

(E) 70 percent of electricity consumption;

(5) green building certification programs can be highly beneficial by disseminating up-to-date information and expertise regarding high-performance green buildings, and by providing third-party verification of green building design, practices, and materials, and other aspects of buildings; and

(6) a July 2006 study completed for the General Services Administration, entitled ''Sustainable Building Rating Systems Summary,'' concluded that—

(A) green building standards are an important means to encourage better practices;

(B) the Leadership in Energy and Environmental Design (LEED) standard for green building certification is ''currently the dominant system in the United States market and is being adapted to multiple markets worldwide''; and

(C) there are other useful green building certification or rating programs in various stages of development and adoption, including the Green Globes program and other rating systems.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to encourage the Federal Government to act as an example for State and local governments, the private sector, and individuals by building high-performance green buildings that reduce energy use and environmental impacts;

(2) to establish an Office within the General Services Administration, and a Green Building Advisory Committee, to advance the goals of conducting research and development and public outreach, and to move the Federal Government toward construction of high-performance green buildings;

(3) to encourage States, local governments, and school systems to site, build, renovate, and operate high-performance green schools through the adoption of voluntary guidelines for those schools, the dissemination of grants, and the adoption of environmental health plans and programs;

(4) to strengthen Federal leadership on high-performance green buildings through the adoption of incentives for high-performance green buildings, and improved green procurement by Federal agencies; and

(5) to demonstrate that high-performance green buildings can and do provide significant benefits, in order to encourage wider adoption of green building practices, through the adoption of demonstration projects.

SEC. 423. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) COMMITTEE.—The term ''Committee'' means the Green Building Advisory Committee established under section 433(a).

(3) DIRECTOR.—The term ''Director'' means the individual appointed to the position established under section 431(a).

(4) FEDERAL FACILITY.—

(A) IN GENERAL.—The term ''Federal facility'' means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term ''Federal facility'' does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building—

(A) that, during its life-cycle—

(i) reduces energy, water, and material resource use and the generation of waste;

(ii) improves indoor environmental quality, including protecting indoor air quality during construction, using low-emitting materials, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(iii) improves indoor and outdoor impacts of the building on human health and the environment;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower lifecycle impacts;

(v) increases reuse and recycling opportunities; and

(vi) integrates systems in the building; and

(B) for which, during its planning, design, and construction, the environmental and energy impacts of building location and site design are considered.

(6) LIFE CYCLE.—The term ''life cycle'', with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(7) LIFE-CYCLE ASSESSMENT.—The term ''life-cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(8) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(9) OFFICE.—The term ''Office'' means the Office of High-Performance Green Buildings established under section 432(a).

PART I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 431. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 432; and

(2) carry out other duties as required under this subtitle.

(b) COMPENSATION.—The compensation of the Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 432. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant Federal agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level green building advisory committee, which shall provide advice and recommendations in accordance with section 433;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 434, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 435;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 435;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 436; and

(9) complete and submit the report described in subsection (c).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this subtitle and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings, as measured by the standard for high-performance green buildings identified in accordance with subsection (d);

(3) identifies inconsistencies, as reported to the Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life cycle costing; and

(D) identifying short- and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of green building initiatives, including Executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (6).

(d) IDENTIFICATION OF STANDARD.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 60 days after the date of enactment of this Act, the Director shall identify a standard that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The standard 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 standard to be developed and revised through a consensus-based process;

(E) an evaluation of the adequacy of the standard, 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) national recognition within the building industry.

(3) BIENNIAL REVIEW.—The Director shall—

(A) conduct a biennial review of the standard identified under paragraph (1); and

(B) include the results of each biennial review in the report required to be submitted under subsection (c).

(e) IMPLEMENTATION.—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

SEC. 433. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director shall establish an advisory committee, to be known as the ''Green Building Advisory Committee''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 432(b)(1); and

(B) other relevant agencies and entities, as determined by the Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations; and

(v) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 434. PUBLIC OUTREACH.

The Director, in coordination with the Committee, shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe related activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) other relevant organizations, including those from other countries;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, including tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings; and

(6) using such other methods as are determined by the Director to be appropriate.

SEC. 435. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 436;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) INDOOR AIR QUALITY.—The Director, in consultation with the Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 436. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decision-making; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

SEC. 437. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $4,000,000 for each of fiscal

years 2008 through 2012, to remain available until expended.

PART II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 441. DEFINITION OF HIGH-PERFORMANCE SCHOOL.

In this part, the term ''high-performance school'' has the meaning given the term ''healthy, high-performance school building'' in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

SEC. 442. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, may provide grants to qualified State agencies for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development of State school environmental quality plans that include—

(A) standards for school building design, construction, and renovation; and

(B) identification of ongoing school building environmental problems in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

SEC. 443. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop voluntary school site selection guidelines that account for—

(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

(2) modes of transportation available to students and staff;

(3) the efficient use of energy; and

(4) the potential use of a school at the site as an emergency shelter.

SEC. 444. PUBLIC OUTREACH.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall provide to the Director information relating to all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 445. ENVIRONMENTAL HEALTH PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

(1) takes into account the status and findings of Federal research initiatives established under this subtitle and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

(A) health, safety, and productivity; and

(B) disabilities or special needs;

(2) provides research using relevant tools identified or developed in accordance with section 435(a) to quantify the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(5) assists States and the public in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this part, which the Director shall include in the report described in section 432(c).

(b) PUBLIC OUTREACH.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 434 receives and makes available—

(1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and

(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 446. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

PART III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 451. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies.

SEC. 452. FEDERAL PROCUREMENT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Director and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility, to the maximum extent practicable—

(A) to employ integrated design principles;

(B) to optimize building and systems energy performance;

(C) to protect and conserve water;

(D) to enhance indoor environmental quality; and

(E) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that, to the maximum extent practicable—

(A) are energy-efficient; and

(B) have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director shall issue guidance to all Federal procurement executives providing direction and the option to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 453. FEDERAL GREEN BUILDING PERFORMANCE.

(a) IN GENERAL.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle; and

(2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) CONTENTS.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436;

(2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;

(3) the performance of the Office in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) ENVIRONMENTAL STEWARDSHIP SCORECARD.—The Director shall consult with the Committee to enhance, and assist in the implementation of, the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 454. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

PART IV—DEMONSTRATION PROJECT

SEC. 461. COORDINATION OF GOALS.

(a) IN GENERAL.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

(b) PROJECTS.—

(1) IN GENERAL.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in part I, the Director shall carry out 3 demonstration projects.

(2) LOCATION OF PROJECTS.—Each project carried out under paragraph (1) shall be located in a Federal building in a State recommended by the Director in accordance with subsection (c).

(3) REQUIREMENTS.—Each project carried out under paragraph (1) shall—

(A) provide for the evaluation of the information obtained through the conduct of projects and activities under this subtitle; and

(B) achieve the highest available rating under the standard identified pursuant to section 432(d).

(c) CRITERIA.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(1) be an appropriate model for a project relating to—

(A) the effectiveness of high-performance technologies;

(B) analysis of materials, components, and systems, including the impact on the health of building occupants;

(C) life-cycle costing and life-cycle assessment of building materials and systems; and

(D) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(2) possess sufficient technological and organizational adaptability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013, the Director shall submit to the Administrator a report that describes the status of and findings regarding the demonstration project.

SEC. 462. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out the Federal demonstration project described in section 461(b) $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

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 nonpassenger 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).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall, establish and implement an action plan which takes into consideration the availability and cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SEC. 521. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

TITLE VI—PRICE GOUGING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Petroleum Consumer Price Gouging Protection Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term ''affected area'' means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term ''supplier'' means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, or petroleum distillates.

(3) PRICE GOUGING.—The term ''price gouging'' means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term ''unconscionably excessive price'' means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil gasoline or petroleum distillate was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, or petroleum distillates; and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

SEC. 603. PROHIBITION ON PRICE GOUGING DURING ENERGY EMERGENCIES.

(a) IN GENERAL.—During any energy emergency declared by the President under section 606 of this Act, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline or petroleum distillates subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline or other petroleum distillate the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 604. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 605. PROHIBITION ON FALSE INFORMATION.

(a) IN GENERAL.—It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 606. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 607. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 603 of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 606 of this Act, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, or petroleum distillates in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 603 of this Act, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 608. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 603 of this Act, or to impose the civil penalties authorized by section 609 for violations of section 603, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline or petroleum distillates in violation of section 603 of this Act.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 609. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 604 or section 605 of this Act is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 603 of this Act is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 603 of this Act is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 610. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE VII—ENERGY DIPLOMACY AND SECURITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Energy Diplomacy and Security Act of 2007''.

SEC. 702. DEFINITIONS.

In this title:

(1) MAJOR ENERGY PRODUCER.—The term ''major energy producer'' means a country that—

(A) had crude oil, oil sands, or natural gas to liquids production of 1,000,000 barrels per day or greater average in the previous year;

(B) has crude oil, shale oil, or oil sands reserves of 6,000,000,000 barrels or greater, as recognized by the Department of Energy;

(C) had natural gas production of 30,000,000,000 cubic meters or greater in the previous year;

(D) has natural gas reserves of 1,250,000,000,000 cubic meters or greater, as recognized by the Department of Energy; or

(E) is a direct supplier of natural gas or liquefied natural gas to the United States.

(2) MAJOR ENERGY CONSUMER.—The term ''major energy consumer'' means a country that—

(A) had an oil consumption average of 1,000,000 barrels per day or greater in the previous year;

(B) had an oil consumption growth rate of 8 percent or greater in the previous year;

(C) had a natural gas consumption of 30,000,000,000 cubic meters or greater in the previous year; or

(D) had a natural gas consumption growth rate of 15 percent or greater in the previous year.

SEC. 703. SENSE OF CONGRESS ON ENERGY DIPLOMACY AND SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is imperative to the national security and prosperity of the United States to have reliable, affordable, clean, sufficient, and sustainable sources of energy.

(2) United States dependence on oil imports causes tremendous costs to the United States national security, economy, foreign policy, military, and environmental sustainability.

(3) Energy security is a priority for the governments of many foreign countries and increasingly plays a central role in the relations of the United States Government with foreign governments. Global reserves of oil and natural gas are concentrated in a small number of countries. Access to these oil and natural gas supplies depends on the political will of these producing states. Competition between governments for access to oil and natural gas reserves can lead to economic, political, and armed conflict. Oil exporting states have received dramatically increased revenues due to high global prices, enhancing the ability of some of these states to act in a manner threatening to global stability.

(4) Efforts to combat poverty and protect the environment are hindered by the continued predominance of oil and natural gas in meeting global energy needs. Development of renewable energy through sustainable practices will help lead to a reduction in greenhouse gas emissions and enhance international development.

(5) Cooperation on energy issues between the United States Government and the governments of foreign countries is critical for securing the strategic and economic interests of the United States and of partner governments. In the current global energy situation, the energy policies and activities of the governments of foreign countries can have dramatic impacts on United States energy security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States national security requires that the United States Government have an energy policy that pursues the strategic goal of achieving energy security through access to clean, affordable, sufficient, reliable, and sustainable sources of energy;

(2) achieving energy security is a priority for United States foreign policy and requires continued and enhanced engagement with foreign governments and entities in a variety of areas, including activities relating to the promotion of alternative and renewable fuels, trade and investment in oil, coal, and natural gas, energy efficiency, climate and environmental protection, data transparency, advanced scientific research, public-private partnerships, and energy activities in international development;

(3) the President should ensure that the international energy activities of the United States Government are given clear focus to support the national security needs of the United States, and to this end, there should be established a mechanism to coordinate the implementation of United States international energy policy among the Federal agencies engaged in relevant agreements and activities; and

(4) the Secretary of State should ensure that energy security is integrated into the core mission of the Department of State, and to this end, there should be established within the Office of the Secretary of State a Coordinator for International Energy Affairs with responsibility for—

(A) developing United States international energy policy in coordination with the Department of Energy and other relevant Federal agencies;

(B) working with appropriate United States Government officials to develop and update analyses of the national security implications of global energy developments;

(C) incorporating energy security priorities into the activities of the Department;

(D) coordinating activities with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions currently undertaken by offices within the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Democracy and Global Affairs, and other offices within the Department of State.

(5) the Department of Energy should be designated as the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States, and in furtherance of these goals, there should be established within the Department of Energy an Assistant Secretary of Energy for Energy Security whose responsibilities should include—

(A) directing the development of the national energy security strategy of the United States;

(B) coordinating the national energy security policy of the United States with the Department of Defense, the Department of State, and the National Security Council, as appropriate, to address the impact of, and integrate national security and foreign policy on, the national energy security policy of the United States;

(C) monitoring international and domestic energy developments to gauge their impact on the national energy security policy of the United States and implementing changes in such policy as necessary to maintain the national security and energy security of the United States;

(D) identifying foreign sources of energy critical to the national energy security of the United States and developing strategies in conjunction with the Department of State for ensuring United States access to critical foreign energy resources;

(E) developing strategies for reducing United States dependence on foreign sources of energy, including demand reduction, efficiency improvement, and development of alternative and new sources of domestic energy; and

(F) developing strategies in conjunction with the Department of State for working with major international producers and consumers, including China, Russia, the European Union, and Africa, to minimize politicization of global energy resources while ensuring access through global energy markets.

SEC. 704. STRATEGIC ENERGY PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States Government partnership with foreign governments and entities, including partnership with the private sector, for securing reliable and sustainable energy is imperative to ensuring United States security and economic interests, promoting international peace and security, expanding international development, supporting democratic reform, fostering economic growth, and safeguarding the environment.

(2) Democracy and freedom should be promoted globally by partnership with foreign governments, including in particular governments of emerging democracies such as those of Ukraine and Georgia, in their efforts to reduce their dependency on oil and natural gas imports.

(3) The United States Government and the governments of foreign countries have common needs for adequate, reliable, affordable, clean, and sustainable energy in order to ensure national security, economic growth, and high standards of living in their countries. Cooperation by the United States Government with foreign governments on meeting energy security needs is mutually beneficial. United States Government partnership with foreign governments should include cooperation with major energy consuming countries, major energy producing countries, and other governments seeking to advance global energy security through reliable and sustainable means.

(4) The United States Government participates in hundreds of bilateral and multilateral energy agreements and activities with foreign governments and entities. These agreements and activities should reflect the strategic need for energy security.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to advance global energy security through cooperation with foreign governments and entities;

(2) to promote reliable, diverse, and sustainable sources of all types of energy;

(3) to increase global availability of renewable and clean sources of energy;

(4) to decrease global dependence on oil and natural gas energy sources; and

(5) to engage in energy cooperation to strengthen strategic partnerships that advance peace, security, and democratic prosperity.

(c) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish and expand strategic energy partnerships with the governments of major energy producers and major energy consumers, and with governments of other countries (but excluding any countries that are ineligible to receive United States economic or military assistance).

(d) PURPOSES.—The purposes of the strategic energy partnerships established pursuant to subsection (c) are—

(1) to strengthen global relationships to promote international peace and security through fostering cooperation in the energy sector on a mutually beneficial basis in accordance with respective national energy policies;

(2) to promote the policy set forth in subsection (b), including activities to advance—

(A) the mutual understanding of each country's energy needs, priorities, and policies, including interparliamentary understanding;

(B) measures to respond to acute energy supply disruptions, particularly in regard to petroleum and natural gas resources;

(C) long-term reliability and sustainability in energy supply;

(D) the safeguarding and safe handling of nuclear fuel;

(E) human and environmental protection;

(F) renewable energy production;

(G) access to reliable and affordable energy for underdeveloped areas, in particular energy access for the poor;

(H) appropriate commercial cooperation;

(I) information reliability and transparency; and

(J) research and training collaboration;

(3) to advance the national security priority of developing sustainable and clean energy sources, including through research and development related to, and deployment of—

(A) renewable electrical energy sources, including biomass, wind, and solar;

(B) renewable transportation fuels, including biofuels;

(C) clean coal technologies;

(D) carbon sequestration, including in conjunction with power generation, agriculture, and forestry; and

(E) energy and fuel efficiency, including hybrids and plug-in hybrids, flexible fuel, advanced composites, hydrogen, and other transportation technologies; and

(4) to provide strategic focus for current and future United States Government activities in energy cooperation to meet the global need for energy security.

(e) DETERMINATION OF AGENDAS.—In general, the specific agenda with respect to a particular strategic energy partnership, and the Federal agencies designated to implement related activities, shall be determined by the Secretary of State and the Secretary of Energy.

(f) USE OF CURRENT AGREEMENTS TO ESTABLISH PARTNERSHIPS.—Some or all of the purposes of the strategic energy partnerships established under subsection (c) may be pursued through existing bilateral or multilateral agreements and activities. Such agreements and activities shall be subject to the reporting requirements in subsection (g).

(g) REPORTS REQUIRED.—

(1) INITIAL PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on progress made in developing the strategic energy partnerships authorized under this section.

(2) ANNUAL PROGRESS REPORTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 20 years, the Secretary of State shall submit to the appropriate congressional committees an annual report on agreements entered into and activities undertaken pursuant to this section, including international environment activities.

(B) CONTENT.—Each report submitted under this paragraph shall include details on—

(i) agreements and activities pursued by the United States Government with foreign governments and entities, the implementation plans for such agreements and progress measurement benchmarks, United States Government resources used in pursuit of such agreements and activities, and legislative changes recommended for improved partnership; and

(ii) polices and actions in the energy sector of partnership countries pertinent to United States economic, security, and environmental interests.

SEC. 705. INTERNATIONAL ENERGY CRISIS RESPONSE MECHANISMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Cooperation between the United States Government and governments of other countries during energy crises promotes the national security of the United States.

(2) The participation of the United States in the International Energy Program established under the Agreement on an International Energy Program, done at Paris November 18, 1974 (27 UST 1685), including in the coordination of national strategic petroleum reserves, is a national security asset that—

(A) protects the consumers and the economy of the United States in the event of a major disruption in petroleum supply;

(B) maximizes the effectiveness of the United States strategic petroleum reserve through cooperation in accessing global reserves of various petroleum products;

(C) provides market reassurance in countries that are members of the International Energy Program; and

(D) strengthens United States Government relationships with members of the International Energy Program.

(3) The International Energy Agency projects that the largest growth in demand for petroleum products, other than demand from the United States, will come from China and India, which are not members of the International Energy Program. The Governments of China and India vigorously pursue access to global oil reserves and are attempting to develop national petroleum reserves. Participation of the Governments of China and India in an international petroleum reserve mechanism would promote global energy security, but such participation should be conditional on the Governments of China and India abiding by customary petroleum reserve management practices.

(4) In the Western Hemisphere, only the United States and Canada are members of the International Energy Program. The vulnerability of most Western Hemisphere countries to supply disruptions from political, natural, or terrorism causes may introduce instability in the hemisphere and can be a source of conflict, despite the existence of major oil reserves in the hemisphere.

(5) Countries that are not members of the International Energy Program and are unable to maintain their own national strategic reserves are vulnerable to petroleum supply disruption. Disruption in petroleum supply and spikes in petroleum costs could devastate the economies of developing countries and could cause internal or interstate conflict.

(6) The involvement of the United States Government in the extension of international mechanisms to coordinate strategic petroleum reserves and the extension of other emergency preparedness measures should strengthen the current International Energy Program.

(b) ENERGY CRISIS RESPONSE MECHANISMS WITH INDIA AND CHINA.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a petroleum crisis response mechanism or mechanisms with the Governments of China and India.

(2) SCOPE.—The mechanism or mechanisms established under paragraph (1) should include—

(A) technical assistance in the development and management of national strategic petroleum reserves;

(B) agreements for coordinating drawdowns of strategic petroleum reserves with the United States, conditional upon reserve holdings and management conditions established by the Secretary of Energy;

(C) emergency demand restraint measures;

(D) fuel switching preparedness and alternative fuel production capacity; and

(E) ongoing demand intensity reduction programs.

(3) USE OF EXISTING AGREEMENTS TO ESTABLISH MECHANISM.—The Secretary may, after consultation with Congress and in accordance with existing international agreements, including the International Energy Program, include China and India in a petroleum crisis response mechanism through existing or new agreements.

(c) ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a Western Hemisphere energy crisis response mechanism.

(2) SCOPE.—The mechanism established under paragraph (1) should include—

(A) an information sharing and coordinating mechanism in case of energy supply emergencies;

(B) technical assistance in the development and management of national strategic petroleum reserves within countries of the Western Hemisphere;

(C) technical assistance in developing national programs to meet the requirements of membership in a future international energy application procedure as described in subsection (d);

(D) emergency demand restraint measures;

(E) energy switching preparedness and alternative energy production capacity; and

(F) ongoing demand intensity reduction programs.

(3) MEMBERSHIP.—The Secretary should seek to include in the Western Hemisphere energy crisis response mechanism membership for each major energy producer and major energy consumer in the Western Hemisphere and other members of the Hemisphere Energy Cooperation Forum authorized under section 706.

(d) INTERNATIONAL ENERGY PROGRAM APPLICATION PROCEDURE.—

(1) AUTHORITY.—The President should place on the agenda for discussion at the Governing Board of the International Energy Agency, as soon as practicable, the merits of establishing an international energy program application procedure.

(2) PURPOSE.—The purpose of such procedure is to allow countries that are not members of the International Energy Program to apply to the Governing Board of the International Energy Agency for allocation of petroleum reserve stocks in times of emergency on a grant or loan basis. Such countries should also receive technical assistance for, and be subject to, conditions requiring development and management of national programs for energy emergency preparedness, including demand restraint, fuel switching preparedness, and development of alternative fuels production capacity.

(e) REPORTS REQUIRED.—

(1) PETROLEUM RESERVES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report that evaluates the options for adapting the United States national strategic petroleum reserve and the international petroleum reserve coordinating mechanism in order to carry out this section.

(2) CRISIS RESPONSE MECHANISMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees a report on the status of the establishment of the international petroleum crisis response mechanisms described in subsections (b) and (c). The report shall include recommendations of the Secretary of State and the Secretary of Energy for any legislation necessary to establish or carry out such mechanisms.

(3) EMERGENCY APPLICATION PROCEDURE.—Not later than 60 days after a discussion by the Governing Board of the International Energy Agency of the application procedure described under subsection (d), the President should submit to Congress a report that describes—

(A) the actions the United States Government has taken pursuant to such subsection; and

(B) a summary of the debate on the matter before the Governing Board of the International Energy Agency, including any decision that has been reached by the Governing Board with respect to the matter.

SEC. 706. HEMISPHERE ENERGY COOPERATION FORUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The engagement of the United States Government with governments of countries in the Western Hemisphere is a strategic priority for reducing the potential for tension over energy resources, maintaining and expanding reliable energy supplies, expanding use of renewable energy, and reducing the detrimental effects of energy import dependence within the hemisphere. Current energy dialogues should be expanded and refocused as needed to meet this challenge.

(2) Countries of the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral relationships among countries of the hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, coal, and has significant opportunity for production of renewable hydro, solar, wind, and other energies. Countries of the Western Hemisphere can provide convenient and reliable markets for trade in energy goods and services.

(3) Development of sustainable energy alternatives in the countries of the Western Hemisphere can improve energy security, balance of trade, and environmental quality and provide markets for energy technology and agricultural products. Brazil and the United States have led the world in the production of ethanol, and deeper cooperation on biofuels with other countries of the hemisphere would extend economic and security benefits.

(4) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere.

(b) HEMISPHERE ENERGY COOPERATION FORUM.—

(1) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, should immediately seek to establish a regional-based ministerial forum to be known as the Hemisphere Energy Cooperation Forum.

(2) PURPOSES.—The Hemisphere Energy Cooperation Forum should seek—

(A) to strengthen relationships between the United States and other countries of the Western Hemisphere through cooperation on energy issues;

(B) to enhance cooperation between major energy producers and major energy consumers in the Western Hemisphere, particularly among the governments of Brazil, Canada, Mexico, the United States, and Venezuela;

(C) to ensure that energy contributes to the economic, social, and environmental enhancement of the countries of the Western Hemisphere;

(D) to provide an opportunity for open dialogue and joint commitments between member governments and with private industry; and

(E) to provide participating countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere that are practical in policy terms and politically acceptable.

(3) ACTIVITIES.—The Hemisphere Energy Cooperation Forum should implement the following activities:

(A) An Energy Crisis Initiative that will establish measures to respond to temporary energy supply disruptions, including through—

(i) strengthening sea-lane and infrastructure security;

(ii) implementing a real-time emergency information sharing system;

(iii) encouraging members to have emergency mechanisms and contingency plans in place; and

(iv) establishing a Western Hemisphere energy crisis response mechanism as authorized under section 705(c).

(B) An Energy Sustainability Initiative to facilitate long-term supply security through fostering reliable supply sources of fuels, including development, deployment, and commercialization of technologies for sustainable renewable fuels within the region, including activities that—

(i) promote production and trade in sustainable energy, including energy from biomass;

(ii) facilitate investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), energy efficiency (including automotive efficiency), clean fossil energy, renewable energy, and carbon sequestration;

(iii) promote regional infrastructure and market integration;

(iv) develop effective and stable regulatory frameworks;

(v) develop renewable fuels standards and renewable portfolio standards;

(vi) establish educational training and exchange programs between member countries; and

(vii) identify and remove barriers to trade in technology, services, and commodities.

(C) An Energy for Development Initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including activities that—

(i) increase access to energy services for the poor;

(ii) improve energy sector market conditions;

(iii) promote rural development though biomass energy production and use;

(iv) increase transparency of, and participation in, energy infrastructure projects;

(v) promote development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies; and

(vi) facilitate use of carbon sequestration methods in agriculture and forestry and linking greenhouse gas emissions reduction programs to international carbon markets.

(c) HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, should approach the governments of other countries in the Western Hemisphere to seek cooperation in establishing a Hemisphere Energy Industry Group, to be coordinated by the United States Government, involving industry representatives and government representatives from the Western Hemisphere.

(2) PURPOSE.—The purpose of the forum should be to increase public-private partnerships, foster private investment, and enable countries of the Western Hemisphere to devise energy agendas compatible with industry capacity and cognizant of industry goals.

(3) TOPICS OF DIALOGUES.—Topics for the forum should include—

(A) promotion of a secure investment climate;

(B) development and deployment of biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon sequestration;

(C) development and deployment of energy efficient technologies and practices, including in the industrial, residential, and transportation sectors;

(D) investment in oil and natural gas production and distribution;

(E) transparency of energy production and reserves data;

(F) research promotion; and

(G) training and education exchange programs.

(d) ANNUAL REPORT.—The Secretary of State, in coordination with the Secretary of Energy, shall submit to the appropriate congressional committees an annual report on the implementation of this section, including the strategy and benchmarks for measurement of progress developed under this section.

SEC. 707. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) the Secretary of Energy;''.

SEC. 708. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 709. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SEC. 710. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2007'' or ''NOPEC''.

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

''SEC. 7A. OIL PRODUCING CARTELS.

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

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

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

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

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

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

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

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

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

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

(3) by adding at the end the following:

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

SEC. 711. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(J) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

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

Amend the title so as to read: ''An Act 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.''.

CONDEMNING VIOLENT ACTIONS OF THE GOVERNMENT OF ZIMBABWE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 176, S. Con. Res. 25.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 25) condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, en bloc; that any statements relating thereto be printed in the RECORD without further intervening action or debate.

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

The concurrent resolution (S. Con. Res. 25) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 25

Whereas in 2005 the Government of Zimbabwe launched Operation Murambatsvina (''Operation Throw Out the Trash'') against citizens in major cities and suburbs throughout Zimbabwe, depriving over 700,000 people of their homes, businesses, and livelihoods;

Whereas on March 11, 2007, opposition party activists and members of civil society attempted to hold a peaceful prayer meeting to protest the economic and political crisis engulfing Zimbabwe, where inflation is running over 1,700 percent and unemployment stands at 80 percent and in response to President Robert Mugabe's announcement that he intends to seek reelection in 2008 if nominated;

Whereas opposition activist Gift Tandare died on March 11, 2007, as a result of being shot by police while attempting to attend the prayer meeting and Itai Manyeruke died on March 12, 2007, as a result of police beatings and was found in a morgue by his family on March 20, 2007;

Whereas under the direction of President Robert Mugabe and the ZANU–PF government, police officers, security forces, and youth militia brutally assaulted the peaceful demonstrators and arrested opposition leaders and hundreds of civilians;

Whereas Movement for Democratic Change (MDC) leader Morgan Tsvangarai was brutally assaulted and suffered a fractured skull, lacerations, and major bruising; MDC member Sekai Holland, a 64-year old grandmother, suffered ruthless attacks at Highfield Police Station, which resulted in the breaking of her leg, knee, arm, and three ribs; fellow activist Grace Kwinje, age 33, also was brutally beaten, while part of one ear was ripped off; and Nelson Chamisa was badly injured by suspected state agents at Harare airport on March 18, 2007, when trying to board a plane for a meeting of European Union and Africa, Caribbean, and Pacific Group of States lawmakers in Brussels, Belgium;

Whereas Zimbabwe's foreign minister warned Western diplomats that the Government of Zimbabwe would expel them if they gave support to the opposition, and said Western diplomats had gone too far by offering food and water to jailed opposition activists;

Whereas victims of physical assault by the Government of Zimbabwe have been denied emergency medical transfer to hospitals in neighboring South Africa, where their wounds can be properly treated;

Whereas those incarcerated by the Government of Zimbabwe were denied access to legal representatives and lawyers appearing at the jails to meet with detained clients were themselves threatened and intimidated;

Whereas at the time of Zimbabwe's independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Robert Mugabe and his ZANU–PF government continue to turn away from the promises of liberation and use state power to deny the people of Zimbabwe the freedom and prosperity they fought for and deserve;

Whereas the staggering suffering brought about by the misrule of Zimbabwe has created a large-scale humanitarian crisis in which 3,500 people die each week from a combination of disease, hunger, neglect, and despair;

Whereas the Chairman of the African Union, President Alpha Oumar Konare, expressed ''great concern'' about Zimbabwe's crisis and called for the need for the scrupulous respect for human rights and democratic principles in Zimbabwe;

Whereas the Southern African Development Community (SADC) Council of Nongovernmental Organizations stated that ''We believe that the crisis has reached a point where Zimbabweans need to be strongly persuaded and directly assisted to find an urgent solution to the crisis that affects the entire region.'';

Whereas Zambian President, Levy Mwanawasa, has urged southern Africa to take a new approach to Zimbabwe instead of the failed ''quiet diplomacy'', which he likened to a ''sinking Titanic,'' and stated that ''quiet diplomacy has failed to help solve the political chaos and economic meltdown in Zimbabwe'';

Whereas European Union and African, Caribbean, and Pacific lawmakers strongly condemned the latest attack on an opposition official in Zimbabwe and urged the government in Harare to cooperate with the political opposition to restore the rule of law; and

Whereas United States Ambassador to Zimbabwe, Christopher Dell, warned that opposition to President Robert Mugabe had reached a tipping point because the people no longer feared the regime and believed they had nothing left to lose: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) the state-sponsored violence taking place in Zimbabwe represents a serious violation of fundamental human rights and the rule of law and should be condemned by all responsible governments, civic organizations, religious leaders, and international bodies; and

(B) the Government of Zimbabwe has not lived up to its commitments as a signatory to the Constitutive Act of the African Union and African Charter of Human and Peoples Rights which enshrine commitment to human rights and good governance as foundational principles of African states; and

(2) Congress—

(A) condemns the Government of Zimbabwe's violent suppression of political and human rights through its police force, security forces, and youth militia that deliberately inflict gross physical harm, intimidation, and abuse on those legitimately protesting the failing policies of the government;

(B) holds those individual police, security force members, and militia involved in abuse and torture responsible for the acts that they have committed;

(C) condemns the harassment and intimidation of lawyers attempting to carry out

their professional obligations to their clients and repeated failure by police to comply promptly with court decisions;

(D) condemns the harassment of foreign officials, journalists, human rights workers, and others, including threatening their expulsion from the country if they continue to provide food and water to victims detained in prison and in police custody while in the hospital;

(E) commends United States Ambassador Christopher Dell and other United States Government officials and foreign officials for their support to political detainees and victims of torture and abuse while in police custody or in medical care centers and encourages them to continue providing such support;

(F) calls on the Government of Zimbabwe to cease immediately its violent campaign against fundamental human rights, to respect the courts and members of the legal profession, and to restore the rule of law while adhering to the principles embodied in an accountable democracy, including freedom of association and freedom of expression;

(G) calls on the Government of Zimbabwe to cease illegitimate interference in travel abroad by its citizens, especially for humanitarian purposes; and

(H) calls on the leaders of the Southern Africa Development Community (SADC) and the African Union to consult urgently with all Zimbabwe stakeholders to intervene with the Government of Zimbabwe while applying appropriate pressures to resolve the economic and political crisis.

INTERNATIONAL EMERGENCY ECONOMIC POWERS ENHANCEMENT ACT

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 199, S. 1612.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1612) to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 1947) was agreed to, as follows:

(Purpose: To modify the effective date provision)

Strike subsection (b), and insert the following:

(b) EFFECTIVE DATE.—

(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

The bill (S. 1612), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1612

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 ''International Emergency Economic Powers Enhancement Act''.

SEC. 2. INCREASED PENALTIES FOR VIOLATIONS OF IEEPA.

(a) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''SEC. 206. PENALTIES.

''(a) UNLAWFUL ACTS.—It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this title.

''(b) EFFECTIVE DATE.—

''(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

''(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.

''(c) CRIMINAL PENALTY.—A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than $1,000,000, or if a natural person, may be imprisoned for not more than 20 years, or both.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations described in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act.

THE CALENDAR

Mr. SALAZAR. 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. 214, S. Res. 225; Calendar No. 215, S. Res. 230; and Calendar No. 216, S. Res. 235.

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

Mr. SALAZAR. I ask unanimous consent that the resolutions be agreed to en bloc, the preambles agreed to en bloc, the motions to reconsider be laid upon the table en bloc, the consideration of these items appear separately in the RECORD, and any statements related thereto be printed in the RECORD.

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

NATIONAL MEDICINE ABUSE AWARENESS MONTH

The resolution (S. Res. 225) designating the month of August 2007 as ''National Medicine Abuse Awareness Month,'' was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly, but the abuse and recreational use of these medicines can be extremely dangerous and produce serious side effects;

Whereas 6,400,000 individuals who are age 12 or older reported using prescription medicines non-medically in a recently sampled month, and abuse of prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas, recent studies indicate that 1 in 10 youth ages 12 through 17, or 2,400,000 children, has intentionally abused cough medicine to get high from its dextromethorphan ingredient, and 1 in 5 young adults (4,500,000) has used prescription medicines non-medically;

Whereas, according to research from the Partnership for a Drug-Free America, more than ⅓ of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas teens' and parents' lack of understanding of the potential harms of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their misuse;

Whereas, when prescription drugs are misused, they are most often obtained through friends and relatives, but are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine misuse;

Whereas National Medicine Abuse Awareness Month promotes the message that over-the-counter and prescription medicines are to be taken only as labeled or prescribed, and when used recreationally or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to educate themselves about this problem and talk to their teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the rising misuse of medicines;

Whereas some groups, such as the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important proactive steps like creating educational toolkits, such as ''A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts'', which includes guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential harms of cough and cold medicines and over-the-counter drug abuse;

Whereas the nonprofit Partnership for a Drug-Free America and its community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to

effectively communicate the facts of this dangerous trend with their teens and to take necessary steps to safeguard prescription and over-the-counter medicines in their homes; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb this disturbing rise in over-the-counter and cough medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2007 as ''National Medicine Abuse Awareness Month''; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth of the potential dangers associated with medicine abuse.

NATIONAL TEEN SAFE DRIVER MONTH

The resolution (S. Res. 230) designating the month of July 2007 as ''National Teen Safe Driver Month,'' was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 230

Whereas automobile accidents involving teenage drivers result in the highest cause of death and injury for adolescents between the ages of 15 and 20 years;

Whereas, each year, 7,460 teenage drivers between the ages of 15 and 20 years are involved in fatal crashes, and 1,700,000 teenage drivers are involved in accidents that are reported to law enforcement officers;

Whereas driver education and training resources have diminished in communities throughout the United States, leaving families underserved and lacking in opportunities for educating the teenage drivers of those families;

Whereas, in addition to costs relating to the long-term care of teenage drivers severely injured in automobile accidents, automobile accidents involving teenage drivers cost the United States more than $40,000,000,000 in lost productivity and other forms of economic loss;

Whereas technology advances have increased the opportunity of the United States to provide more effective training and research to novice teenage drivers; and

Whereas the families of victims of accidents involving teenage drivers are working together to save the lives of other teenage drivers through volunteer efforts in local communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of July 2007 as ''National Teen Safe Driver Month''; and

(2) calls upon the members of Federal, State, and local governments and interested organizations—

(A) to commemorate National Teen Safe Driver Month with appropriate ceremonies, activities, and programs; and

(B) to encourage the development of resources to provide affordable, accessible, and effective driver training for every teenage driver of the United States.

NATIONAL BOATING DAY

The resolution (S. Res. 235) designating July 1, 2007, as ''National Boating Day,'' was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 235

Whereas the United States boating population exceeds 73,000,000 individuals utilizing and enjoying nearly 18,000,000 recreational watercraft;

Whereas the recreational boating industry provides more than $39,000,000,000 in sales and services to the United States economy and provides nearly 380,000 manufacturing jobs;

Whereas there are approximately 1,400 active boat builders in the United States with parts and materials being contributed from all fifty States;

Whereas boating appeals to all age groups and is a haven for relaxation that includes sailing, diving, fishing, water skiing, tubing, sightseeing, swimming, and more;

Whereas boaters serve as monitors and stewards of the environment, educating future generations in the value of this country's abundant water and other natural resources; and

Whereas Congress passed the Federal Boat Safety Act of 1971 and later created the Aquatic Resources Trust Fund in 1984, both of these actions having resulted in a decline in the rate of boating injuries: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 1, 2007, as ''National Boating Day'';

(2) recognizes the value of recreational boating and commemorates the boating industry of the United States for its environmental stewardship and innumerable contributions to the economy and to the mental and physical health of those who enjoy boats; and

(3) urges citizens, policy makers, and elected officials to celebrate National Boating Day and to become more aware of the overall contributions of boating to the lives of the people of the United States and to the Nation.

NATIONAL APHASIA AWARENESS MONTH

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 256 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) designating June 2007 as ''National Aphasia Awareness Month'', and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. 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.

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

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 256

Whereas aphasia is a communication impairment caused by brain damage, typically resulting from a stroke;

Whereas, while aphasia is most often the result of stroke or brain injury, it can also occur with other neurological disorders, such as in the case of a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in their right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss or reduction in ability to speak, comprehend, read, and write, while intelligence remains intact;

Whereas stroke is the 3rd leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas there are about 5,000,000 stroke survivors in the United States;

Whereas it is estimated that there are about 750,000 strokes per year in the United States, with approximately ⅓ of these resulting in aphasia;

Whereas aphasia affects at least 1,000,000 people in the United States;

Whereas more than 200,000 Americans acquire the disorder each year;

Whereas the National Aphasia Association is unique and provides communication strategies, support, and education for people with aphasia and their caregivers throughout the United States;

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes this ''silent'' disability and provides opportunity and fulfillment for those affected by aphasia; and

Whereas National Aphasia Awareness Month is commemorated in June 2007: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of, and encourages all Americans to observe, National Aphasia Awareness Month in June 2007;

(2) recognizes that strokes, a primary cause of aphasia, are the third largest cause of death and disability in the United States;

(3) acknowledges that aphasia deserves more attention and study in order to find new solutions for serving individuals experiencing aphasia and their caregivers; and

(4) must make the voices of those with aphasia heard because they are often unable to communicate their condition to others.

CONGRATULATING THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) congratulating the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas, on May 13, 2007, the University of California at Los Angeles (referred to in this preamble as the ''Bruins'') won its 100th National Collegiate Athletic Association (NCAA) team title;

Whereas the Bruins won 70 NCAA championships in men's sports between 1950 and 2007 and 30 NCAA championships in women's sports between 1982 and 2007;

Whereas the Bruins won 60 NCAA championships in the 26 years since the inauguration of women's collegiate sports championships in 1981, including 30 NCAA women's titles and 30 NCAA men's titles;

Whereas 16 separate athletic programs, including 9 men's programs and 7 women's programs, won 1 or more NCAA team championships for the Bruins:

(1) Men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006.

(2) Men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005.

(3) Men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995.

(4) Softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004.

(5) Men's track and field in 1956, 1966, 1971, 1973, 1978, 1972, 1987, and 1988.

(6) Men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004.

(7) Women's water polo in 2001, 2003, 2005, 2006, and 2007.

(8) Women's gymnastics in 1997, 2000, 2001, 2003, and 2004.

(9) Men's soccer in 1985, 1990, 1997, and 2002.

(10) Women's track and field in 1982, 1983, and 2004.

(11) Women's volleyball in 1984, 1990, and 1991.

(12) Women's indoor track and field in 2000 and 2001.

(13) Women's golf in 1991 and 2004.

(14) Men's gymnastics in 1984 and 1987.

(15) Men's golf in 1988.

(16) Men's swimming in 1982;

Whereas, under the direction of head coach Al Scates, the Bruins won 19 NCAA team titles in the sport of men's volleyball between 1970 and 2006, tying the record for the most NCAA titles won by one coach in a single sport;

Whereas, between 1964 and 1975, under the direction of head coach John Robert Wooden, the Bruins won 10 NCAA team titles in the sport of men's basketball, including an unprecedented seven straight titles between 1967 and 1973;

Whereas, on May 13, 2007, under the direction of head coach Adam Krikorian, the Bruins won their 5th Division I team title in 7 years in the sport of women's water polo, and ended the 2007 season with an overall record of 28 wins and 2 losses;

Whereas Bruin student-athletes are excellent representatives of the University of California at Los Angeles, the University of California system, and the State of California; and

Whereas the University of California at Los Angeles has demonstrated a strong tradition of academic excellence since the founding of the Univeristy in 1919 and a strong tradition of athletic excellence since winning its 1st NCAA team title in 1950, establishing the University of California at Los Angeles as a top university in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of California at Los Angeles women's water polo team for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates the University of California at Los Angeles for becoming the first university to win 100 National Collegiate Athletic Association Division I team titles; and

(3) commends the student-athletes, coaches, alumni, instructors, and staff of the University of California at Los Angeles for their contributions to the achievement of this distinguished milestone.

ORDERS FOR WEDNESDAY, JUNE 27, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Wednesday, June 27; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the comprehensive immigration bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Wednesday, June 27, 2007, at 10 a.m.