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Senate

The Senate met at 2 p.m. and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

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

Let us pray.

O God, our Father, speak to us today that here in Your presence we may find knowledge of what You want us to do. Guide our Senators this week so that they clearly understand Your desires and give them the wisdom to obey. Provide them with daily strength to honor You with their service. May they never act in such a way that they lose their self-respect. Keep them from being the kind of people who want to get everything out of life while only putting a little into it. Remind them that they will answer to You for the way they have used their talents to serve others. Give them the ambition to honor You with faithfulness and humility.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KENT CONRAD 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 11, 2007.

To the Senate:

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

ROBERT C. BYRD,
President Pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until 3:30 p.m., with the time equally divided and controlled between the two leaders or their designees. At 3:30 p.m., the Senate will have 2 hours of debate as follows: an hour on the motion to proceed to the energy legislation, and the second hour will be debate on the motion to proceed to the legislation expressing no confidence in Attorney General Gonzales. Starting at 5:30 p.m. today, the Senate will conduct a rollcall vote on the motion to invoke cloture on the motion to proceed to the Gonzales legislation. If that cloture vote fails, then the Senate will have a vote on the motion to proceed to the energy legislation.

ORDER OF PROCEDURE

I now ask unanimous consent that at 5:10 today, until the vote at 5:30, the time be equally divided and controlled between the two leaders, with the majority leader controlling the final 10 minutes.

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

CONSIDERATION OF IMMIGRATION AND ENERGY ISSUES

Mr. REID. Mr. President, we have spent 2 weeks on the immigration bill, and we listened to hour after hour of debate. I don't think there is a single Senator, no matter how one may have finally voted on the motion to proceed or not to proceed to the bill, who doesn't see an urgent need to fix our badly broken immigration system. Even those people who oppose this legislation vehemently believe the system is broken and needs to be fixed.

So everyone agrees that we need to fix it, and I think the best way to fix it is to legislate. When it came time to vote on the bipartisan compromise last Thursday, 7 Republicans joined with 38 Democrats to invoke cloture. Let us put that in proper perspective. Fourth-fifths of Democrats voted to proceed to complete this legislation, and one-seventh of the Republicans voted to proceed. That is 80 percent and 14 percent—80 percent of the Democrats said move forward and 14 percent of the Republicans said move forward. Eighty-six percent of the Republicans said no.

Today, in an hour or so, I am going to send a letter to President Bush to lay out my hope that we can still move forward on this legislation, but I want him to know that further progress will require active support from more Republicans, which is something he has to make sure his Republicans understand.

I see in today's Roll Call newspaper that one Republican Senator said: I think the Democrats are going to have to take care of most of those votes, the newspaper article says. Without mentioning the Senator's name, the article states:

Put the onus on Democrats to make up the 15-vote deficit on cloture, saying Republicans have nearly maxed out support on their side.

This appears on page 24 of Roll Call: ''I think the Democrats are going to have to deal with most of those [votes],'' the Senator said.

Mr. President, 80 percent and 14 percent. It is the President's bill. So if other Republican Senators feel the

same as the Senator who is expressed on page 24 of Roll Call, saying we have to overcome the 15-vote deficit, it won't happen. We have about maxed out at 80 percent.

The letter I am going to send to the President will say a number of things. Among other things, it will say:

A strong spirit of bipartisanship has held together the coalition of Democrats and Republicans who negotiated the compromise and has sustained the Senate through 2 full weeks of debate on the bill. Unfortunately, that bipartisanship was largely absent in a crucial vote last Thursday.

Then I will go on to state to the President the percentages I just outlined.

I further say in the letter to the President:

We appreciate the efforts of you and other Republicans who have worked with us to get the bill this far. But we believe it will take stronger leadership by you to ensure that opponents of the bill do not block the path to final passage. Simply put, we need many more than seven Republicans to vote for cloture and final passage of the bill.

This letter will be signed by Senators REID, DURBIN, SCHUMER, and MURRAY, the Democratic leadership team.

I want to get the bill done. The overwhelming majority of the Democratic caucus has already voted for cloture. The American people are certainly looking to Congress for leadership. We hope President Bush and his Republican allies in Congress will find a way to work with us to deliver this bill to the immigrants, businesses, and all other Americans who deserve it.

If we see new cooperation and a clear way forward from the Republican caucus, I will do everything possible to readdress the immigration issue after the debate on the Energy bill is completed. And it is difficult for me to even say this because I really wanted to move next to the Defense authorization bill. If we can work out something, when we finish this Energy bill, to complete immigration, I want to do that.

Finally, Mr. President, on energy, we will turn our focus this week to one of the great remaining challenges of our time: our national energy policy.

In 1931, Thomas Alva Edison had a meeting with Henry Ford, whose cars were driving up consumer demand for gasoline. This is what Edison told Ford:

I'd put my money on the sun and solar energy. What a source of power! I hope we don't have to wait until oil and coal run out before we tackle that.

Here it is, 76 years later—76 years later—and we haven't tackled our addiction to oil, and it has grown into a three-pronged crisis: threatening our economy, threatening our Nation's security, and threatening our environment.

Today, we will use 21 million barrels of oil and tomorrow the same. How much is 21 million barrels of oil? It is a ditch 10 feet deep and 200 football fields long or a ditch 10 feet deep and 11 miles long. Every day, we use that oil—every day.

The bill we begin debate on today—the Renewable Fuels, Consumer Protection Energy Efficiency Act of 2007—takes several major steps toward reducing our dependence on foreign oil, promoting renewable energy that we produce right here in America, and protecting our environment from global warming. This bill is a substitute to H.R. 6. This bill is a bipartisan bill.

A number of my chairmen came to me and said: We have this great legislation in my committee; can we bring it forward? I said: No, we have to have an energy bill; our initial energy bill has to be bipartisan. So the Energy Committee, under the direction of Senators BINGAMAN and DOMENICI, came up with a good package. That is part of what we are going to be debating in the Senate.

Then, in the Commerce Committee, Senator STEVENS and Senator INOUYE also came up with an extremely important piece of legislation dealing with CAFE standards, which is making cars more efficient. That is going to be in the bill to be brought to the floor.

Senator BOXER and Senator INHOFE also worked together to come up with another piece of legislation that we have put in this one bill. Their part of this bill is also excellent and deals with green buildings and making the massive fleet of Federal cars more energy efficient. It is a good piece of legislation, and it is a bipartisan bill.

There will be people wanting to put tax measures on this, but I think we should wait until the tax committee—Senators BAUCUS and GRASSLEY—does that. This is a bill which we should try to protect the bipartisan aspect of. It really is quite a good bill, and if we are able to pass it, we will save 4 million barrels of oil every day. That is pretty good.

This bill will set new energy efficiency standards for lighting, appliances, and water use. This bill alone will save ½ trillion gallons of water every year. For a place like Nevada, where we get 4 inches of rain every year in Las Vegas, that is a lot of water.

This is a bill which protects consumers by punishing companies that price gouge and manipulate supply for their profits. It is a bill which invests in carbon capture and storage, and it directs the President and his Cabinet to improve diplomatic relations with our energy partners in order to give us more leverage in the global energy market.

Altogether, this bill will save American consumers tens of billions of dollars every year, cut our oil consumption, reduce our dependence on foreign energy, and, by the way, might just save the planet while we are at it.

It is a good, important bill, a bipartisan bill, and as I have indicated, many of my colleagues will be tempted to offer tax amendments. I ask that they wait until the Finance Committee has had an opportunity to make recommendations on an energy tax amendment before any additional amendments are offered on this bill.

I hope my colleagues will vote in favor of the motion to proceed. In fact, I hope we can proceed to the bill immediately and not have to use the 30 hours. That will allow time for more amendments.

RECOGNITION OF THE MINORITY LEADER

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

IMMIGRATION

Mr. MCCONNELL. Mr. President, just a brief word about the immigration bill. We could have been wrapping it up tonight.

As I indicated to my good friend, the majority leader, on Thursday afternoon, I thought there was every reason to believe we could have finished the immigration bill by tonight. Instead, we ended up having another cloture vote—in my view, a day or two premature—taking Friday off, and today spending our time on a meaningless resolution giving the President advice about whom the Attorney General ought to be.

Having said that, I appreciate the comments of the majority leader that he would like to finish the immigration bill. There is a substantial number of Republican Senators who believe this bill would be an improvement over the current situation, over the status quo, and so I hope we will be able to chart a path to get us back on track at some point and hopefully complete, on a bipartisan basis, what could well be the most important domestic achievement of this Congress.

I am pleased to hear the majority leader say there is a possibility that we could get back to this measure and wrap it up. That certainly is my hope, and I will look forward to working with him toward that end.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from North Dakota.

ATTORNEY GENERAL GONZALES

Mr. CONRAD. Mr. President, I rise today to discuss the issues surrounding

the removal of eight U.S. attorneys last year. Attorney General Gonzales has claimed that he had no involvement in the firing of the U.S. attorneys. In fact, this is his statement. He said:

I was not involved in seeing any memos, was not involved in any discussions about what was going on. That's basically what I knew as the Attorney General.

That is really a stunning claim. His own Chief of Staff, Kyle Sampson, admitted the Attorney General misled the country. He is not alone. Kyle Sampson, former Chief of Staff to the Attorney General, said:

I don't think the Attorney General's statement that he was not involved in any discussions . . . was accurate. I remember discussing with him this process of asking certain U.S. attorneys to resign.

The Washington Post reported, on Michael Battle, the former Director of the Executive Office for U.S. Attorneys, and I quote from that story:

The former Justice Department official who carried out the firings of eight U.S. attorneys last year told Congress . . . that a memo on the firings was distributed at a November 27 meeting attended by Attorney General Alberto R. Gonzales.

NBC News reported on William Mercer, the Acting Associate Attorney General:

Justice Department official William W. Mercer told congressional investigators on April 11 that he attended a meeting with the Attorney General . . . to discuss ''fired U.S. Attorney Carol Lamm's situation.''

It is simply not credible that the Attorney General of the United States had no role in the removal of eight U.S. attorneys. After all, he is the head of the Justice Department. To his credit, the Attorney General did eventually admit that he had misspoken in describing his lack of involvement. Given the growing public record, I don't think he had much choice.

However, to the great disappointment of people on both sides of the aisle, the Attorney General failed miserably in his attempt to set the record straight. In his testimony before the Senate Judiciary Committee, the Attorney General used the words, ''I don't recall,'' or a variant on those words, 64 times. ''I don't recall,'' ''I don't have any recollection,'' ''I have no memory''—64 times. Some counts have that number at over 70. Some even approach 90.

Time after time, the Attorney General was unable to respond to even basic questions. He couldn't explain or couldn't remember why the U.S. attorneys were fired or how he was involved. Again, his performance was truly stunning. His inability or refusal to answer basic questions raises serious issues. Is he incompetent or is he simply playing the loyal soldier? Why were these U.S. attorneys removed?

Unfortunately, the answer that immediately suggests itself is that these firings were politically motivated. Let's look at some of the fired U.S. attorneys and the possible political reasons for their dismissal. Here we have them.

David Iglesias, New Mexico—there was a probe of Democrats not completed quickly enough. We had prominent Republicans complaining that he had not reached conclusion on a probe of Democrats quickly enough.

Carol Lamm, in California—she secured the conviction of a Republican Congressman, also had indicted the No. 3 official at the CIA, and was investigating a Republican Congressman.

Daniel Ogden, Nevada—investigated a Republican Governor and former Republican Congressman.

Bud Cummins in Arkansas—was replaced by a Karl Rove operative. He investigated a Republican Governor of Missouri.

John McCay, in Washington State—to the dismay of local GOP partisans, did not investigate the gubernatorial election won by a Democrat.

Paul Charlton, Arizona—he investigated Republican Congressman Jim Colby and Rick Renzi.

You start to connect the dots here. They said the reason these people were removed was because of poor performance. At least that is the assertion of the Attorney General. But if you look at the written reviews of these same U.S. attorneys, ones who had been removed and ones for whom you can find a clear partisan reason for their removal—look at the written reviews of their performance, which is the reason given by the Attorney General for their removal.

David Iglesias, New Mexico, written review:

Respected by the judiciary, agencies and staff . . . complied with department priorities.

Carol Lamm, California:

Effective manager and respected leader.

Daniel Ogden, Nevada:

Overall evaluation was very positive.

Bud Cummins of Arkansas:

Very competent and highly regarded.

John McCay, Washington State:

Effective, well-regarded and capable leader.

Paul Charlton, Arizona:

Well respected . . . established goals that were appropriate to meet the priorities of the department.

What do we have here? The Attorney General says he wasn't involved. Others of his own staff say he was involved. Then he says it was performance reasons for which these people were removed, but if you look at the written reviews of the people who were removed, their performance reviews were excellent.

But what you do have is a clear political motivation in case after case involving these U.S. attorneys. When you go back to the reason the Attorney General is giving now, that it is performance based, here is what the former supervisor of these prosecutors said:

Comey added that:

The reasons given for their firings have not been consistent with my experience. . . .

And that:

I had very positive encounters with these folks.

Comey was effusive in his praise of several of the fired prosecutors.

Comey was the Deputy Attorney General, and he described Paul Charlton of Arizona as '' one of the best.'' He said he had a very positive view of David Iglesias of New Mexico, and called Daniel Ogden of Las Vegas ''straight as a Nevada highway and a fired-up guy.''

Of John McCay of Seattle, Comey said:

I was inspired by him.

Now, it doesn't take long to figure out what has happened. The Attorney General comes and testifies he can't recall, he doesn't remember, that he wasn't really a part of it. He is contradicted by his own staff. Then he says it is performance based, but the performance reviews are without exception positive for these people who have been fired. Their supervisor, who was Deputy Attorney General, has rave reviews for virtually all of them.

Let's connect the dots. These are politically motivated firings. I don't know what other conclusion one can come to, and that is a very serious matter. I have been in the Senate for more than 20 years. I have never come to the floor and raised questions about the political motivation of an Attorney General—never. I do so now, and I do it because I believe this is a serious matter.

When the administration of justice becomes politically tainted in this country, that is an enormously serious matter. There is no longer, in my mind, any question but that this Attorney General has tainted his office. That is only further demonstrated by his late night visit to the hospital bed of the Attorney General of the United States, at that time John Ashcroft, to get him to sign documents that he refused to sign about the legality of certain actions of this administration.

We have seen enough. This Attorney General needs to leave his office. He has tainted his office. He does not deserve the high responsibility and enormous honor serving as Attorney General of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

MEDIA BIAS

Mr. BOND. Mr. President, recently I returned from Iraq where I visited Tikrit, Baghdad, Bamadi, and Balad with three of my congressional colleagues. We had the opportunity to meet with the commanding officers and troops on each location. On the floor of the Senate I spoke to you about witnessing firsthand some of the progress being made. Since I have seen so little coverage of that progress, I think progress bears repeating.

The new plan, the counterinsurgency plan, is showing initial signs of progress. Violence in al-Qaim, Haditha, Hit, Ramadi, and Falluja has dramatically decreased due to local leaders now siding with coalition forces pursuing al-Qaida in Iraq.

In Baghdad, U.S. and Iraqi security forces are clearing and holding some of the most dangerous areas, and sectarian violence has decreased.

I was especially impressed with the successes in Ramadi, where only a few months ago some were claiming it lost forever, and al-Qaida said it was going to establish its headquarters there. In April, attacks in Ramadi decreased by 74 percent. All 23 tribal areas in Ramadi are cooperating with U.S. forces to fight al-Qaida militants, 263 weapons caches were discovered in the preceding 3 months, and Iraqis are volunteering by the thousands to join the Army and local police force.

I am disappointed this progress has not been widely covered by the media in the United States. In fact, the only TV coverage I have seen was a 60-second clip by Nick Johnson of CNN, who did an excellent job. I see the LA Times had a story, ''Iraqi Tribal Chiefs Forming an Anti-Insurgent Party.''

The frustration at the failure of our media to call the successes what they were is very high. Earlier last week, my office received an e-mail from one of our troops serving in Iraq. He detailed an exciting success story, the establishment of a new joint command precinct for Iraqi police, Iraqi Army and Marines, the first such precinct headquarters to be established in Falluja. His e-mail detailed what a success the operation had been. Almost 200 Iraqis volunteered for police recruitment, hundreds more received outpatient medical care, damage claims were settled, and all present received food and oil rations. And the Iraqis seemed to be very pleased to be cooperating with the United States.

But the enemy, being very clever, working to thwart any and all progress, reacted to this success story by sending in some poor suicide bomber. Thanks to aggressive patrolling efforts by Iraqi forces, the bomber was forced to detonate his vest almost half a mile away when he was halted by police. He caused superficial wounds to one Iraqi civilian and killed himself. No one else was injured, no other damage caused. In the aftermath of the incident the precinct signed up an additional 75 recruits for police service.

As this American warrior wrote to us:

> This bomber failed. He failed to kill innocents and he failed to deter the progress of standing up Iraqi police.

But to his frustration there was no coverage of this good news story. Indeed, the media, the U.S. media totally misreported the story. A number of media outlets carried these headlines. From the Baltimore Sun, ''Attack on Iraq Police, At Least 20 Dead.''

From the Los Angeles Times, ''Twenty Iraqis Die in Suicide Attacks.''

Our correspondent wrote that he was shocked. He checked it out every way he could, but it appears to have been a false report. The headlines refer to the failed attack but depicted a dramatically different outcome. There has been no apparent retraction, so thousands upon thousands, maybe hundreds of thousands who saw the headline assumed yet another tragic incident occurred in Falluja and just lumped that in with all the other bad news that makes up a grim picture of Iraq. And you see why our men and women fighting over there are frustrated.

The following morning our correspondent found himself in another situation. He learned a combined Iraqi Army police and U.S. Marine patrol in Falluja encountered a small band of insurgents at a suicide vehicle factory. The police engaged the enemy, killing four of them, and the Iraqi Army and Marines trapped additional escaping insurgents, killing three more. Two large trucks laden with explosives and rigged to be suicide vehicles were found.

This was a best case scenario: enemy killed in his tracks, weapon was discovered before it caused any harm, there were no civilian casualties whatsoever, and U.S. demolition forces blew up the two suicide vehicles. Instead of celebrating this success, the e-mail noted—the writer noted it was disappointing to read a headline, ''Children Killed.''

According to the story, the U.S. tank fired a high-explosive round at insurgents placing an IED in Fallujah yesterday, killing three Iraqi children. The insurgents got away. To anyone watching the news that day, it would seem the war in Iraq is being lost and the terrorists are winning. While there has been significant progress in Iraq, there is no doubt we are losing the war of information. I couldn't have said it better than the young man who wrote my office in frustration, who said:

> What incredible economy of effort the enemy is afforded when U.S. media is their megaphone. Why spend precious resources on developing your own propaganda machine when you can make your opponent's own news outlets scream your message louder than you ever hoped to do independently.

The young man ended his e-mail by saying the incidents he detailed were very important to him and his comrades who were serving in Iraq. Typical of our brave warfighters, the young man stressed that he and his fellow soldiers will continue to fight the fight. He acknowledged there will be mistakes, setbacks, and casualties that the world will hear about, but there will also be successes, victories over enemy combatants, progress, stability, and growth in the new Iraq, but, tragically, it appears no one is going to hear about that in our media since it has been increasingly clear that our media is unwilling or able to report anything except bloody headlines and bad news. The U.S. Government has a responsibility to do a better job of public diplomacy, strategic influence getting our story out.

The U.S. military has made a real difference in Iraqi communities. There are examples of good stories, such as the local new precinct joint command headquarters. But somehow we are not doing an adequate job of spreading the news. Let me cite an example from today's Washington Post page A11: ''Tribal Coalition In Anbar Said To Be Crumbling.'' Well, I have missed it, perhaps, if I saw anything in the Washington Post about the coalition. About 23 sheiks in the tribal areas are cooperating with the United States. But when you read the story a little farther, you see the headline is about one Sunni leader who has great concern about another Sunni leader, and calls him a ''traitor.'' Unfortunately, this happens to go on frequently among tribes.

When you read farther down in the story, we finally interview General Petraeus. General Petraeus said: I think they have done this for their lives. This is not just a business deal that they have struck; when you oppose al-Qaida, you are putting it all on the line. This is not an economic issue.

That was the message from our commander. He did not get the headline. There was another member of the council who said that: The salvation is like one family. There are no problems between us and the members.

U.S. military officials said virtually everyone in Anbar belongs to a tribe and that rather than ignore that fact, they were trying to exploit it.

> There is an overlay of government structure and tribal structure, and the two, when they work well, mesh and, in a sense, complement each other in Anbar.

I was able to see an article, a TV story by Ollie North this past Sunday, a war story. He was talking about the good old days in World War II. If there was anything good about the old days in World War II, Hollywood and the media were on the same side as our troops. What a wonderful vestige of the old times.

I thought this was a great opportunity to see what had happened in the past. The war of ideas and public opinion is not just critical in Iraq, it is critical in the broad war on terror.

As we know from reading the statements of Ayman al-Zawahari, the No. 2 in command, he knows they cannot win the war militarily; they can win it only by influencing public opinion in the United States. Unfortunately, recent congressional action indicates the terrorists may not be far off base. Resolutions to withdraw from Iraq, delaying funding for the troops, telling the Sunni terror cells and the Shia militias that America's political will is wavering—the supporters of these resolutions are sending a message: Hang on, the United States will not have the political will to outlast them. Our men and women in uniform are right to be disheartened that we have not only the media but some Members of Congress who are unduly influenced by our enemy. It is critical that we not fall into this trap set by al-Qaida and the

other Islamic terrorists who wish to defeat us. It is about time we realize our brave men and women in Iraq are putting their lives on the line, they are under fire every day. They are fighting a battle and they are making progress in the global war on terror. They need the funds for equipment, which we finally passed to them, but they also deserve our moral support and support in winning the hearts and minds not only of the United States but of the world.

I yield the floor, and 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. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

NO CONFIDENCE RESOLUTION

Mr. HATCH. Mr. President, this afternoon the Senate will decide whether to end debate on proceeding to Senate Joint Resolution 14, which expresses the sense of the Senate that the Attorney General no longer holds the confidence of the Senate or the American people.

I rise to oppose this so-called no confidence resolution on both procedural and substantive grounds and will urge my colleagues to vote against ending debate. To paraphrase Shakespeare, whether or not this joint resolution amounts to sound and fury, it signifies nothing. It is nothing more than a bit of political theater which should be rejected out of hand.

Let me make two points about its form and two points about its substance before offering a few comments about the controversy from which it arose. The first point I want to make about its form is that this measure would express the sense or opinion of the Senate through a joint resolution. As opposed to regular Senate resolutions that require only Senate passage, joint resolutions are legislative vehicles requiring passage by both houses and signature by the President.

We use joint resolutions to propose constitutional amendments and some other legislative business, but this legislative vehicle is simply the wrong way to conduct non-legislative business such as expressing the opinion of one house. In a report dated today, the Congressional Research Service concludes that the form of this measure as a joint resolution is inappropriate for what it purports to do.

I think this is significant and the reason for this conclusion is obvious. If this joint resolution should somehow pass the Senate—which I certainly expect it will not—it will be sent to the House.

How on Earth can the House vote on the sense of the Senate? What could a House vote about the Senate's opinion on this matter possibly mean? By a negative vote, would the House be saying that what the Senate has expressed as its own opinion is really not the Senate's opinion? This makes no sense whatsoever. In fact, the House already has its own resolution regarding the Attorney General's service, and it is a regular House resolution.

The sponsors of S.J. Res 14 either do not understand or have disregarded how the legislative process is supposed to work. I suspect it is the latter, using this political ploy to force the President's involvement.

Either way, this body should reject it out of hand.

The Senate has not used a joint resolution in the past on the rare occasion when it has sought to criticize executive branch officials. Resolutions in the 109th Congress to censure the President or condemn remarks by a former Cabinet Secretary were Senate resolutions.

The resolution to censure the President introduced in the 106th Congress, offered by one of the cosponsors of today's joint resolution, was a Senate resolution. Resolutions in the 81st and 82nd Congresses demanding the resignation of Secretary of State Dean Acheson were Senate resolutions. The resolution to censure and condemn President James Buchanan in 1862 was a Senate resolution. Our only attempt to censure the Attorney General, back in 1886, was through Senate resolutions. This unprecedented use of a joint resolution would distort our legislative procedure, and I urge my colleagues to reject it.

The second point about the form of this measure is that it purports to be a no confidence resolution. Parliaments take no-confidence votes for an obvious reason. In a parliamentary system of government, the legislative body's confidence or support is necessary for the head of government and cabinet ministers to serve.

For an equally obvious reason, the so-called no-confidence resolution before us should be rejected. This is not a parliament. In our Presidential system of government, the separation of powers means that the chief executive is elected separately from the legislature, and cabinet officials such as the Attorney General serve at the pleasure of the President.

Under the Constitution, the Senate's consent was required for the Attorney General's appointment, but our confidence is not required for the Attorney General's continued service. The Attorney General serves at the pleasure of the President, not at the confidence of the Senate.

The separation of powers has been a casualty throughout the controversy concerning the removal of U.S. Attorneys that gave rise to this misguided resolution. As with the Attorney General—and with very few exceptions—U.S. attorneys serve at the pleasure of the President.

The U.S. attorney statute says that they are subject to removal by the President. Neither the Constitution nor this statute say anything about the confidence of the Senate for the continued service of officials the President has authority to appoint.

The separation of powers, a principle fundamental to our constitutional system itself, is becoming a casualty of partisan politics.

The brand new Congressional Research Service report I mentioned earlier could not identify a single resolution like this one even being offered in the past and this should not be the first. No matter what its substance, a joint resolution is inappropriate for expressing the sense of the Senate about his issue. No matter what its form, a resolution expressing a lack of confidence in an executive branch official is inappropriate in our system of government.

Let me now address two points regarding the substance of this inappropriate joint resolution. The first point is about the real purpose behind its words. Even though expressing a lack of confidence in an executive branch official is irrelevant in our system of government, we all know that the real purpose behind this resolution is to pressure the Attorney General to resign.

On the one hand, if its sponsors want to call for the Attorney General's resignation, they should be honest and do so. On the other hand, Senators certainly do not need a resolution—especially one as fundamentally flawed and inappropriate as this one—to call for the Attorney General's resignation. As a number of this resolution's sponsors have already done, with the rapt attention and constant repetition of a compliant media, Senators can demand the Attorney General's resignation any time they choose.

My second point about the substance of this misguided joint resolution concerns its actual content, the words themselves.

This joint resolution does not condemn or criticize the Attorney General for anything he has done or said. It does not call for his censure. And, just to repeat, this joint resolution does not call for the Attorney General's resignation.

In the past, the Senate has considered resolutions doing each of these, albeit through regular Senate resolutions properly suited to the task. But this joint resolution before us does not even contain a single ''whereas,'' clause offering any indication of the basis or any reason for what it says. Rather, this joint resolution speaks vaguely of ''holding confidence,'' as if this were an all-or-nothing proposition, as if this were some kind of a pass-fail test.

Even when parliaments take no-confidence votes, those votes are at least limited to the confidence of parliament itself. This joint resolution purports to speak about all the confidence of all the American people. But what could a ''yes'' or ''roll vote on such a resolution possibly mean? Would a ''no'' vote

mean that no American has any confidence in the Attorney General about anything?

Would a ''yes'' vote mean that every American has complete confidence in the Attorney General about everything?

Because neither one of those can possibly be true, a resolution worded this way is either seriously misguided or nothing but a publicity stunt. It is not focused on his job performance, or his leadership of the Justice Department, but is focused on the Attorney General himself.

A resolution asking for a ''yes'' or ''no'' vote on something as vague and misdirected as confidence in a person attempts to reduce the multifaceted and complex to the unilateral and simplistic. In doing so, this misleading joint resolution turns a bit of political theater into a theater of the absurd.

The Senate should not even consider such a resolution evoking the image of Caesar listening for the chants of the crowd before giving a thumbs-up or a thumbs-down. Rather than purporting to speak for the American people, I think we should let the American people speak for themselves.

I found 16 opinion polls by nationally recognized polling outfits during March and April asking Americans whether the Attorney General should resign. These polls did not ask a vague, squishy question such as: Do you have confidence in the Attorney General? No these polls asked the real question behind the joint resolution before us today: Do you think the Attorney General should resign? An average of 39 percent of Americans said ''yes.'' Only one poll showed bare majority responding in the affirmative and, considering its margin of error, even that one might not show majority support for this result at all.

Frankly, I am a little surprised that the percentage of Americans who say the Attorney General should resign is not higher. My Democratic colleagues and many of their media allies, after all, have been working very hard week after week after week to persuade our fellow citizens that the Attorney General should go.

Daily front-page news coverage, Senate and House hearings, protests and lobbying by activists, blogs, columns, editorials—the Attorney General's critics have been pulling out all the stops for 6 months now. And while the joint resolution before us suggests that this aggressive, coordinated effort has deprived the Attorney General of everyone's confidence about everything, only a little over a third of Americans think he should resign. The Pew Research Center examined news coverage during the week in March when the Attorney General gave a much-criticized press conference. They found that the story about dismissed U.S. attorneys was the most reported story in the national media, with coverage jumping eight fold from the previous week. In spite of that Herculean media effort, however, only about 8 percent of Americans said this is the story they followed most closely.

These national polls are far better suited to measure what the American people think than the joint resolution before us, and my Democratic colleagues might want to consider another nugget of public opinion.

A USA Today/Gallup poll showed that while 38 percent of Americans believe that the Attorney General should resign, 40 percent of Americans believe that Democrats in Congress are spending too much time on this issue. Let me repeat that. More Americans say Democrats spend too much time on this issue than believe the Attorney General should resign. One reason might be that there is so little to show for the effort.

Just a few weeks ago, one of my distinguished Democratic colleagues said during a press conference that Democrats just know that U.S. attorneys were fired last year for improper reasons. How do Democrats know this? Because they have any evidence for that conclusion?

No. My Democratic colleague had to admit that ''we don't have a smoking gun.'' That is Washington political code for ''just take our word for it because we can't prove it.''

Just a couple of weeks before that, another distinguished Democratic colleague told a gaggle of reporters after a Judiciary Committee hearing that he ''just knows'' someone in the White House ordered that those U.S. attorneys be removed. Now, how does he know this? Because he has any evidence for this conclusion? No. He too had to admit that ''of course we don't know that''

It is truly ironic that this controversy involves prosecutors. Prosecutors must have some evidence to bring charges. Prosecutors must have some evidence for a conviction. I just wish that some of my Senate colleagues felt such an obligation either to prove their allegations or move on to more important matters.

We have been investigating and probing the removal of those U.S. attorneys for 6 months. Dozens of staff in the Senate, the House, and the Justice Department have done little else since the 110th Congress began. We have seen hearing after hearing, interview after interview, thousands of pages of documents, and even hundreds of thousands of taxpayer dollars to hire outside law firms as reinforcements.

Democrats continue to authorize subpoenas not only for people who have not refused to testify, but for people who have agreed to testify, and even for people who have already testified. And after all that, my Democratic colleagues have to admit that they have no smoking gun, they cannot prove the accusations they continue to repeat. There are plenty of innuendos, caricatures, and characterizations. But repeating talking points, sound bites and cliches is no substitute for evidence.

This summer, Americans will see sequels of several movies in the theaters. Here in the Senate's political theater, we have already seen several sequels of the same movie. Last week's Judiciary Committee hearing, for example, was part five on the hiring and firing of U.S. attorneys. Every one of those same sequels has the same ending. It is no wonder more Americans believe that enough is enough than believe the Attorney General should resign.

Before I close, let me say a few words about the controversy that was the impetus for this misguided joint resolution. As I said earlier, U.S. attorneys serve at the pleasure of the President. With very few exceptions, he may remove them for whatever reason he chooses. The President has the authority to remove a U.S. attorney to allow someone else to serve in that position or because that U.S. attorney's performance is, in some general or specific way, inadequate. Each of the U.S. attorneys removed last year had served his or her 4-year term and had no right to serve longer if the President didn't want them to. That means the real issue is whether these U.S. attorneys were removed for genuinely improper reasons, such as interfering with an ongoing case. After all this time, all this effort, and all this taxpayer money, there is no evidence for that conclusion.

I must candidly say, at the same time, that the process by which this administration set out to evaluate U.S. attorneys and replace some of them was bungled from the start. Proper respect for the office of the Federal prosecutor and for the individuals who occupy it would, it seems to me, require a more rigorous, disciplined, organized process than apparently was used here. The Attorney General has said as much and said he should have been more involved. I also think the individuals who were asked to resign deserve better, more respectful treatment. But there is a high burden of proof for those who say that a badly executed and explained process, even a poorly conceived and mismanaged process, was instead a nefarious, partisan, political scheme to subvert the justice system. Continuing to make such claims without coming close to meeting that burden appears to many designed, instead, to serve partisan political goals.

As I close, I ask my colleagues to consider one more set of polls. During the same 2 months, March and April, as they were asking about the Attorney General's resignation, national polling outfits also asked Americans if they approve of the way Congress is doing its job. While an average of 39 percent of Americans believe the Attorney General should resign, an average of 56 percent of Americans disapprove of how we are doing our job. Should we all resign? I think there are some people who probably would say yes. Far more Americans disapprove of Congress than believe the Attorney General should resign. I wonder whether spending so

much time on fishing expeditions that yield no fish and wasting time on inappropriate, misleading resolutions such as the one before us today only add to Americans' disapproval of our job performance.

In a statement last Friday, the main sponsor of this joint resolution said the vote on this resolution is about loyalty. I suppose he meant loyalty to the President, as if that were the only reason to oppose using the wrong vehicle for a misleading statement that has no relevance to our system of government. In a way, I agree this is about loyalty, but I think it is about loyalty to the Constitution, to the integrity of the legislative process, to this body as an institution, and to a fair and honest debate about these issues. If my colleagues are loyal to those, they will see that this bit of absurd political theater serves no real purpose and will only add to most Americans' already negative view of how we are doing our job.

So I urge my colleagues to reject this cloture motion.

I yield the floor.

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

Mrs. FEINSTEIN. Mr. President, I wish to ask what the time allocation is because I wish to speak on the Democratic side.

The PRESIDING OFFICER. The remaining 20 minutes is under the control of the majority.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, similarly reserving the right to object, I have been waiting. I wonder if we might have a unanimous consent agreement that I be permitted to speak for 10 minutes, unless the Senator from California wants to go first?

Mrs. FEINSTEIN. Mr. President, if I might respond to that. Of course I want to cooperate, but I wish to use the 20 minutes of Democratic time. I would be prepared to extend the time for morning business if the Senators would agree to that.

Perhaps there could be a unanimous consent agreement that Senator SPECTER is allowed 10 minutes, and I would be allowed the 20 minutes of Democratic time, requiring an extension of 10 minutes of morning business.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The majority has 18½ minutes and the Republican time has expired.

Mr. SPECTER. Mr. President, the majority has 18½ minutes, and the minority has how much?

The PRESIDING OFFICER. The minority time has expired.

Mrs. FEINSTEIN. If I may, Mr. President, through the Chair to the distinguished ranking member of the Judiciary Committee, say my suggestion is we extend the time of morning business to accommodate the Senator's 10 minutes and my 20 minutes.

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

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to speak about the resolution of no confidence on Attorney General Gonzales. This resolution poses many currents and crosscurrents and many overlapping currents and crosscurrents. I have written down five of the currents which I believe are involved in the analysis of this issue.

First: Have I lost confidence in Attorney General Gonzales? Second: Is this resolution politically motivated? Third: Does Senator SCHUMER have a conflict of interest? Fourth: Will this resolution likely lead to the departure of Attorney General Gonzales or give him more reason to stay on? And fifth: Is the principal reason for this resolution to help the Department of Justice or to embarrass Republicans? It is an interrelationship and a wing of these various considerations which has led to my own conclusion on this resolution.

First of all, have I lost confidence in Attorney General Gonzales? Absolutely yes. Attorney General Gonzales has made representations which are false. He said he was not involved in discussions. He was contradicted by three of his top aides and by documentary evidence, e-mails. He said he was not involved in deliberations. Again, he was contradicted by three top aides and documentary evidence, the e-mails. He said he was not involved in the memoranda which were circulated on this matter. Again, contradicted by three top aides and documentary evidence.

He said the terror surveillance program brought no objection within the Department of Justice, and we find on examination there were serious dissents within the Department of Justice on the constitutionality of the terrorist surveillance program. So much so that Alberto Gonzales, when he served as White House counsel, was one of those who went to the hospital room of then-Attorney General John Ashcroft to get Attorney General Ashcroft to certify that the program was constitutional. So there is no doubt in my mind that there is no confidence which is residing in Attorney General Gonzales.

This is much more than a personnel matter. This is a matter for the administration of the Department of Justice, which is second only to the Department of Defense on the welfare of the people of the United States. The Department of Justice has the responsibility for investigating terrorism and antiterrorism, has the responsibility for enforcing our drug laws, has the responsibility for enforcing Federal laws of violent crime and white-collar crime. The Attorney General has the responsibility for supervising 93 U.S. attorneys from around the country who have very important positions, something that I know something about in some detail, since I was the district attorney of Philadelphia for some 8 years. There is no doubt the Department at the present time is in shambles.

The Attorney General called me before his hearing came up and asked for my advice, and I said: Set out the reasons why you asked these individuals to resign. Set out the reasons why. He did not do so. The day after a very tempestuous hearing in the Judiciary Committee, he called me again and asked for my advice as to what he ought to do. I said: Al, you still haven't responded as to why you asked these people to resign. I took the position at that time, and I take the position at the present time, that I am not going to ask the President to fire Attorney General Gonzales. That is a matter for the President to decide. I am not going to let the President tell me how to vote, and I am not going to say to him how he ought to run the executive branch on grounds of separation of power. Similarly, with Attorney General Gonzales, as to what he does, that is a personal decision for him to make. But I have been very emphatic in the Judiciary Committee hearings, as we have investigated this matter, that I think the Attorney General has not done the job and that the Department of Justice would be much better off without him.

The second question I looked at is: Is this resolution politically motivated? I think that it certainly is. This ties in to the crosscurrent as to whether Senator SCHUMER has a conflict of interest. I believe he does. I said so to Senator SCHUMER eyeball to eyeball, confronting him in the Judiciary Committee meeting. The day after New Mexico's U.S. Attorney David Iglesias testified about a conversation that Iglesias had with Senator DOMENICI, the Democratic Senatorial Campaign Committee posted on their Web site criticisms of Senator PETE DOMENICI. The following day, the Democratic fundraising apparatus, led by Senator SCHUMER, published a fundraising letter, and there is no doubt about that conflict of interest. Senator SCHUMER has been designated to lead the investigation because he is the chairman of the relevant subcommittee. So I think there is no doubt about the overtone of heavy politicization and the conflict of interest.

The third consideration I have is will this resolution likely lead to the departure or give the Attorney General a reason to stay on? My hunch is the thrust of the resolution, if it seeks his ouster, is going to be a boomerang and is going to be counterproductive. My own sense is there is no confidence in the Attorney General on this side of the aisle but that the views will not be expressed in this format. Already, some who have called for his resignation on the Republican side of the aisle have said they will not vote for this resolution. Others who have declined to comment about his capacity have said that this is not the proper way to proceed, that our form of government does not have a no-confidence vote.

Is the principal reason for this resolution to help the Department of Justice or to embarrass Republicans? I

think clear cut, it is designed to embarrass Republicans. It is designed to embarrass Republicans if the Senate says the Senate has no confidence in the Attorney General, and it is designed to embarrass Republicans who vote against the motion for cloture because it will be a ''gotcha'' 30-second commercial in later campaigns. It will be used to say that whoever votes against the motion to invoke cloture is sanctioning the conduct of Attorney General Gonzales, and anybody who votes against the motion to invoke cloture is going to be the recipient of those 30-second ''gotcha'' commercials.

Now, there are many reasons to vote against the cloture motion. One reason—and a dominant reason—is that the Senate has a lot more important things to do than engage in this debate on this issue. Thursday night, the majority leader took down the immigration bill. Regrettably, he had cause to because the Republican Senators who had objected to the immigration bill wouldn't allow any amendments to come up. They wouldn't allow their amendments—they didn't step forward with their amendments, nor did they allow others to offer amendments. But we were on the verge of getting a list. It was taking a little more time. The majority leader took down the bill. But the national interest would be a lot better served had we continued with the bill on Friday or perhaps on Saturday—we can work on Saturday—or return to the bill today—or still return to the bill today, instead of taking up this resolution.

Another reason why people could justifiably vote against cloture is because the investigation is not complete. That is still hanging fire, so why have the resolution before we finish our investigation?

But there is another reason: the Constitution arguably expresses a way to deal with Attorney General Gonzales, and that is by impeachment, as it is not in line to have a resolution of disapproval. That is the British system of no confidence. It is my sense that many on this side of the aisle, if not most, if not almost all—I ask unanimous consent for 1 additional minute.

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

Mr. SPECTER. It is my sense that many on this side of the aisle—most, if not almost all—will vote against cloture because there are ample reasons to vote against cloture. But as I look at this matter, as to which is the more weighty, the more compelling, the more important, candidly stating I have no confidence in Attorney General Gonzales or rejecting the outright political chicanery which is involved in this resolution offered by the Democrats, I come down on the side of the interests of the country, and moving for improvements in the Department of Justice is to make a candid statement that I have no confidence in the Attorney General, which I have said repeatedly. It is no surprise. I am going to deal with this resolution on the merits and vote to invoke cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I don't often differ with the distinguished ranking member. But I came to the floor as a member of the Senate Judiciary Committee now for 15 years and as one who takes no particular pleasure in what I am about to say. I urge a ''yes'' vote on cloture. I want to say why.

The Department of Justice is one of the country's most important departments. It has a budget of $24 billion and over 100,000 employees. It is charged with combating terrorism, fighting violent crime, stopping drug trafficking, upholding civil rights, and enforcing civil liberties. It houses key agencies, including the FBI, DEA, the Bureau of Prisons, the Marshals Service, and U.S. Attorney's Offices.

As a leader of the Department, the Attorney General is the chief law enforcement officer for the people of this Nation. He is the chief lawyer of the United States. He runs a big department. He must be a strong manager who can direct the day-to-day operations and an independent leader with an unyielding commitment to the law, who is willing to stand up against, yes, even the President, if necessary. He must lead by example, upholding the highest ethical standards.

I think President Lincoln's Attorney General put the challenge on the map when he said this:

> The office I hold is not properly political, but strictly legal, and it is my duty above all other ministers of state to uphold the law and to resist all encroachments from whatever quarter.

That is the job of the U.S. Attorney General. The subject before us today is the fact that, for many of us, this Attorney General has not lived up to this standard, and he has lost our confidence. Unfortunately, the Attorney General has failed to meet the challenges during his tenure.

The Department of Justice has become highly politicized in its hiring and firing—I hope to lay that out—and I believe in many of the legal opinions it issues as well. In many respects, it is today an extension of the White House, rather than the scrupulous, independent enforcer of Federal law as suggested by President Lincoln's Attorney General.

Through the investigation into the hiring and firing of at least 9 U.S. attorneys, we have heard Attorney General Gonzales give vague and unconvincing responses in critical areas about his Department's performance.

The Attorney General testified that he does not know who selected the various U.S. attorneys to be fired; therefore, he does not know why they were fired. Can you believe that? He testified that the firings were based on a ''process of consulting with senior leadership in the Department.'' However, every single one of the Department of Justice's senior officials who have testified has stated under oath that they did not place a U.S. attorney on the termination list, with one exception—Kevin Ryan of California. This includes Kyle Sampson, the Attorney General's Chief of Staff; James Comey, former Deputy Attorney General; Paul McNulty, Deputy Attorney General; Mike Elston, Paul McNulty's Chief of Staff; Monica Goodling, White House Liaison; Bill Mercer, Associate Attorney General; Mike Battle, Director of the Executive Office of the U.S. Attorneys; and David Margolis, Associate Deputy Attorney General. They have all said they did not add names to the list of those to be fired. To this day, we have been unable to find out who put in place the unprecedented targeted program to fire several U.S. attorneys midterm, at one time, and who made the decision to place these attorneys on that firing list.

We also learned that an internal order, entitled ''Delegation of Certain Personnel Decisions to the Chief of Staff,'' that was issued March 1, 2006—in that order, the Attorney General designated his role in hiring and firing certain senior officials in the Department of Justice to his Chief of Staff, Kyle Sampson, and a young, 33-year-old former researcher for the Republican National Committee, Monica Goodling. I must say that I find this a major abdication of the duty of a leader. In fact, according to internal memos, the Attorney General was going to completely abdicate his role, until the Office of Legal Counsel stepped in, saying he must at least be consulted in the process.

In a memo dated February 24, 2006, Paul Corts, Assistant Attorney General for Administration, wrote this:

> The Office of Legal Counsel advises that permitting the Attorney General's delegates to approve appointments (or removals) of constitutionally ''inferior officers''. . . would be inconsistent with the [Excepting Clause in the Constitution]. The Office of Legal Counsel recommends that the delegates exercising the authority of this delegation submit appointments or removals to the Attorney General.

Taken together, the most favorable interpretation of these various actions is that the Attorney General has clearly sought to avoid these key responsibilities.

Unfortunately, information has come to light that demonstrates that the problems are not limited to poor management. Rather, the Department's reputation, independence, and credibility have been put in serious question.

Mr. Gonzales has stated that he believes the Attorney General wears ''two hats''—one as a member of the President's staff and another as the Nation's top law enforcement officer. How does this compare with what I just read from Abraham Lincoln's Attorney General? Answer: It does not.

It is this perspective which I believe has led the Attorney General to treat

the Department of Justice as a political arm of the White House rather than as the independent law enforcement agency it should be. For example, the committee's investigation has shown that seven of the nine U.S. attorneys who were fired were not fired for so-called ''performance reasons'' at all, as stated. In fact, when reviewing the six evaluation and review staff reports, which are called the EARS reports, of the fired U.S. attorneys, all were given strong, positive performance evaluations. Here are some examples:

Bud Cummins:

United States Attorney Cummins was very competent and highly regarded by the Federal judiciary, law enforcement, and the civil client agencies.

Despite this review, Mr. Cummins was fired in June of 2006.

Carol Lam:

U.S. Attorney Carol Lam was an effective manager and a respected leader in the District . . . The United States Attorney committed significant prosecutorial resources to the felony immigration and border crime cases.

Despite this review, Mrs. Lam was fired on December 7, 2006, ostensibly for the very reason that the EARS report found she had done a good job.

David Iglesias:

This U.S. Attorney had well-conceived strategic plans that complied with Department priorities and reflected the needs of the District overall. The U.S. Attorney effectively managed complaints, detention decisions, and pretrial practices.

Despite this review, Mr. Iglesias was fired on December 7, 2006.

Dan Bogden:

U.S. Attorney Bogden was actively involved in the day-to-day management of the U.S. Attorney's office, had established an excellent management team, and had established appropriate priority programs that support Department initiatives.

Despite this review, Mr. Bogden was fired on December 7, 2006.

Paul Charlton:

U.S. Attorney Charlton also made his goals and expectations clear to his staff. . . .The U.S. Attorney's office prosecuted more immigration violations than any other district.

Despite this review, Mr. Charlton was fired December 7, 2006.

John McKay:

McKay is an effective, well-regarded, and capable leader of the [U.S. Attorney's office] and the District's law enforcement community.

Despite this review, Mr. McKay was fired on December 7, 2006.

The Department did not turn over the EARS reports for the two U.S. attorneys who were said to have performance concerns and who were not identified until late in the process—Margaret Chiara and Kevin Ryan.

Since the initial cause for the firing, performance was clearly debunked by these reports. It now appears that these 6 U.S. attorneys were fired because they upset the political arm of the White House.

For example, David Iglesias, by all accounts a rising star, was only placed on the list to be fired after the President and Karl Rove called the Attorney General to pass along complaints.

Specifically, Kyle Sampson, former Chief of Staff to the Attorney General, testified on March 29, 2007, that:

I do remember learning, I believe, from the Attorney General that he had received a complaint from Karl Rove about U.S. Attorneys in three jurisdictions, including New Mexico, and the substance of the complaint was that those U.S. Attorneys weren't pursuing voter fraud cases aggressively enough.

Mr. Sampson went on to testify that he also remembered that:

Just a week before I left the Department in March, I remember the Attorney General telling me that he had had a meeting with the President in October sometime. . . . I remember the Attorney General saying, ''You know, I remember the President in that meeting we had in October telling me that [there were] concerns about Iglesias.''

In addition, the committee's investigation has shown that many of the U.S. attorneys who were fired, or put on a list to be fired, were handling contentious election-related cases, including Todd Graves, former U.S. attorney in Missouri, who recently revealed that he, too, was forced to resign after he had refused to support a case against the Democratic secretary of state in Missouri, alleging that Missouri was violating Federal law for failing to purge voter rolls—that is despite the rules of the Department urging that no case involving election practices be brought prior to an election; John McKay, former U.S. attorney in Washington, fired, it appears, because he refused to bring a case during the hotly contested gubernatorial race against essentially the Democratic candidate; David Iglesias, former U.S. attorney in New Mexico, who, it appears, was fired because he refused to bring a case alleging voter fraud prior to the election; Tom Hefflefinger, former U.S. attorney in Minnesota, who was put on a list to be fired when he was pushing for an investigation into voter discrimination against Native Americans; Steve Buskupic, U.S. attorney in Wisconsin, who was put on a list to be fired, and his district was the focus of a document sent over from the White House for investigation that provided information on Milwaukee voting trends.

These are just examples of U.S. attorneys who were fired or considered to be fired because of their involvement in election fraud cases. Other U.S. attorneys who were fired were involved with sensitive public corruption cases.

The congressional investigation has also uncovered that political considerations were being taken into account with regard to hiring and firing decisions for career employees at the Department and the prestigious Honors Program. Now, that is a no-no.

Monica Goodling, a young, inexperienced lawyer, 33 years old, was named White House Liaison at the Department of Justice, and in that role she was given the authority to hire and fire personnel for many critical positions at the Department.

On May 23, 2007, Ms. Goodling testified that ''I may have gone too far in asking political questions of applicants for career positions, and I may have taken inappropriate political considerations into account on some occasions.''

This is a 33-year-old making these decisions. Where was the Attorney General?

The Congress has also discovered that political appointees directed changes to be made to the performance evaluations of career staff and overrode career attorneys' recommendations regarding which cases to pursue or not pursue.

For example, in testimony before the House, Joe Rich, who worked at DOJ's Civil Rights Division for 37 years, testified that he was ''ordered to change the standard performance evaluations of attorneys under my supervision to include critical comments of those who had made recommendations that were counter to the political will of the front office and to improve evaluations of those who were politically favored.''

What does this do to the credibility of the Department of Justice of the United States?

In the Senate Judiciary Committee's hearing last week, Brad Schlozman testified that ''on a number of occasions, I believe I did order [Joe Rich to change performance evaluations.]''

There you have it, the politicization of the Department of Justice.

Sharon Eubanks, lead attorney for the Department of Justice on the tobacco cases, has stated that in June 2005, she was pressured to ask for lesser penalties against the tobacco companies. She said:

At first, the administration officials attempted to get the litigation team and me and my staff to agree to lower the amount, but there was no basis for doing that, and we refused. And finally, after a number of very heated discussions, I said, ''You write it and I'll say it.''

What a terrible comment about some of the biggest cases ever made in the history of the United States.

Each of these facts on its own is disconcerting, but taken together, they show a department being run based on politics and not on law.

I also believe the Attorney General has compromised important legal principles by taking positions and espousing opinions that are outside the mainstream of legal thought. For example, the Attorney General testified on January 18, 2007, that habeas corpus, the right to challenge one's imprisonment, is not protected by the Constitution. Here is what the Attorney General said:

There is no express grant of habeas in the Constitution. There is a prohibition against taking it away . . . I meant by that comment, the Constitution doesn't say ''Every individual in the United States or every citizen is hereby granted or assured the right to habeas.''

He has also pushed to narrow the definition of torture and changed to whom the Geneva Convention applies. In the January 2002 memo he wrote:

In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

And when it comes to Guantanamo, Attorney General Gonzales has expressed strong objections to closing the detention facility and moving detainees to the United States.

The New York Times reported of March 22 of this year that Mr. Gates argued to close Guantanamo. But according to administration officials—this is the newspaper only:

Mr. Gates's arguments were rejected after Attorney General Gonzales and some other Government lawyers expressed strong objections to moving detainees to the United States, a stance that was backed by the Office of the Vice President.

And despite the fact that the U.S. Code states ''the Foreign Intelligence Surveillance Act shall be the exclusive means'' by which electronic surveillance may be conducted, the Attorney General has argued that the language used in the authorization for use of military force implicitly authorized the President to exercise powers, ''including the collection of enemy intelligence.''

In his prepared testimony from January 2006, he stated:

The Supreme Court confirmed that the expansive language of the resolution—''all necessary and appropriate force''—ensures that the congressional authorization extends to traditional incidents of waging war . . . [and] the use of communications intelligence to prevent enemy attacks is a fundamental and well-accepted incident of military force.

He is thereby saying that Guantanamo is a creature of this and, therefore, legal. I don't agree with that assessment.

I believe each of these legal opinions has had dramatic negative consequences, including negatively impacting America's relationship with most countries abroad.

Finally, and perhaps most disturbing, the Senate has heard testimony from Deputy Attorney General James Comey that calls into question the Attorney General's character and integrity.

Mr. Comey testified about the conversation in the intensive care unit of George Washington University Hospital where he witnessed then-White House Counsel Gonzales ''trying to take advantage of a very sick man'' to reverse a judgment that the Terrorist Surveillance Program was illegal.

The testimony—his testimony, Comey's testimony—raised questions about actions that are contrary to the ethical standards lawyers are required to uphold.

Mr. Comey's testimony stands in sharp contrast to the statements made by Mr. Gonzales to the Senate about this incident.

In response to Senators' questions on February 6, 2006, the Attorney General left the impression that any reports of disagreement within the administration about the surveillance program were either inaccurate or in reference to some other program or issue.

He said:

There has not been any serious disagreement [about the program] . . . The point I want to make is that, to my knowledge, none of the reservations dealt with the program that we are talking about today.

That was under oath, Mr. President, before us. He didn't tell us about this. He didn't tell us that he went, as White House Counsel, to a critically ill man's intensive care unit bed and tried to reverse a decision that the Acting Attorney General was making. It wasn't until Mr. Comey came forward and told us about it did we know.

What do I conclude? Each of these issues is serious on its own and each would raise serious questions about the qualifications and service of this Attorney General. The Department of Justice is charged with enforcing the law and protecting all Americans' rights and security. The Attorney General must enforce the law without fear or favor to its political ramifications. He must act independently and pursue justice wherever it may lead, and without compromise. He must uphold the highest ethical standards.

Let me quote again from President Lincoln's Attorney General:

[t]he office I hold is not properly political, but strictly legal; and it is my duty, above all other ministers of State, to uphold the law and to resist all encroachments from whatever quarter. . . .

This is what the Attorney General should be. That is why I am going to support the motion to close off debate and support the resolution.

I thank the Chair. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED.

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having passed, the Senate will resume consideration of the motion to proceed to H.R. 6, which the clerk will report.

The bill clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. shall be equally divided and controlled between the chairman and ranking member of the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that we be allowed to equally divide a full hour, which was our plan this afternoon.

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

Mr. BINGAMAN. Some of that time may be yielded back, but I didn't want to cut off anyone who wishes to speak on this issue before we go to a vote.

Mr. President, today we begin consideration of energy legislation in the Senate. Later today, we will be voting to take up legislation that will make a meaningful and bipartisan contribution to charting a new direction for America's energy policy.

There is a growing consensus among Federal, State, and local policymakers across the ideological spectrum, also from corporate leaders and the American public in general, that our Nation needs to move faster and needs to go farther to secure its energy future.

America's family farmers and businesses look no further than the prices that are posted at the corner gas station to see the vivid and daily indicators of the economic perils inherent in maintaining the status quo. In fact, they have watched as gas prices have stayed at more than $3 per gallon for well over a month.

Our national security experts cite the geopolitical implications and the foreign policy challenges presented by the rise of State-owned energy companies and by our own growing dependence on oil imports. In 2005, the United States imported roughly 60 percent of the petroleum that we consumed. Without decisive action, that figure is expected to approach 70 percent over the next two decades, with more than 35 percent of that increase expected to come from member nations of OPEC or the Organization of Petroleum Exporting Countries.

Meanwhile, economists take note of our energy policy's fiscal implications as well related to America's global competitiveness. In 2005 and 2006, our dependence on petroleum imports combined with rising prices to add an estimated $120 billion to our Nation's trade deficit.

There is no doubt there is a compelling case for action, but there is also something more fundamental that is embedded in the American consciousness that is animating the national call for a new direction in our energy policy.

President Franklin Roosevelt once observed:

The creed of our democracy is that liberty is acquired and kept by men and women who are strong and self- reliant.

Perhaps it is this American principle of self-reliance that is driving national debate forward when it comes to energy policy.

After all, by tapping America's limitless capacity for innovation, our most abundant renewable resource, the United States can become more energy self-sufficient. Americans believe we can and should lead the world when it comes to developing the new technologies that will produce clean alternative energy and help us to address the threat of global warming. Inherent in this grand challenge is enormous opportunity—opportunity to build a

stronger economy, to create the high-paying jobs of the 21st century, and the opportunity, of course, to lower our energy costs.

No single political party has a monopoly on these ideas. Rather, these ideas are broadly shared by Members of the Senate on both sides of the political aisle. The shared will to make progress in securing America's energy future is what has brought us to this point today. Later this afternoon, we will vote on a motion to proceed to legislation that represents the bipartisan efforts of four committees in the Senate—the Energy and Natural Resources Committee, the Environment and Public Works Committee, the Commerce Committee, and the Foreign Relations Committee. If we are successful in bringing the measure before the Senate, I believe by the time the debate is concluded, we will also have the recommendations of a fifth committee, the Senate Finance Committee, to add to this legislation.

Suffice it to say there has been a tremendous amount of bipartisan legislative effort on display in bringing this measure forward. Since the outset of the 110th Congress, the Senate has held more than 50 hearings on energy and climate-related issues. That is at least one hearing held every other day that we have been in session. As it relates to what we have been able to accomplish in the Senate Energy Committee, let me at the outset thank Senator DOMENICI, the ranking member on the committee, for the goodwill and the diligence he has demonstrated at every step in this effort.

On the second day of the 110th Congress, we jointly announced an all-day conference related to biofuels policy. This conference drew submissions and suggestions from more than 100 stakeholders. During that all-day session, attended by nearly every member of our committee, we heard from about 30 experts, who gave us suggestions that formed the intellectual basis for the committee's work in the important area of renewable fuels. After that, we held more than 15 energy policy-related hearings, including 8 oversight and legislative sessions, specifically tailored to take testimony on the issues at the core of our legislation. Those issues, in addition to biofuels, were energy efficiency and, second, carbon capture and storage.

As a result of this process, Senator DOMENICI and I were able to circulate a bipartisan proposal to the committee for markup. After a session at which we adopted almost 30 amendments from members on both sides of the dais, the Energy Committee reported legislation with a substantial bipartisan margin of 20 to 3. On the whole, I think what we were able to accomplish in a relatively short period of time is something all members of our committee can be proud of.

As I mentioned, the legislation touches on three key topics related to our energy future. First, it boosts domestic renewable fuel supplies. It does so in a manner that will reduce life cycle greenhouse gas emissions and spur regional diversity of biofuels production and infrastructure.

The second thing the bill that came out of the Energy Committee does is it proposes to enhance economywide energy efficiency in a way that will reduce our Nation's imports of foreign oil and provide significant savings to consumers.

The third item we addressed is that we will invest in the carbon capture and storage technologies that will help us to cut back on the greenhouse gas emissions that contribute to global warming.

I think it would be helpful to describe for my colleagues some of these issues in a little more detail.

First, on the topic of biofuels, there is no question that in recent years many factors have sharpened public focus on the search for viable alternatives to conventional petroleum-based fuels. I have already described many of those factors, including increased world oil prices, concerns regarding import dependence, and the environmental effects of vehicle emissions.

Biofuels, which is a term that includes both ethanol and biodiesel, can be derived from an array of crops and other biological materials that are available throughout our Nation. Since the 1970s, all cars and light trucks with gasoline engines built for the U.S. market have been able to run on ethanol blends of up to 10 percent. That is E10. A smaller yet increasing number of vehicles that is now estimated at about 6 million on American roads today can run on fuel comprised of 85 percent ethanol or E85. Meanwhile, existing diesel engines can run on biodiesel in any concentration. Due to concerns about quality standards, however, manufacturers may not honor warranties for engines running on biodiesel blends in excess of 5 percent, that is B5, or 20 percent, which is B20.

There is little question that passage of the Energy Policy Act of 2005 was a watershed event for the Nation's biofuels industry. Establishing the first Federal renewable fuel standard, the RFS, created an escalating requirement for the amount of biofuels blended in U.S. gasoline, starting with 4 billion gallons in 2006, and accelerating to 7.5 billion gallons in 2012.

However, less than 2 years after that Energy Policy Act was signed by President Bush, increased use of biofuels is already surpassing the original RFS targets, with 5 billion gallons added to U.S. gasoline in 2006. Another 6 billion gallons of production capacity is expected to go into operation by 2009, bringing total domestic production capacity to approximately 11.7 billion gallons. According to the Energy Information Administration's 2007 Annual Energy Outlook:

> the market potential for biofuel blends—that is B10, B5, and B20—remains significantly larger than the current production levels and will continue to absorb the biofuel supply for the foreseeable future.

Yet as the Energy Committee began developing its legislation, it was obvious significant challenges remained if biofuels are to become a cornerstone of U.S. efforts to improve our energy self-sufficiency. Today, approximately 98 percent of domestic ethanol production is derived from cornstarch, and that creates upward pressure on commodity prices, restricting production to regions of the country where corn is grown, and posing challenges to efficient distribution of the fuel.

Diversifying feedstocks to include a broader array of renewable biomass can promote regional diversity in biofuels production and distribution, spreading economic benefits to rural communities across the country and relieving pressure on corn commodity prices. In addition, it can lead to greater efficiency in the fuel production process and help save on fossil fuel emissions.

Another issue key to making biofuels a significant factor in displacing domestic petroleum use relates to existing infrastructure challenges. Of the nearly 170,000 vehicle fueling stations in the United States, only 1 percent carried E85 or biodiesel in 2006. Consumers must have access to these fuels if they are to become a viable alternative.

To address these various challenges, the Energy Committee's legislation increases and extends the existing RFS to 36 billion gallons in 2022, with specific incentives for the production of biofuels from new sources of renewable biomass. Taken together, these provisions will help provide market certainty to both the existing ethanol industry and to the next generation of advanced biofuels producers.

In addition, our legislation provides resources to help break down infrastructure barriers to renewable fuel distribution, and it invests in research into the basic scientific challenges associated with the use of promising new feedstocks.

Altogether, the Energy Information Administration has estimated the legislation's biofuels provisions can help reduce America's petroleum imports by a million barrels per day, an important contribution to improving our Nation's energy security.

The second major topic of the Energy Committee's reported legislation is energy efficiency. The obvious goal of these provisions is to use existing resources more efficiently, which promises to further enhance U.S. self-sufficiency and provide environmental benefits and, of course, save consumers money.

Improving efficiency in transportation remains one of the most important and vexing energy challenges facing this Nation. Consumption of liquid fuels is currently projected to grow by more than 6 million barrels per day,

from 2005 to 2030, with 5.8 million barrels per day attributable to transportation. So as fuel consumption increases, so too do U.S. imports, a key concern for both the economy and our national security.

The Senate Commerce Committee has reported legislation that will increase corporate average fuel economy standards for the first time in many years, and this legislation is also included in the bill we will vote on later this afternoon. The Commerce Committee's chairman and vice chairman are to be congratulated on finding a way forward on this very difficult issue.

As such, I am pleased to say the provisions reported by the Energy Committee also support the goal of reducing the transportation sector's consumption of liquid fuels in general, and gasoline in particular. Our provisions establish an escalating goal for reducing U.S. gasoline consumption, starting with 20 percent in 2017. That is enough to reduce world oil prices more than $2.50 per barrel under current EIA assumptions.

This national goal ramps up to 45 percent in 2030, which is the equivalent of 5.6 million barrels of oil per day. That is more than twice the amount of oil the United States imported from the Persian Gulf in 2005.

To complement these initiatives, the legislation also makes investments in advanced vehicle technology development, basic science related to energy storage, and public education about how consumers can help reduce their own petroleum consumption.

In addition to the transportation sector, efficiency is a resource we can better deploy in end uses throughout the U.S. economy. For example, lighting and common household appliances can account for as much as two-thirds of an average American family's electricity bills. By improving a number of appliance efficiency standards and streamlining and strengthening the Department of Energy's existing program, consumers stand to collect $12 billion in benefits as a result of provisions included in this underlying bill.

In fact, altogether, the bill's appliance efficiency provisions will save at least 50 billion kilowatt hours per year, or enough to power roughly 4.8 million typical U.S. households. It will save 17 trillion Btus of natural gas per year, or enough to heat about a quarter million typical U.S. homes, and it will conserve at least 560 million gallons of water per day, or 1.3 percent of daily potable water usage around this Nation. These savings result from provisions which establish the first ever Federal water conservation standards for clothes washers and dishwashers.

Finally, on the topic of efficiency: The legislation recognizes the Federal Government itself represents the Nation's largest energy consumer and can play a key role in bringing new technologies to market. The Federal Government has an obligation to lead by example, and in doing so we can save taxpayers money.

For example, even as the Government has reduced its energy consumption, saving 2.5 percent from fiscal year 2004 to fiscal year 2005, Federal energy costs nevertheless increased 24.1 percent or $14.5 billion. Clearly, rising energy prices have an impact on the Federal budget, just as they have an impact on the budgets for families and on the budgets for businesses across America.

To capture additional savings, this legislation strengthens Federal energy requirements from lighting procurement, to petroleum displacement, to energy management strategies across Federal buildings. As a result, leading efficiency groups have estimated that the legislation's provisions in this area can save 60 trillion Btu's of energy, 15 million metric tons of carbon dioxide, and almost $4 billion of taxpayer money between now and 2015.

A final issue touched on by the NRC committee's reported legislation relates to carbon capture and storage or carbon sequestration. While scientific and technological challenges remain, carbon sequestration holds particular promise related to the potentially large amounts of carbon dioxide emitted from the use of fossil fuels. Electric generating plants may be the most likely initial candidates for implementing carbon sequestration.

The Energy Policy Act of 2005 directed the Secretary of Energy to carry out research and development on technologies designed to capture carbon dioxide, specifically with respect to combustion-based energy systems. However, given the critical nature of these efforts, the need to demonstrate emerging methodologies, and the potential to apply them to a wider variety of energy technologies, our legislation strengthens and further expands this research.

In summary, I believe the Energy Committee has produced legislation that will help us move forward expeditiously with groundbreaking research on carbon sequestration that is key to addressing global warming, will help spur diverse domestic renewable fuels production, and it will promote energy efficiency throughout our economy.

These efforts, of course, by our committee, have been further complemented by good bipartisan work of the other Senate committees I mentioned. Taken together, these bipartisan measures form the backbone of a national strategy that meet at least three complementary goals: boosting U.S. energy self-sufficiency, driving American leadership in clean alternative energy, and putting us on a trajectory to address the threat of global warming.

I urge my colleagues to vote in favor of the motion to proceed to energy legislation which we will have later this afternoon.

I know my colleague, Senator DOMENICI, wishes to speak, giving his views on the pending legislation.

I yield the floor.

Mrs. BOXER. Parliamentary inquiry before my friend yields: How much time do we have on our side?

The ACTING PRESIDENT pro tempore. There is 8½ minutes remaining on the Democratic side.

Mrs. BOXER. I was hoping to get 5 minutes to speak.

Mr. BINGAMAN. As soon as Senator DOMENICI has concluded his statement, I am glad to yield 5 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Parliamentary inquiry.

Mr. DOMENICI. Mr. President, I believe I have the floor. I will be glad to yield for a question.

Mr. SALAZAR. Mr. President, would it be possible to have my colleagues yield 3½ minutes, following Senator BOXER's statement on our side?

Mr. BINGAMAN. I am glad to yield the remaining 3½ minutes on this side to the Senator from Colorado.

Mr. DOMENICI. Mr. President, might I ask the Senator from California, would she like to speak now and then I will speak after her? I have all my time. I would just as well accommodate you. You are going to speak 5 minutes, and the Senator, would you like to speak 3½, then, and then I will use mine at the end?

Mr. SALAZAR. That would be fine with me.

Mr. DOMENICI. Mr. President, I ask it be ordered that that time be allotted now and the time for the Senator from New Mexico follows that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The time allocation will be as stated.

Mr. DOMENICI. I yield to the Senator from California.

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

Mrs. BOXER. Mr. President, I am here to say this is a very important moment in the Senate. We are moving toward a change in our Nation's energy policy. Clearly, this day has taken a long time to come.

Obviously, the bills included in the leader's package, Senator REID's package, are not the be-all and end-all of everything we have to do. But it is a significant step forward. As I said the day I was fortunate enough to gain the gavel of the Environment and Public Works Committee—and the Senator who is presiding knows this—as soon as we had the votes we would move forward with good legislation.

I think Senator BINGAMAN has certainly had that same attitude, to begin moving and getting bills to the floor. I was very pleased when Senator REID agreed that we could have a group of bills put together which would be a real confidence builder so the people know we are working.

As Senator BINGAMAN said, we have three committees represented in this

particular piece of legislation. The committees that participated in this, as Senator BINGAMAN said, are the Energy Committee, the Environment and Public Works Committee, and the Commerce Committee. How fortunate am I to sit on two of the three committees. I wish I sat on all three—this is such an important issue—but I am so pleased to be able to sit on both the Environment Committee, of which I am the Chair, and the Commerce Committee.

We all know global warming is a looming problem for us. We all should know at this point. The Environment Committee has held at least 12 hearings on the subject, at which the Presiding Officer was present—I think at almost all of them. We know the Federal Government is lagging behind on global warming; that is, reducing greenhouse gas emissions. We are lagging behind Europe. We are lagging behind the mayors of this country and many States, including my State of California, where there has been a bipartisan move forward on reducing greenhouse gas emissions.

The contribution the Environment Committee has made to this bill is to do that, it is to essentially make the Federal Government a model of energy efficiency and of lessening the carbon footprint we are making.

I am very proud of that. Every single one of the bills that is in this package passed the Environment committee with overwhelming support. Only one had a few against it at the end, but almost all of them were virtually unanimous.

We started off taking a look at Federal Government buildings, and we realized we are way behind the times in terms of the way we use energy. Since our committee has jurisdiction over these buildings, we decided to say that from now on, we are going to make sure we can save money for taxpayers by reducing the energy costs in Federal Government buildings. Not only that, but we set up a very important grant program which will give matching grants to local governments so for their buildings they can have help making them energy efficient.

I do not know if my colleagues are aware of this, but in America 39 percent of global warming emissions are attributed to buildings. If the Federal Government takes the lead and we help all governments make their buildings energy efficient, we are moving forward.

We also passed a very good compromise bill by Senators LAUTENBERG and WARNER on new buildings, the green buildings legislation. We also passed a bill on a Capitol powerplant, kind of a model project to see what we can do from the carbon coming out of that coal-fired plant. We are excited about that. We passed a bill that would make the energy building, the Department of Energy building, a solar building.

Wrapping it up I see my time is up. We are very happy to partake in this bill. We think we are finally moving forward on global warming in a small but deliberative way to set the stage, by making the Federal Government the leader, in terms of reducing greenhouse gas emissions.

I thank Senator BINGAMAN for the time and I believe Senator SALAZAR is next.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Mr. President, let me, first of all, congratulate Senator BINGAMAN and Senator DOMENICI, the chairman and ranking member of the Energy Committee, for their great work and their leadership. I think the legislation they have brought to the floor today, along with the legislation from the other jurisdictions in the Senate, exemplifies the working relationship we have seen from the Energy Committee over the last 2 years. The 2005 Energy Policy Act could not have been passed without the bipartisan leadership exhibited by Senator BINGAMAN and Senator DOMENICI. For that, I am grateful to be a part of their committee.

Let me say to all our colleagues, we should definitely vote yes on the motion to proceed, as we embark on this journey of looking at energy independence for our Nation. The drivers for energy independence, in my mind, are stark and clear. It is fundamentally one of the very most important issues that face our Nation today. First and foremost, the driver of national security compels us to get rid of the addiction we currently have to foreign oil. When one looks at what is happening in Lebanon and the funding of the Hezbollah organization that continues to create havoc in that part of the world, it is a stark reminder to us that for too long, America has slept while our enemies have fueled themselves with the dollars that come from the very high price of oil from places such as Iraq. Our country today is dependent on us being able to grasp that concept of national security.

That is why in this Senate Chamber you will see it is not only Democrats who are going to be working on this energy legislation but it is Republicans working on this legislation, because the issue of energy independence is not a Democratic agenda or Republican agenda, it is an agenda that is essential to the future security of America.

I am hopeful, as we move forward with this legislation, we will grasp the fact that we are taking some significant steps forward. First, the biofuels increased by moving forward with a renewable fuel standard will mean we will be quintupling the amount of energy we expect we can produce from biofuels. Second, the major initiative with respect to energy efficiency is something we ought to embrace. That is low-hanging fruit for all of us in America as we deal with energy independence. Third, we take major steps with carbon sequestration and move forward on the debate on global warming, which is essential to our country; and finally, looking at other issues, such as CAFE standards, will help us get down the road. I urge all my colleagues to join us in this historic endeavor as we march forward toward energy independence in our Nation.

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

Mr. DOMENICI. Mr. President, might I first say to Senator BINGAMAN, I enjoyed his remarks and summary of where we are and where we have been. Most of that trip has been together; part of it with you on the majority and part of it me on the majority. In combination, there is some pretty good legislation. People may still say they want more, but when you have a system such as we have in America, you have to have two bodies, the Senate and House, agree. We have debate, they have a Rules Committee. Then you go to conference and, think of it, how those two, the House and Senate, naturally disagree. Right? We have to get all that in agreement before we have a bill that goes to the President. Then he has to sign it.

We are lucky. The very first one we did, the big bill, probably the best piece of legislation in modern times to cause America to produce more energy, what energy we could, and to do it in a manner that was frugal, with reference to environmental damage, was the first one and the President did us a great favor. He came to our State to sign it, as you recall. It was the first major piece of legislation. I think that was great on his part, a very good gesture, because the two Senators were from New Mexico and it was the first big bill and it was one he signed with relish—which means, even as to the executive branch, it was not too far off the mark.

Before I get to my statement, I am going to say there is one thing that did not go right. In your remarks, Senator, you mentioned a couple of times how we in the first bill had promoted technology because it was obvious to everyone that, so long as America lived in a world with cheap oil, the power of those who would invent and would use new technology in the field of energy was minimized when gasoline was 50 cents at the pump, because there was no broad incentive to do something about it.

But about the time we got to our major bill, it was quite clear that we no longer were even major players on the international oil scene. They could almost do with us what they wanted because we were way too dependent. They grew more and more, and that made those who do not like America less and less concerned about the economics of them having a monopoly, so to speak. Toying around with the country that is an open economic society is a big difference. They can really wreak havoc.

But when we did our bill, we put in a provision, a kind of catch-all. I remember working on it, and I remember you

questioning it. Then after a while we agreed, and it was the section that provided for loan guarantees and other incentives for the technologies we mentioned in this bill as being most important for America's future.

You and I remember one of those that happened was nuclear. We even had to work hard on a different kind of incentive for nuclear, and we got it in. It was a new kind of insurance for the first few who built theirs, that they get an insurance policy from the Federal Government so as to permit them to expedite the building of that very complicated, energy-producing nuclear powerplant.

But the administration, because somebody in high places does not like loan guarantees—there are all kinds of loan guarantees in government and in this world. But somehow somebody said: You know, we don't like them. And the Department of Energy does not do them, if you can imagine.

So the Department of Energy has not been doing loan guarantees. Who cares. There are loan guarantees all over the Government. The Department of Agriculture has billions of dollars in loan guarantees. I don't think we are going broke. They are paid back. It is just that the guarantees are given in a manner that permits those who use them to get money where they otherwise would not.

Well, we did not do that yet in that first bill. I think we still—you and I—owe the citizens of our country another push, and maybe we ought to check into it and give one more push to the administration to see how we can enhance the promotion of loan guarantees by the administration because there should be, for all kinds of products that need a lot of money for experimentation, and for many other technologies, there should be a very big pot of loan guarantees. Not $300, $400 million, there ought to be more, a few billion, so that they can do the work, draw their money on new ideas, and get on with helping us make that step from a society that was almost totally roped in by oil and gas and nothing else, into a society with a great divergence of energies.

That is the way we are going in the legislation. The bill before us continues that momentum. So I speak today as we prepare to consider energy legislation on the floor of the Senate to provide the proper context of this bill. I think it would be instructive to reflect, as I have just done, upon the recent accomplishments of Congress.

I have already indicated to you about 2 years ago the President signed the Energy Policy Act of 2004. Senator BINGAMAN from my home State, this sweeping law was the most comprehensive energy policy enacted in decades.

I have watched with pride—and this has not been mentioned enough because it is hard to do. But I have watched with pride that in just 2 years, this long-term policy has already begun to show great positive impact in the short term. The Energy Policy Act is brightening our Nation's nuclear renaissance. Already over 30 nuclear powerplants are in the works. Imagine that. We went more than two decades without a single one applying, and we have now over 30, with a number of them way up near the top of the clearance scale where we will be seeing them cleared for the beginning of construction soon.

I am sure many of us will go to that and say it is high time, and we were pleased to be part of it. Now, if operational, these plants will provide enough electricity for nearly 30 million American homes, while displacing about 270 metric tons of carbon dioxide each year.

Just think of that. Think of how much we would have to do to displace that much carbon dioxide if it was produced, and we had to get rid of it after it was produced, in a coal-burning powerplant or some other plant in the process of ignition-produced CO_2.

This is safe, clean, affordable, and reliable large-scale energy for our Nation. That is why earlier this year the Nuclear Regulatory Commission approved two early site permits for new reactors in Illinois and Mississippi.

As we try to reduce our dependence on foreign energy and address the issue of the global climate change, it becomes imperative for our energy and environmental security that we keep the momentum going on nuclear energy in this country.

On coal technologies, clean coal technologies, the policies set forth in the Energy bill of 2005 have resulted in bringing 159 new coal-based facilities to various planning stages. Over the next 5 years, the United States will add an estimated 60,000 miners to the American workforce. Just think of that, Mr. President. Everybody has been wondering if we are going to have enough jobs, enough jobs for our people, because they are looking at the economy of yesteryear, not of tomorrow.

Coal miners, instead of being out of work, we will be looking for people to join the corps of coal miners in this country as we produce more coal because we are going to learn how to use it clean in our country as we seek to avoid this total dependance upon crude oil and natural gas.

This past week, the Departments of Treasury and Energy together announced new instructions for applying tax credits for advanced coal and gasification projects. In total, three Energy bill tax credits will provide over $1.5 billion to help advance energy projects and capture and sequester carbon dioxide. These are already being done and the credits have been given under the laws which were written in this thoughtful process of developing legislation over the past 2 years.

This bill also put in place mechanisms to ensure a secure, reliable electricity grid for our Nation, and helped transform our agricultural bill into an Energy bill—we already know that—providing rural America literally thousands of jobs and billions in new capital investment dollars to help bring clean fuel to our Nation's gas tanks.

In the area of biofuels, the 2005 bill created a solid foundation for these significant policies set forth in the bill, as we will consider this shortly on the Senate floor. As a result of the Energy bill of 2005, we revitalized a renewable fuel industry in America through the first ever renewable fuel standard and production tax credit. We all wondered when that would come. It is done.

There are now 114 biorefineries nationwide, with the capacity to produce 5.5 billion gallons of ethanol a year. That is all because of the act that we passed in 2005 that we keep referring to that we worked here in this body, on a bipartisan basis, and then went to the House the same way, and then had the President join us with great joy in signing it in our State.

Additionally, ethanol refinery construction and expansion currently in the works has enough combined capacity to have an additional 6 billion gallons of ethanol. The biofuels policy included in the Energy Policy Act of 2005 has helped create approximately 10,000 American jobs across many sectors of our Nation's economy. I think sometimes we wonder why the economy did so well. Maybe we should look around and say maybe the money spent on energy facilities across this land, because of this act, had something to do with keeping the employment up and keeping the growth up. I am not sure of that, but I just throw it out.

Indeed, that act of 2005 could have been called a jobs act, could have been called a jobs-producing act, a diversification act, providing jobs that were never there before. Ethanol production and demand are setting records in America as we seek renewable fuel to power our cars that we drive.

The bill reported out of the Energy and Natural Resources Committee this year, with a strong bipartisan vote, we responded to that call for sustainability and to provide a path for the emergence of cellulosic ethanol. That is what we are here to work on today.

That will mean we will be able to produce much more cellulosic ethanol, which will do the same thing as ethanol except it will make us able to produce far more since we can add the cellulosic to the ethanol that comes from corn, and what a machine we will have to produce gasoline for our cars.

In the 2005 Energy bill, we addressed almost every conceivable area of energy policy—from coal to nuclear to electricity transmission, to oil and gas, hydrogen to biofuels. We did this with a majority of both parties in the Senate, embracing this forward-thinking policy for America.

This wasn't even a close vote. In each case it was substantially more than 60 votes, a bipartisan vote, almost equal from each side on each of the important bills. There have been two already. This one will be the third.

Simply put, the Energy Policy Act of 2005 has already helped to strengthen our energy security and to grow our Nation's economy. More importantly, if implemented effectively, the larger impacts of this great bipartisan legislation will be felt for decades in this country.

As we prepare to debate on the floor of the Senate today, we are going to consider a bill smaller in scope and less bold in its version. Nevertheless, this bill represents bipartisan work spanning four committees of the Senate. There are a lot of good policies in this bill. However, I believe there must be a full and fair debate on this bill and a complete amendment process to ensure that the work we will do in the Senate and for the American people on energy policy will be complete. Anything short of that will be a departure from the example of the 2005 act.

The bill we expect to soon consider provides for a biofuels mandate with the potential to displace 20 percent of the growth in gasoline that we use in this country by 2020. This addition of 36 billion gallons of biofuels a year will see the majority of its content come from cellulosic ethanol, a sharp and important move away from corn-based ethanol in our fuel mix.

We consider this an energy-efficient measure that if properly implemented has the potential to provide important efficiencies in vehicles, buildings, homes, and businesses to save the American consumer more than $12 billion annually. This is one part of our energy policy that goes unnoticed, the one I have just described, important efficiencies. And I do say to our majority, who was my minority member when we started, that he has led the effort in this part of the changes in the energy policy, those that would make us more efficient.

He described today in his speech how much efficiency will come just from washing machines and dishwashers. I am not ashamed to talk on the floor about dishwashers. Some people say we shouldn't talk about dishwashers. Why shouldn't we, when it saves a huge amount of energy? I remember when I got a dishwasher. I got a laundry board as a gift from a constituent because I had helped with REA that went up the mountain and took electricity up there. So she came down to me at the foot of the mountain and said: Here is your washboard. I don't need it anymore; I got electricity. I just bought a washing machine. I am thanking you by giving you the washboard. She didn't have efficiency; that was all brawn, right?

Anyway, this bill will save us a lot of energy on those two items that we need and use to make our lives better.

On fuel economy, the Senate stands poised to address vehicle fuel efficiency. One way to help reduce our dependency is by reforming our CAFE standards for the vehicles we drive. Everybody should know the Commerce Committee did that and, by act of our leader and the floor procedures, that is on this bill. So if people want to do something about CAFE, it is pending. Once this bill is made pending, it is the subject matter before the Senate, the CAFE standards, which will compel automobile companies to do better than they have in terms of miles per gallon. We have never gone as far as the Commerce Committee did, so it ought to make for a few hot speeches here on the floor. I don't know when they will come, but sooner or later they will because the CAFE standards for vehicles we drive will be changed.

I have only one page remaining. I don't need to use all my time, especially when some Senators have had to wait. I will close by saying to Senators who are not paying attention and to staffs watching for their Senators, we are not going to be on this bill very much longer today. If you want to come down and speak, I have a little bit of time. I can give you some. But I think we are going to start yielding to other Senators, I assume, and move on. I haven't talked to Senator BINGAMAN on that.

How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes remaining.

Mr. DOMENICI. I reserve that time and 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. SCHUMER. I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

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

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

Mr. DOMENICI. I yield back the remainder of my time. I say to the Senator from New York, I was just trying to find out if there were more people on my side.

Mr. DORGAN. Mr. President, in the coming weeks the Senate will debate our national energy policy. An important part of that debate will involve tax and other incentives to encourage development of our abundant domestic energy resources. This debate will affect the lives of every American.

During that debate we must find a way to encourage greater use of renewable energy sources, advanced clean coal technologies in the generation of electricity, and accelerate efforts to move that clean energy to markets by building large transmission projects. Furthermore, we need to find alternative ways to produce energy, such as through fuel cells and other distributed generation.

For too many years, Congress has sent mixed messages about the importance of energy independence, security, diversity, and reliability, especially in the area of renewable and distributed energy and the opportunity for using advanced clean coal technology. The Congress has lacked the commitment, or perhaps understanding, about the major role that renewable energy and clean coal can play in helping our Nation meet its future electricity demands without seriously impacting the environment.

This is despite the fact that policymakers have been told repeatedly by energy developers that certainty about the availability of incentives is absolutely essential before they can commit the capital needed to move forward on a major energy project. Yet Congress has passed energy incentives that, in many cases, are available for as a little as one year or two.

In my judgment, the hood ornament for this start-and-stop, boom-and-bust energy policy is the tax credit for facilities that produce electricity from wind and other renewable resources. This credit has been extended for short periods five times, and shamefully has been allowed to expire three times, since it was enacted in 1992. The Tax Code is replete with other energy tax incentives that Congress made available for just a year or two, and that will expire before their full benefit can be realized.

It is imperative that we provide a clear signal to the marketplace that we are committed to the development of renewable sources of energy and advanced clean coal technologies. That is why I introduced the Clean Energy Production Tax Incentives Act to make these incentives available for 10 years.

The vast majority of energy facilities and infrastructure are owned, developed, and operated by the private sector. We must work closely with industry and other stakeholders to provide incentives so that these steps can be taken. For example, I am very supportive of a whole range of clean energy technologies and resources. North Dakota epitomizes that with its coal, oil, gas, wind and other renewable resources. We can and must utilize them now and into the future. If we want secure, clean, and reliable energy resources in the future, we must work with the private sector to help achieve our goals. This bill has the support of National Rural Electric Cooperative Association, the North Dakota Association of Rural Electric Cooperatives, Xcel Energy, Basin Electric Power Cooperative, the American Wind Energy Association, and Otter Tail Power Company.

I also believe we must advance our energy interests in a fiscally responsible manner. The costs of the clean energy tax incentive investments in this legislation would be offset by closing

down tax loopholes that allow profitable U.S. multinational companies to avoid paying their fair share.

Over the years, I have heard a few clear messages from the investment community, Federal and State regulators, energy industry, and environmental and local community interests. It must be clean so that we are incentivizing an environmentally sustainable energy option. We need to send the right market signals with duration, with a sustained commitment, and with certainty so that the best investment decisions are made.

I believe this legislation is an important step in that direction.

EXPRESSING THE SENSE OF THE SENATE THAT ATTORNEY GENERAL ALBERTO GONZALES NO LONGER HOLDS THE CONFIDENCE OF THE SENATE AND OF THE AMERICAN PEOPLE—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume debate on the motion to proceed to S.J. Res. 14, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of S.J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader shall control the time from 5 to 5:20, and the majority leader shall control the time from 5:20 to 5:30.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, parliamentary inquiry: The Republican leader controls the time from 5:10 to 5:20, as I understand?

The ACTING PRESIDENT pro tempore. Under the previous order, it is from 5 to 5:20.

Mr. SCHUMER. I ask unanimous consent that those of us in favor of this resolution be given a half hour to debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SCHUMER. Mr. President, I understand there is a misunderstanding. They weren't supposed to start until 5:10, but the order says 5 o'clock, which would only give us 10 minutes to debate this motion.

Let me begin and not waste any further time. I rise in support of the motion to proceed to a vote of no confidence on Attorney General Alberto Gonzales. It is a fair measure. I know it is one with few precedents, but it is called for today because the dire situation at the Department of Justice is also without precedent. The level of disarray and dysfunction, the crisis of credibility, and the failure of leadership are all without precedent. It is a simple measure we have before us. Let me read it.

It is the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Are there any Members here who don't agree with that sentiment? If so, I haven't heard them. Senators are not a shy lot. Their silence on this point is deafening. So if Senators cast their votes with their conscience, they would speak with near unanimity that there is no confidence in the Attorney General. Their united voice would undoubtedly dislodge the Attorney General from a post he should no longer hold. But we may not have a unanimous vote here today, I am told. That is a puzzle because no matter what standard one applies, no matter what criteria one uses, the Attorney General cannot enjoy the confidence of the Senate. He certainly doesn't of the American people.

The bill of particulars against the Attorney General is staggering. On the question of the Attorney General's credibility, the record speaks for itself. Repeatedly, the Attorney General has misled the Congress, misled the American people, and given incredible explanations for the U.S. attorney firings. The Attorney General's comments have been a series of shifting reactions and restatements. Is this confidence-inspiring conduct from the Nation's chief law enforcement officer?

We learned that Attorney General Gonzales was personally involved in the firing plan after being told he wasn't. We learned that the White House was involved after being told it wasn't. We learned that Karl Rove was involved after being told he wasn't. We learned that political considerations were paramount after being told they weren't. Then, when the Attorney General finally had the opportunity to set the record straight on April 19, 2007, what did he do? More than 70 times he answered ''I don't know'' when asked the most basic questions about how he came to fire 10 percent of the Nation's U.S. attorneys. The Attorney General admitted he didn't know the reasons why several U.S. attorneys were fired but insisted in the very next breath that he knew they were not fired for improper reasons. Does that inspire confidence? One of our most mild-mannered Members, Senator PRYOR, believes he was lied to directly by the Attorney General, and he has good reason to think so.

Time after time, the Attorney General has shown he doesn't have the credibility to lead the Department. This is not a liberal or conservative assessment. This is not a Democratic or Republican assessment. It is a universal one. Listen to the words of the conservative National Review magazine, which wrote on March 28:

What little credibility Gonzales had is gone . . . Alberto Gonzales should resign. The Justice Department needs a fresh start.

That is on credibility.

On the Attorney General's lack of commitment to independence and the rule of law, the record is also disturbingly clear. The Attorney General has long shown that he misperceives his role. He forgets that he is the people's lawyer, not just the President's. If one needs a single image to symbolize the Attorney General's contempt for the rule of law, it is that of Alberto Gonzales bending over John Ashcroft's sickbed on the night of March 10, 2004. It is the picture of then-White House Counsel Gonzales trying to take advantage of a very ill man who didn't even have the powers of the Attorney General to approve a program that the Department of Justice could not certify was legal.

That example, unfortunately, has plenty of company. Consider the image of Attorney General Gonzales in March of this year making Mrs. Goodling feel ''uncomfortable''—her word—by going through the sequence of events related to the U.S. attorney firings. How often do people comfort someone by reviewing their recollection of events that are subject to congressional investigation? Add to those examples the documented violations with respect to national security letters and other admitted abuses in connection with the PATRIOT Act. How can such leadership inspire confidence?

Rule of law in the Gonzales regime, sadly, has apparently been an afterthought rather than a bedrock principle. Again, there is no liberal or conservative or Democratic or Republican position on the Attorney General's lack of independence and commitment to rule of law; it is virtually unanimous. Consider the words of the conservative group the American Freedom Agenda:

Attorney General Gonzales has proven an unsuitable steward of the law and should resign for the good of the country.

On the question of whether the Department has been improperly politicized, the record is again clear.

Attorney General Gonzales has presided over perhaps the most politicized Department in history. We have learned that under Alberto Gonzales, being a ''loyal Bushie'' was more important than being a consummate professional. We have learned that U.S. attorneys who were performing their duties admirably were apparently dismissed because of unfounded allegations by political figures, allegations that were never investigated or never proven. We have learned that an unprecedented voter fraud case was brought in Missouri on the eve of an election in clear violation of the Department's own policy. We have learned that deep suspicions about improper politicizing even at the entry level of the professional ranks were correct. We have learned from the Attorney General's own former senior counselor Monica Goodling that she

''crossed the line'' in considering partisan affiliation in filling career positions at the Justice Department—career positions, not political positions.

The Office of Professional Responsibility and the Office of Inspector General have now opened investigations relating to the hiring of immigration judges, civil rights lawyers, and Honors Program attorneys. All of this, of course, occurred under the Attorney General's watch. Either the Attorney General knew about these potentially illegal activities and did nothing or he was oblivious to what was going on beneath his own nose. Either way, Mr. Gonzales is responsible for a deeply political culture at the Department, unprecedented in modern times. As former Deputy Attorney General Jim Comey has said, these kinds of blows to the reputation of the Department will be hard to overcome. Does that kind of leadership inspire confidence?

Finally, given all of this, on the basic question of competence and effectiveness, the Attorney General has proven himself to lack the leadership ability needed to right the Department. By every account, the Attorney General's handling of the U.S. attorney firings has been catastrophic. Morale at the Department is at an alltime low. How can we have confidence in an Attorney General who can't get his story straight? How can we have confidence in an Attorney General who still can't tell us why 10 percent of the Nation's U.S. attorneys were fired? How can we have confidence in an Attorney General who would allow his top staff to take the fall for his own failings? How can we have confidence in an Attorney General who allowed improper and possibly illegal political hiring to take place?

Given the crisis of confidence and credibility, given the abysmal record of trampling the rule of law and longtime standards of nonpolitical hiring, the vote today should be an easy one. Some will claim they are opposing the motion because they say this vote was called for political reasons. This vote is not about politics. If this were all about politics, it would be easy to sit back, let the Attorney General remain, cast aspersions on him for the next 18 months, and reap the political benefits. But the Department of Justice is too important, and we have an obligation to do everything we can in a bipartisan way to demand new leadership.

The PRESIDING OFFICER (Ms. STABENOW). The time of the Senator has expired.

Mr. SCHUMER. Madam President, we have had some timing difficulties. We have only had about 10 minutes to debate this resolution.

Might I ask the minority leader a question? What is his pleasure? I had been told he was coming at 5:10, but the agreement says 5.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, my understanding is I am to speak at 5. I have a leadership meeting at 5:15. I have a time problem. I do not seek to get in front of the Senator from New York, but I really need to speak at 5 o'clock, at the time I was anticipating speaking.

Mr. SCHUMER. Madam President, I ask unanimous consent that the minority leader be given his 15 minutes now, that then I be given another 10 minutes to finish my remarks, and the Senator from Rhode Island be given 10 minutes to speak, and that we vote immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, the Senator from Mississippi and I are going to—I guess the Senators from Texas and Mississippi and I are going to divide the 15 minutes. Madam President, provided that Senator LOTT and I could divide the 15 minutes, and Senator HUTCHISON could get an additional 4 minutes, then I would be agreeable to the request.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Madam President, reserving the right to object, I would add to the request—Senator REID wishes 10 minutes at the conclusion of the debate. So adding the 15 minutes for the minority leader, divided with the minority whip from Mississippi, and 4 minutes for the Senator from Texas, 10 minutes for myself, 10 minutes for the Senator from Rhode Island, and 10 minutes for the Senator from Nevada, I ask that we have that time and then we vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, when will the vote commence?

The PRESIDING OFFICER. It will commence at 5:49.

Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, there are four ways to become a Senator: by appointment, by special election, by winning an open seat, or by defeating an incumbent.

My good friend from New York, who has been speaking, and I came to the Senate the same way: by defeating an incumbent. That way is often the hardest, so I am sure the Senator remembers his 1998 Senate race against our former colleague, Senator Al D'Amato.

It was quite a race. The Senator from New York surely remembers one of his criticisms of Senator D'Amato: that Senator D'Amato had, in essence, abused his office.

My friend from New York said it was improper for Senator D'Amato to use his official Senate position to investigate the former first lady while Senator D'Amato was also chairman of his party's Senate campaign committee, the NRSC. My friend from New York said, in referring to Senator D'Amato:

> Do you know what he did right after he got elected? He became chairman of the national Senate Republican Campaign Committee, the most blatantly political position you can hold. Then . . . he embarked on his partisan and political inquisition of the First Family.

According to the New York Times, the thing about Senator D'Amato's activities that my friend from New York appeared to find particularly galling was that his behavior was motivated by reelection concerns.

Given the two hats my friend from New York currently wears, you can see why I obviously found the standard he set out in 1998 to be quite intriguing.

We all talk to the media—some of us more than others—and we may make offhand comments we later regret, especially in the heat of a campaign. But the Senator from New York thought his conflict of interest charge was so important that he ran a television ad about it. The Buffalo News reported:

> Among the blizzard of attack ads running this weekend is one in which Schumer charged that D'Amato used the Banking Committee . . . to mount a 'vicious' partisan attack on first lady Hillary Rodham Clinton three years ago.

Now, New York is certainly an expensive media market. Yet because my good friend from New York was so concerned with Senator D'Amato's chairing the NRSC while he was investigating the First Lady, he spent a lot of money urging New Yorkers to remove Senator D'Amato from office. So he must have really thought it was a serious conflict for someone to lead his party's campaign committee while also leading an investigation into an administration of the opposite party.

How times change, Madam President. Now my good friend is leading his party's principal campaign committee for the Senate, the DSCC. At the same time, he is leading an official Senate investigation into the Justice Department.

He chairs the Judiciary Subcommittee on Administrative Oversight and the Courts.

The media widely reports that he has been tapped by the majority leader to lead this investigation. The piece in the National Journal calls him the Democratic ''point man'' on this particular subject—our good friend from New York.

He usually has chaired one of the numerous hearings the committee has already held on this subject. To borrow from the National Journal, you could say he is ubiquitous when it comes to this subject.

The campaign committee he chairs has repeatedly used material derived from his investigation for partisan campaign purposes.

He held a press conference before the ink was barely dry on the Schumer resolution. There, he predicted, amazingly, that we would go to this resolution immediately after immigration. And it looks as if the majority leader filed cloture on immigration to make sure we kept the schedule of my good friend from New York.

Last, but not least, he is the author of the resolution we will be voting on in a little while.

So I find myself perplexed about the application in these circumstances of the standard the Senator from New York set out in 1998. We could call it the Schumer standard.

It seems to me that Senator D'Amato's position in 1998 is like the current position of my friend from New York in all material respects.

So given that the Senator from New York has said it is a serious conflict of interest for someone to lead his party's campaign committee while he uses his official position to lead an investigation of the administration of the opposite party, I cannot understand why it is not a conflict of interest for my friend from New York to lead his current investigation of the Justice Department.

And given that the Senator from New York wanted Senator D'Amato removed from office under similar circumstances, I also cannot understand why my good friend should not at least recuse himself—recuse himself—from the official investigation of the Justice Department that he himself has been leading.

In conclusion, I hope it is not the case that our friend from New York wrote this resolution and pushed the Senate to spend its valuable time on this particular resolution for partisan political purposes. And if he did not do that, then I trust we will not see the campaign committee he is chairing using the Senate's vote on this resolution—his own resolution—for campaign purposes.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senator has 9½ minutes.

Mr. LOTT. I have 9½ minutes?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Thank you, Madam President.

I had some passing remarks to make last week about believing we should find a way to move forward the immigration reform effort—to improve it, to change it, but to try to get it done—because it is an issue we should not just push aside.

We ran into some difficulties, and there is no use in trying to recount how that happened. I think the important thing is we try to find a way to resurrect it, get it properly considered, amended, voted on, and concluded, if at all possible. But that goes to the heart of what I want to say today.

Is this what the business of the Senate is really all about, a nonbinding, irrelevant resolution? Proving what? Nothing. If this should go forward, we would have hours, days—who knows, a week—debating on whether to express our confidence or lack thereof in the Attorney General—to no effect.

Now, I have been in Congress 35 years. I have been in the Senate since 1989. I do not recall anything of this nature having been proposed before. Maybe we should be considering a vote of no confidence in the Senate or in the Congress for malfunction, for an inability to produce anything. Yet this resolution would bring up this issue and have us spend time debating it.

This is not the British Parliament, and I hope it never will become the British Parliament. Are we going to bring the President here and have a questioning period like the Prime Minister has in Great Britain?

So I am very much concerned about this. A vote of no confidence of any Cabinet official would have no effect. The President makes that decision. And I suspect the ability of a Cabinet official to perform or not perform is in the eye of the beholder.

But the main point is, that is not our job. We do not have authority to make that determination. So what are we going to accomplish today? This is all about partisan politics. Nobody is fooled by this. This is about trying to get a vote to try to put some people on the hot spot. That is what it is really all about.

Now, by the way, you have not seen me running around making a big scene of expressing my confidence one way or the other in this Attorney General, or any other Attorney General, or the Justice Department, for that matter, regardless of who is the President of the United States.

We are supposed to be here to pass laws, to get things done. When was the last time we did something like that? Not this year. Frankly, not over the last 3 years because of gymnastics like this—exercising to no effect. No. What should we be doing for the American people? We should be trying to find a way to have strong immigration reform for illegal and legal immigrants. We made a 2-week effort. Some people said: Oh, that is long enough. I can remember us spending weeks on a bill—I think 6 weeks on No Child Left Behind. I remember one time we spent a month on a tobacco bill, which we eventually had to pull down and move on.

To spend in the Senate weeks on a very important issue, so Senators can express their views and offer amendments, and they can be voted on, is quite normal. But, no, we are not doing immigration reform. We hope to be able to get to Defense authorization.

Oh, and by the way, what happened to the appropriations bills? The majority leaders do know, I think, that if you do not begin the appropriations process in late May or early June, you are not going to make it. The majority leader has, appropriately, said we are going to pass all the appropriations bills in regular order. How does he intend to do that? We are not going to do a single one in June, and we will be lucky if we do four in July. It is not going to happen.

We are going to wind up with a train wreck at the end of the fiscal year. We are going to have all these appropriations bills, once again. I cannot just blame Democrats. We have done the same thing: an omnibus appropriations bill with all kinds of shenanigans being involved in that, trying to lump all these bills together—put the Defense appropriations bill in there and irrelevant language and say: Here. Take the whole wad, Mr. President.

Oh, yes, we did it to Clinton, and we have done it to President Bush, but it is not the way to do business. Can we do something about health care? Can we get this Energy bill done? Remember now, if you start these different cloture votes, being able to find a way to get an Energy bill done—not to mention other things we would like to do after that—they are going to be delayed or derailed completely. So this is a very disappointing spectacle here today.

Now, the sponsor of the resolution—the fact is, he is chairman of the Democratic Senatorial Campaign Committee. He is in that position, and then he is taking these attack positions. So I do not think anybody has to be drawn a further picture to understand what is going on with this effort.

So I urge my colleagues: Look, he has made his point, made his speech. We are going to have a vote in a few minutes. We ought to summarily punt this out into the end zone where it belongs. This is beneath the dignity of the Senate. How low will the Senate go? If we get into this for hours or days, pity how much it is going to debase this institution even further.

I urge my colleagues to vote against the motion to invoke cloture on the motion to proceed, and let's move on to the business of the Senate and the business of the American people. The American people may not have particular confidence one way or the other in this Attorney General, but this is not an election of the Attorney General.

I urge my colleagues to vote against cloture on the motion to proceed and let's get on with the business of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise to speak against this motion as well. I agree totally with the Senator from Mississippi in saying: What are we doing spending this whole day talking about a resolution which everyone knows will have no effect whatsoever, except probably on the nightly news, which I assume was the purpose of introducing it in the first place.

We have talked about the judgment of the Attorney General in handling the U.S. attorney personnel issues. There is clearly a division. There has been a lot of discussion. A number of people have said what they think of the handling of that situation. But stating your opinion is very different from having the Senate address this matter. The President relieved almost all of his Cabinet when he changed into his second term. Why wouldn't he be able to

replace U.S. attorneys who also serve at his pleasure in the same way he decided to change leadership in the Cabinet? That is the right of the President. The Senate has the right to confirm Cabinet officers and U.S. attorneys, and we have exercised that right. What the Senate should not be doing is passing meaningless resolutions that could only serve a political purpose.

With the issues we have facing this country, how could we be spending a whole day, and possibly more if cloture is invoked, on a resolution that will have no impact? Why wouldn't we be talking about immigration, which we discussed last week and the week before that when we were in session? We were making headway. Immigration is a very important issue for our country.

The Energy bill which is before us is a very legitimate, major issue for our country. We all want to bring gasoline prices down. But all of a sudden, thrust in the middle of the energy debate is a meaningless resolution of no confidence in the Attorney General. There has been no allegation that he has done something criminal or illegal, just that people disagree with his judgment.

There were people who disagreed with the Attorney General serving in the previous administration—Janet Reno—when the Branch Davidian complex in Waco, TX was charged and people died. Many felt the Attorney General jumped the gun and took too drastic an action, when talking would have been better. Or the Elian Gonzalez issue. There was much disagreement about the handling of that issue. I didn't see Republicans running to the floor of the Senate seeking a resolution of no confidence in the Attorney General. I think, frankly, the majority is jumping the gun in doing something such as that here. I hope we will put this away by not invoking cloture on the motion to proceed. Frankly, I hope we will restore the reputation of this body by taking up the issues that affect our country, debating them, and having votes.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, first, in regard to my good friend from Texas, I think there is a little bit too much protestation here. We have spent less than 2 hours on this issue—just 2 hours—and now we are being told we don't have enough time to debate whether one of the most important Cabinet officers is up to the job. That doesn't hold water. They are not upset we are taking 2 hours away from debate. They have spent much more time on many more things that are of less consequence to this country.

But let me say this: The minority leader and the minority whip have made my case better than I ever could. They failed to utter the words: We have faith in Attorney General Gonzales. They failed to state: We have confidence in Attorney General Gonzales. In fact, in the entire speech of both the minority leader and the minority whip, there was not a single word uttered in defense of the Attorney General. No wonder the other side doesn't want this resolution brought up. They know the Attorney General has failed miserably in his job. They know the President has clung stubbornly to keeping a man who virtually no one in America thinks is up to the job, who overwhelmingly has lost his credibility in his answers and nonanswers and ''don't knows.'' They can't defend him. So they do what somebody does when they don't have much of an argument—they seek diversions. We will not be diverted. The rule of law is too important. The rule of law is too sacred.

Is it unusual to have a no-confidence resolution? Yes. But it is just as unusual—more unusual—to have an Attorney General not in charge of his department on a major issue facing his department—the firing of U.S. attorneys—to say he didn't know what was happening 70 times; to have an Attorney General contradict himself time after time after time. For me, it is unusual in whatever airport I go to around this country to have people come up to me—it has happened five or six times now—and say: I work in the Justice Department. I am a civil service employee. Keep it up, Senator. Our Department is demeaned—one of them used the word ''disgraced''—by the fact that Alberto Gonzales is still Attorney General.

So, yes, a no-confidence resolution is unusual, but this is not simply a policy disagreement. Oh, no. This is a major scandal. This is a series of inappropriate behaviors by a Cabinet officer. I don't have a single bit of doubt that if the shoe were on the other foot, my colleagues from the other side of the aisle would be complaining more loudly, more quickly than we have.

What do you do when there is someone in an office who we all know doesn't deserve to be in that office, and not a word—except for Senator HATCH—not a word of confidence has been spoken by the other side? We heard 19 minutes of speeches a minute ago. We don't hear the words: We support the Attorney General; we have confidence in the Attorney General; the Attorney General should be able to stay. It is because his record is indefensible.

So, yes, this no-confidence resolution is unusual, but it rises to the highest calling of the Senate, to seek rule of law over politics, to seek rationality and fairness over stubbornness and political games. This is what we are supposed to do. We have a function of oversight. There is no question Attorney General Gonzales has failed on credibility, on competence, on upholding the rule of law.

The Nation has been shocked by what he has done. He urged an ill John Ashcroft, on John Ashcroft's sickbed, to sign a statement that the Justice Department itself thought was not justified by the law in terms of wiretaps, and he is still Attorney General. John Ashcroft, who is hardly a liberal, hardly a Democrat, threatened to resign because of what then Counsel Gonzales attempted to do, and he is still in office.

The bottom line is very simple. We have a sacred, noble obligation in this country to defend the rule of law. There was an article in the New York Times the other day about how some people are using elections to try to justify themselves staying in office in some less developed countries. But the public wasn't falling for it, because without rule of law, without democracy, without law being applied without fear of favor, there is no freedom. Our job is to be vigilant in protecting that freedom.

Some of my friends tossed off charges of ''political''—to vote ''no'' when one, in fact, agrees with the sentiment in the resolution is to cast a vote for the worst political reasons. A ''no'' vote ratifies the President's support for the Attorney General. A ''no'' vote condones the conduct of the Attorney General. A ''no'' vote condemns the Department to a prolonged vacuum in leadership and a crisis of morale.

It is politics simply to cover for the President when you know on this issue he is wrong. It is politics to put blind loyalty to a political leader over the sacred century after century tradition of rule of law. It is politics to voice opposition to the Attorney General and then refuse to back one's conviction with one's vote. It is politics to know that Alberto Gonzales should not, must not, remain as Attorney General and then quietly, meekly cast your vote to keep him.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized as part of the unanimous consent agreement.

Mr. WHITEHOUSE. Madam President, I yield 2 minutes to the Senator from Missouri.

Mrs. MCCASKILL. Madam President, I thank the Senator from Rhode Island for yielding a couple of minutes.

There have been a couple of times in my career when I have walked into a room and have been humbled. Obviously, the day I walked in this place, I was humbled beyond words. But when I first walked into a criminal courtroom as an assistant prosecutor as a very young lawyer, I was also humbled by the responsibility that had been placed upon me by our system of justice. I remember talking to one of the older prosecutors in the office about what I should worry about. He said: Just remember, remember that woman with the scales of justice, Claire. Remember she has a blindfold on.

That blindfold is what this is about today. Frankly, it doesn't matter whether you are a Democrat or a Republican, whether you were for George Bush or not for George Bush. What matters today is how those prosecutors

out there in this country feel right now, and what this incident did to the way they feel about their jobs. Because there are thousands of professional prosecutors—some of them have been appointed, some of them have been hired, some have been elected—what they all have in common is they understand their job is not about politics, it is about the rule of law.

When this whole incident unfurled in front of the American public, to all of those prosecutors it felt as though they were being cheapened, that somehow Gonzales and the rest of them were saying they were being judged on their politics and not on their professionalism.

So I come here just for a moment to try to give a voice to those thousands of prosecutors out there. I know them. I have worked with them shoulder to shoulder for years. They care deeply about their work, they care deeply about the rule of law, and they care deeply about fundamental justice.

On their behalf, I rise today for a moment to say this Chamber should vote unanimously a vote of no confidence against the Attorney General of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I thank the Senator from Missouri for her remarks. Like her, I have been appointed and elected as a U.S. attorney and as an attorney general. I ask all of my colleagues who are listening to take her at her word. Prosecutors across the country are horrified about what has happened. I applaud Senator SCHUMER for what he has done to push this forward.

The Senate has an important oversight role. We have advice and consent responsibilities, and we have a Judiciary Committee on which Senator SCHUMER and I serve. I tell you, the U.S. Department of Justice is a precious institution in our democracy. It is under siege from within, and we need to take some action.

This resolution is not about partisanship. It is not about scoring political points. It is about two very important things—one, letting the people of America know we care about an honest, independent, and truthful Department of Justice. That is not meaningless. It is also about letting the career people within the Department of Justice know that we hear them, we care about them, we know what has been done to this Department is shameful; that this ordeal for them will one day be over, and we will work hard as people who care about this country and about the Department of Justice to make that day come soon, so that once again truth and justice can be the stars that guide the Department of Justice. That, too, is not meaningless.

Madam President, the bill of particulars against Attorney General Gonzales is long. First is the fact that he does not respect the institution he leads. Time-honored traditions and practices of the Department, vital to the impartial administration of justice, have been gravely damaged or destroyed on his watch.

One, U.S. attorneys used to come from their home districts, where they were accountable to local people, where they knew the judges and the law enforcement officers. Not under this Attorney General. Now they fly them in from Washington where they will do President Bush's bidding.

Two, U.S. attorneys were always put up for advice and consent. Not under this Attorney General. He presided over the statutory circumvention of our Senate confirmation process.

Three, the list of people at the White House and the DOJ who used to be able to talk about cases with each other recently included only four people at the White House and only three at the DOJ. Not under this Attorney General, where 417 White House officials, including Karl Rove, can now have these formerly illicit conversations with the Department of Justice.

Four, career attorneys were kept free of partisan interference. Not under this Attorney General. There are politics in the Honors Program, politics in career official appointments, politics in personnel evaluations, and politics in the appointment of immigration judges.

Five, U.S. attorneys were almost always left in place to do their jobs once they were appointed, knowing that they had a higher calling than their political appointment. Not under this Attorney General. Simply put, a man who doesn't care about those institutions of the Department of Justice is the wrong person to lead it back out of the mess he has put it in.

He has politicized this Department to a degree not seen since the Nixon administration—U.S. attorneys fired for political reasons, with White House fingerprints all over the place, and Karl Rove and others passing on information to the Department of Justice about voter fraud to pump up interest in cases. DOJ policy is ignored, with no justification; written policy was ignored to bring indictments on the eve of a critical election in the State of Missouri; the White House Counsel chastising a U.S. attorney over mishandling a case. How does the White House Counsel know whether a DOJ attorney mishandled the case? Who is telling him what is going on in the DOJ? The DOJ even invented the position of White House Liaison—first time ever—who, by her own admission, screened applicants based on inappropriate and probably illegal political factors.

Third, the Attorney General has set the bar for his office far too low. His stated definition of what is improper for him and his staff, believe it or not, tracks the legal standard for criminal obstruction of justice. Is that the kind of Attorney General we want? Is that the kind of accountability to himself we want? The Attorney General should do a lot better than that.

There has been an almost unbelievable series of half-truths and obfuscations coming out of the Attorney General and his circle. They told us that the firings of U.S. attorneys were performance related. Not true. They told us the Attorney General was not involved and didn't discuss the plan to fire U.S. attorneys. Not true. They told us the White House was not involved. Not true. They told us these EARS performance evaluations were not relevant. Not true. They told us the Attorney General didn't discuss the substance of the testimony with other witnesses during the investigation. Not true. They told us the Chief of Staff of the Deputy Attorney General never made threatening calls to U.S. attorneys who were going to publicly discuss the matter. Again, not true.

How many times can the Department of Justice say things that are not true?

Fifth, the hypocrisy is almost unbelievable. The Attorney General's own incompetence and misjudgments fail the very test he claimed he set for the fired U.S. attorneys. As one of my colleagues said to Attorney General Gonzales at his hearing, ''Why should you not be judged by the same standards at which you judged these dismissed U.S. Attorneys?''

Madam President, our Attorney General would fail that standard. How can he oversee our Federal Bureau of Investigation when the FBI Director had to warn FBI agents guarding the Attorney General not to obey his instructions, when he was White House Counsel scurrying over to the ailing Attorney General's hospital room to try to get his signature on a document?

You can say this is just a partisan exercise, but it may take a decade to repair the damage Attorney General Gonzales has caused. Every day that passes without his resignation is one more day before the repair has begun. From the perspective of the Bush administration, I can see how a wounded, grateful Attorney General on a very short leash may be just as they want as they try to exit Washington without further indictments. But that is not the Attorney General America needs to maintain the best traditions of the Department of Justice through administration and administration and administration, through Republicans and Democrats alike, and to ensure the fair administration of justice in our country.

As a former U.S. attorney who has profound respect for the Department of Justice and its thousands of career employees, I believe America deserves an Attorney General who will lead by example, who will set the very highest standard for himself and his staff, who will do his best to keep politics out of the justice system and will restore the country's faith and confidence in one of its most important institutions.

Please set aside politics and let us stand up for the Department of Justice. Let us restore a vital institution in American life. Please let us vote for

cloture and proceed to do what our duty calls for us to do.

I yield the floor.

Mr. FEINGOLD. Mr. President, I will vote in favor of cloture on the motion to proceed. After months of troubling and even shocking disclosures about the U.S. Attorney firings and the politicization of the Department of Justice, it is important for the Senate to go on record on the question of whether the Attorney General should continue in his post. This vote may end up being our only vote on this matter, but since the resolution itself is nonbinding, this vote, though procedural in nature, is sufficient to inform the Nation exactly what the Senate's position is. Those who vote against cloture plainly are comfortable with the Attorney General remaining right where he is. Those of us who vote for cloture are not.

In January 2005, I voted against Alberto Gonzales to be the Attorney General because I was not convinced he would put the rule of law, and the interests of the country, above those of the President and the administration. Unfortunately, those concerns have been realized over and over. It is not just the U.S. Attorneys scandal. In recent months, the Department's Inspector General issued a very troubling report on National Security Letters. The Attorney General, of course, had assured us that the Department could be trusted to respect civil liberties in its exercise of the unprecedented powers it was given in the Patriot Act.

Perhaps the Attorney General's biggest failure concerns the warrantless wiretapping program. When he came before the Judiciary Committee for his confirmation hearing, he gave very misleading testimony to a question I asked concerning whether the position the administration had taken with respect to torture might also allow it to authorize warrantless wiretaps. He called my question ''hypothetical.'' Just less than a year later, we found out that the administration had in fact taken precisely that position for years.

His appearance before the Judiciary Committee last year to discuss the legal justification of the wiretapping program was one of the weakest and least convincing I have ever seen. And the recent testimony of former Deputy Attorney General James Comey concerning Mr. Gonzales's bedside visit to former Attorney General John Ashcroft raises serious questions about his veracity at that hearing. It also raises questions about his ethics, and, once again, his respect for the rule of law.

But it is not just his commitment to the rule of law and his willingness to tell the truth to Congress that troubles me about this Attorney General's tenure. At his most recent appearance before the Senate Judiciary Committee to discuss the U.S. Attorney firings, I questioned him about whether he did some of the most basic things that you would expect a manager to do if he delegated to his staff a major project like deciding which of 93 presidential appointees to top law enforcement positions to fire. He could not recall doing any of them. We know that the Attorney General was involved in this process and made the final decisions on the firing plan, but he can't seem to remember much beyond that, even though it was only a few months ago that this all took place. He has failed in a very significant way. He should resign.

With the snowballing problems at the Justice Department, it could hardly be more plain that the Attorney General has lost the confidence of Congress and the public. As Mr. Comey said in response to my written question: ''This entire affair has harmed the Department and its reputation.'' The Department of Justice should always be above reproach. The AG should step down for the good of the country. Since he will not, the Senate should express its judgment, on behalf of the American people.

Mr. SESSIONS. Mr. President, as a former U.S. Attorney for 12 years and as an assistant U.S. attorney for over 2 years, I am well aware that U.S. attorneys serve at the pleasure of the President and that they are appointed through a political process that involves home State senators conferring with the President of the United States before the nomination is made, and which involves confirmation by the U.S. Senate.

As I have observed previously, the matter involving Attorney General Gonzales concerning the appointment and removal of certain U.S. attorneys arose because at some point there was interest in a substantial change in the persons holding the offices of U.S. attorneys throughout the country. Apparently, some wanted a large number of changes and others did not. To them, it may have seemed like an easy thing to do. The President would simply just remove them and appoint others.

Attorney General Alberto Gonzales had no previous experience in the Department of Justice at any time in his career and seemed to have very little interest in who were serving as U.S. attorneys. This was an error on his part. Attorney General Gonzales simply did not understand that the removal of a U.S. attorney is always a delicate and difficult process. First, U.S. attorneys have Senatorial support. Their appointment was initially cleared by the U.S. Senator for that State and often the Congressman from that district. Secondly, they have local support among their friends and constituents and they often have built up strong support among local, State, and Federal law enforcement agencies. Those bonds are often strong and the removal of a U.S. attorney often causes concern among those law enforcement agencies and groups. They have also often gained support in the local community with childrens' advocacy groups, crime prevention groups, and victims' rights groups.

Finally, almost every U.S. attorney will have one, sometimes more, sensitive cases that are ongoing at any given time. Anyone familiar with the process will know that removing a U.S. attorney who is in the process of handling some high profile criminal case will often result in quite a bit of political pushback, even if the U.S. attorney has very little hands-on involvement with the case.

One of the problems that the Attorney General had was that he did not fully understand these dangers in removing U.S. attorneys because he had never been involved in it as a member of the Department of Justice. He simply did not comprehend the seriousness of the issue with which he was dealing. If he had, he would have spent a great deal more time on it than he did. He would not have delegated it to his assistants—many of them young and also not experienced—in the reality of this process either.

As a result, there occurred an unseemly series of events that reflected poorly on Attorney General Gonzales and other members of the Department of Justice, and which has damaged the reputation of the Department of Justice. This was not a small matter but a very important matter. I think now he realizes the importance of this process and is sincerely apologetic for allowing it to develop the way it did. He is also apologetic for the way that he responded to the inquiries made about the proposed U.S. attorney changes.

Let me insert, parenthetically, that much of the criticism leveled against the Attorney General, the President and his aides has been exaggerated and sometimes quite inaccurate. But, if it comes from a member of Congress or a Senator, that means you never have to say you are sorry. However, if the Attorney General, in responding to attacks, makes explanations that are in any way less than fully accurate one can expect that he will be attacked vociferously as attempting to mislead or worse. Unfortunately, there is a double standard and it often results in unfairness and this is one of those cases. Many of the complaints against Attorney General Gonzales have been very unfair and unfortunate.

After this spasm developed, I was worried about the Attorney General's capacity to lead the Department of Justice effectively and expressed concern as to whether or not he would be able to assemble an able staff to complete his term and whether or not it would be, in sum, better for the Department of Justice that he step aside. I publicly suggested that he and the President meet together and discuss this issue with frankness. I quoted the Attorney General himself as saying that the matter was not about the Attorney General, but was really about what was best for the Department of Justice.

It now appears that the Attorney General and the President have concluded that the Attorney General committed no offense, committed no crime

for which he should be impeached, and has not made any error sufficient that he should no longer remain as Attorney General. The Attorney General's lack of experience in certain aspects of the Department of Justice were well known before he was confirmed by the Senate. In my personal view, there is no Cabinet member that requires more personal experience and detailed knowledge of the agency they will lead than the Attorney General. It is a very, very tough job and the Attorney General must be able to personally handle a large portfolio of issues and at the same time have a comprehensive grasp of complex legal issues and legal precedents involving the Department of Justice. For example, Attorney General Janet Reno was constantly struggling in the office. Before becoming the Attorney General, she had simply been a county district attorney and had never been involved in the kinds of issues she faced as Attorney General. In the future, I expect to be far more assertive in the confirmation process as I will insist that any Attorney General nominee have significant relevant experience.

In conclusion, I conclude that there is not cause for any censure of Attorney General Gonzales and I conclude that there is no basis whatsoever for him to be impeached.

It has been 120 years since a no-confidence vote has been had on any Cabinet member. That is something they do in Europe. It is not something we do in the United States. This no-confidence resolution is not necessary, it is harmful to our system, and should not be a precedent in the future. Frankly, it is driven by politics and not by what is best for the Department of Justice because this process will greatly magnify any errors that he has made and create a false impression. Attorney General Gonzales is a good man who sincerely wants to meet the highest standards of the Department of Justice.

The process in our government is that the President nominates for the position of Attorney General, and the Senate votes to confirm them or not. After that confirmation, unless he is subject to impeachment, it is not good policy for the Senate to rush in and express formal opinions about the Cabinet officer and his or her performance. Therefore, I have, after considerable thought, concluded this resolution is bad policy and precedent, and is unfairly damaging to the Department of Justice. It is a political overreach and should not be passed. Therefore, I oppose the resolution.

Mr. KENNEDY. Mr. President, when Alberto Gonzales came before the Senate as the President's nominee for Attorney General, many of us were concerned that he would not be able to distinguish between his past role as White House Counsel and his new role as Attorney General. During his service as counsel to the President, he had assisted the President in promulgating a series of disastrous policies that ran roughshod over the rule of law and damaged the United States in the eyes of the world. He refused to give detainees the protections of the Geneva Conventions, calling them ''quaint.'' He facilitated the establishment of Guantanamo and denied other basic legal protections to detainees. He approved an interpretation of the law that was inconsistent with international agreements. He authorized the use of torture, a step that led to the horrors of Abu Ghraib. At every turn, he promoted an extreme view of the President's authority. Yet, when he came before the committee seeking confirmation, he assured us: ''With the consent of the Senate, I will no longer represent only the White House; I will represent the United States of America and its people. I understand the differences between the two roles.''

That assurance has proven hollow. On issue after issue, Mr. Gonzales has singlemindedly served the President's agenda, without any respect for the broader responsibilities of the Attorney General. He has continued to promote an extreme view of the President's power as Commander in Chief to authorize warrantless eavesdropping in violation of the law, secret detentions, abuse of detainees, and violations of the Geneva Conventions. He believes that the President can issue signing statements that nullify duly enacted statutes whenever they might limit the President's discretion. As Attorney General, he has used the enormous power of his office to promote the agenda of the White House.

The current U.S. attorney scandal has revealed the devastating legacy of Mr. Gonzales's tenure as Attorney General. We now have a Department of Justice that is wide open to partisan influence and has abandoned many of the basic principles that kept the Department independent and assured the American people that its decisions were based on the rule of law.

As a result, the Department of Justice is now embroiled in a scandal involving the firing of U.S. attorneys, under a process controlled by inexperienced, partisan staffers in consultation with the White House. U.S. attorneys were targeted for firing because they failed to serve the White House agenda. Karl Rove and the President passed along to the Attorney General complaints that U.S. attorneys failed to pursue voter fraud. Over the past 5 years, the Department of Justice has actually pushed hard to prosecute voter fraud, but among the hundreds of millions of votes cast in that period, it has managed to convict only 86 people nationwide. The pursuit of virtually nonexistent voter fraud at the ballot box is part of a Republican effort to suppress the legitimate votes of minority, elderly, and disabled voters. Other measures taken in this cynical scheme include photo ID laws and purges of voter rolls.

The conclusion is inescapable that the firings of U.S. attorneys were part of an effort to put partisans in charge of U.S. attorney offices in key States. New Mexico, Washington, Arkansas and Nevada are all closely contested States. Add those States to which the Attorney General sent interim appointees from Washington in the past 2 years—Florida, Missouri, Iowa and Minnesota—and the pattern is clear. Attorney General Gonzales, more than any other Attorney General in memory, has tried to turn the Department of Justice into an arm of a political party.

In addition, under his leadership, the Department's hiring procedures have been corrupted by partisan officials who rejected longstanding merit-based hiring procedures and placed political party loyalty ahead of legal merit in hiring career attorneys. His Department of Justice has tried to obliterate the distinction between political appointees and career civil servants.

In his testimony before the Judiciary Committee, Mr. Gonzales has repeatedly made false statements. He told us the warrantless eavesdropping program could not be conducted within the limits of The Foreign Intelligence Surveillance Act. Then, on the eve of an appearance before the committee, he told us that the program now fits within FISA. He told us that there had not been significant disagreement over that program, but we now know that as many as 30 members of the Justice Department were prepared to resign if an earlier version of the program proceeded unchanged. He stated that he had not seen memoranda or been involved in discussions about the U.S. attorney firings, but it was later revealed that he did both. He told us that only eight U.S. attorneys had been targeted for firing, but it turns out the list was longer. He has said scores of times that he does not recall key meetings and events. With each misstatement and memory lapse, the Attorney General's credibility has faded until there is nothing left.

In the years I have served in this body, I have had the privilege to work with many Attorneys General. The defining quality of the outstanding occupants of that office—both Democrats and Republicans—has been an understanding that the law and the evidence trump loyalty to a political party or a president. Respect for the rule of law lies at the heart of our democracy. If our machinery of justice becomes just another means to preserve and promote the power of the party in office, we have corrupted our democracy. If the American people believe that partisanship is driving law enforcement, our system of justice cannot survive.

We need a strong and credible Attorney General who believes deeply in our system of justice as we undertake the difficult and essential job of restoring the credibility of the Department of Justice. I urge my colleagues to support this resolution of no-confidence as a first step in rebuilding the faith of the American people in the Department of Justice.

Mr. BYRD. Mr. President, 28 months ago, on February 3, 2005, I voted against the confirmation of Alberto Gonzales to be the Attorney General of the United States. Hallelujah, Amen! Eight days before that, I was one of 13 Senators who voted against the nomination of Condoleezza Rice to be the U.S. Secretary of State. And, if the Senate had been permitted to vote on the nomination of Paul Wolfowitz to head the World Bank, I would have voted against that nomination, too.

I am proud of my votes against confirmation of these failed architects of the unconstitutional war in Iraq. Their flawed policies have cost our Nation dearly. I shudder to contemplate the billions and even trillions of dollars and the decades of effort that it will take to correct their extraordinary errors in judgment. These are the same administration officials, led by Alberto Gonzales here at home, who have done everything they can to abolish our Nation's carefully calibrated separation of powers and to undermine Americans' civil liberties. Based on ongoing errors in judgment and mistakes made on his watch, I remain convinced that my vote against Alberto Gonzales was in the best interests of this country.

It is, therefore, not surprising that I am pleased to be an original cosponsor of S.J. Res. 14. This resolution expresses the sense of the Senate that Attorney General Gonzales no longer holds the confidence of the Senate and of the American people. Frankly, he never held my confidence. Not from day one, and I will tell you why that is so.

When President Bush nominated Alberto Gonzales to be the U.S. Attorney General, the President stated that Mr. Gonzales, as White House counsel, had a ''sharp intellect,'' and that it was White House counsel's ''sound judgment'' that had, in the President's words, ''helped shape our policies in the war on terror.''

Sharp intellect and sound judgment? I have heard of damning with faint praise, but applying those words to someone who has had a major role in the reckless and incompetent way in which this administration has waged its so-called war on terror is hardly a compliment.

But don't expect Alberto Gonzales to take responsibility for what happened on his watch. Throughout his time in this administration, whenever Mr. Gonzales has been questioned about what he knows about improper conduct, his standard and repetitive response, in the words of the fictional Sergeant Schultz is simply: ''I know nothing.'' When questioned about who made the decision to fire U.S. attorneys for what appear to be purely political reasons, he implausibly states that while he signed off on the decision, he was not really responsible because he was out of the loop.

At a press conference on March 13, Attorney General Gonzales stated that he knew nothing of the scandal surrounding the U.S. attorneys, because he was, in his words, ''not involved in seeing any memos, was not involved in any discussions about what was going on,'' and, he said, ''that's basically what I knew as the Attorney General.'' Mr. President, that is not an impressive response. Even the Attorney General now says his comment was ''too broad'' and that he ''misspoke.'' He now admits that he did have some involvement. But he said this only after the Justice Department released e-mails and memoranda which showed that he had, in fact, been involved in discussions about the firings.

He also claimed that he is not really responsible, because, in his words, ''in an organization of 110,000 people,'' he said, ''I am not aware of every bit of information that passes through the halls of justice, nor am I aware of all decisions.'' Now that seems an odd assertion, considering that he is, in fact—if you will allow me to use the President's terminology—the top ''decider'' at the U.S. Department of Justice.

When the Attorney General testified before the Senate Judiciary Committee on April 19, 2007, he continued to argue that he was simply out of touch—an assertion that has been disputed by the two employees he had charged with filling the U.S. attorney positions with party loyalists, D. Kyle Sampson and Monica Goodling.

On May 15, 2007, speaking before the National Press Club, Mr. Gonzales made yet another effort to shift the blame for any wrongdoing. But this time he chose a new victim. He said, ''You have to remember, at the end of the day, the recommendations [to fire the U.S. Attorneys] reflected the views of the deputy attorney general,'' meaning Paul McNulty. But the Associated Press reported immediately thereafter that documents released from the Justice Department showed that McNulty was not closely involved in picking all of the U.S. attorneys who were put on the list. Instead, it was a job mostly driven by the Attorney General's own, two hand-picked subordinates, Sampson and Goodling.

I would invite those who believe that Alberto Gonzales did not know what was happening in his own Department to join me on a quick trip down memory lane. Let me recount a section of the speech that I delivered on the Senate floor just prior to voting against his confirmation to be Attorney General. I reminded my colleagues at that time that Judge Gonzales had admitted being physically present at meetings in his office to determine which acts against enemy combatants should be outlawed as torture.

But at his confirmation hearing, he disavowed having any role in the administration's initial decision to define torture extremely narrowly. On January 6, 2005, he was asked by a member of the Judiciary Committee whether he had ever chaired a meeting in which he discussed with Justice Department attorneys the legitimacy of such interrogation techniques. He was asked if, in the meetings he attended, there was discussion of strapping detainees to boards and holding them under water as if to drown them. He testified that there were such meetings, and while he did remember having had some ''discussions'' with Justice Department attorneys, he simply could not recall what he told them in those meetings. He stated that, as White House counsel, he might have attended those meetings, but it was not his role but that of the Justice Department to determine which interrogation techniques were lawful.

In other words, he was saying then, just as he is saying today: Don't hold me accountable! Don't blame me if mistakes were made! And, then, just like today, he didn't point the finger of blame at just one other victim. He spread the blame around. While he admitted he'd made some mistakes as White House counsel, he attempted to further deflect responsibility for his actions by saying that a number of what he called other ''operational agencies'' also took responsibility for making flawed decisions on prisoner interrogation techniques.

At his confirmation hearing, he said:

> I have a recollection that we had some discussions in my office, but let me be very clear with the Committee. It is not my job to decide which types of methods of obtaining information from terrorists would be the most effective. That job responsibility falls to folks within the agencies. It is also not my job to make the ultimate decision about whether or not those methods would, in fact, meet the requirements of the anti-torture statute. That would be the job for the agencies . . . I viewed it as their responsibility to make a decision as to whether or not a procedure or method would, in fact, be lawful.

Whether on the issue of torture or of firing U.S. attorneys, when it comes to Alberto Gonzales taking responsibility for his actions—as Yogi Berra would say—it's deja vu all over again. One wishes that Judge Gonzales could tell us, just once, what his job is, rather than always telling us only what it is not.

Article II, section 3 of the United States Constitution, as head of the Executive Branch, the President has a legal duty to take care that the laws be faithfully executed. The Constitution does not say that the President or his officers ''should'' or ''may'' undertake that responsibility: it clearly states that the President ''shall take Care that the Laws be faithfully executed.'' The President and his Chief Law Enforcement Officer at the Justice Department must be held accountable not only when they fail to faithfully execute the law, but also when they or their subordinates attempt to undermine, ignore, or gut the law.

The Attorney General has a credibility problem, and the American people know it. Despite his assertions to the contrary, he continues to contribute in large measure to the flawed policies and decision making that have

flowed from this administration over the past seven years. For all of these reasons, I urge my colleagues to support S.J. Res. 14.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I rise in support of S.J. Res. 14, a resolution expressing the sense of the Senate that Attorney General Gonzales has lost the confidence of Congress and the American people. This is a sense-of-the-Senate resolution.

Now, Madam President, let me initially say that I was doing other things and was unable to listen to the remarks of some of my Republican colleagues. I apologize for that. I have had a briefing as to what they said. They have chosen to impugn the motives of the sponsor of this resolution, the senior Senator from New York, Mr. SCHUMER. I work very closely with this man. I have worked in government most all of my adult life. Rarely have I seen anybody—in fact, I have never seen anyone with the intellectual capacity of CHUCK SCHUMER from New York and his ability to understand what is going on in the State of New York and in our country. Any suggestions that were made to impugn his integrity are unwarranted, out of line, and unfair.

Senator SCHUMER is a member of the Judiciary Committee. He is a lawyer. As a member of that Judiciary Committee and as a lawyer who cares deeply about the rule of law and the reputation of the Justice Department, he had an obligation to do what he did. There are others who joined with him. Senator FEINSTEIN was out front on this issue with Senator SCHUMER, as were others. The chairman of the committee, Senator LEAHY, has been with them every step of the way.

In my opinion, his work in this investigation has been commendable.

Mr. LEAHY. Will the majority leader yield for a comment?

Mr. REID. Yes, I am happy to.

Mr. LEAHY. Madam President, I tell the leader and the senior Senator from New York, I know he has worked hard on this. Nobody has had more roadblocks thrown in front of him than the Senator from New York. He has asked legitimate questions. Many times, his legitimate questions were not answered by the Department of Justice. They refused to answer. We had to actually subpoena them to get answers that should have been sent to him by return courier. He has acted in the best sense of oversight. He has done what one should do in oversight. He should not be criticized for that.

Maybe those who do the criticizing should ask why they allowed a rubberstamp Senate under their watch to continue for 6 years, with conduct that certainly borders on the criminal and certainly reflects the unethical goings-on at the Department of Justice, and they didn't say one word about it.

Mr. REID. Madam President, I appreciate very much the Senator from Vermont, the chairman of our committee, for standing up for what is right. That is what he is doing.

The Senate has a responsibility to express its displeasure with a Cabinet officer who has grossly mismanaged his responsibilities and failed the American people in the process. This is the one and only mechanism we have, short of impeachment, to address malfeasance of a high-ranking Federal official.

Along with the Department of Defense and State, the Department of Justice is the most important Cabinet agency we have. The Attorney General is responsible for enforcing Federal law, protecting civil rights, and, most importantly, ensuring fidelity to the Constitution of the United States.

Madam President, in my young days as a lawyer and public official in Nevada, during the 1960s, I saw the critical role the Justice Department can play in what is going on in a State. In those days—the early sixties—a person of color, a Black man or woman, could not work in a Strip hotel and could not work in downtown hotels. They weren't there unless they were a porter, a janitor—someplace where they could not be seen. Thousands of people, Black and White, protested that discrimination, but it didn't matter until the Justice Department stepped in. They stepped in and forced it. There was a consent decree entered into between the State of Nevada—I was there. I was Lieutenant Governor, and I helped negotiate that along with Governor O'Callaghan and the attorney assigned to do that. We worked on that for weeks and weeks. But for the Justice Department, that integration of those large hotels in Nevada would have taken place much later. That is what the Justice Department is all about. Major civil rights battles in Las Vegas over integrating the strip would never have been determined in favor of the people of color but for the Justice Department.

You see, the Justice Department is color blind, and that is the way it is supposed to be. It wasn't a Democratic Department of Justice or Republican Department of Justice. It was an American, a U.S. Department of Justice. Its lawyers were fighting for the most American ideal—the right of all Americans to participate in our democracy.

What a proud history this is. What a source of pride it is for our country what the Justice Department in decades past has done. But today under this President, President Bush, and under this Attorney General, Alberto Gonzales, the Department of Justice has lost its way.

Now the Justice Department is just another arm of the Karl Rove political machine, where partisanship earns patronage and independence earns contempt.

Today's Justice Department is dysfunctional. I so appreciate the statement made by the former attorney general of the State of Rhode Island, Senator WHITEHOUSE. He laid it out. He has a feeling of what the Justice Department is all about. He spoke from his heart. The Department of Justice's credibility is shredded. Its morale is at an all-time low, and the blame for that tragic deterioration lies squarely on the shoulders of two people: the President of the United States and the Attorney General of the United States, Alberto Gonzales.

We are here today to discuss Alberto Gonzales. Over the past 6 months, congressional oversight has revealed the many ways the crass political calculations in that White House have pervaded the personnel and prosecutorial decisions of the Bush-Gonzales Justice Department. Remember, for 4 years, this was a big rubberstamp, this thing called Congress.

The careers of many fine men and women, lawyers, have been destroyed. One of those is a man from Nevada by the name of Daniel Bogden, a career prosecutor. He worked his way up as a line prosecutor in Washoe County, Reno, NV, and became an assistant U.S. attorney. He—I have spoken with him—wanted to spend his life being a prosecutor, going after people who violate the law. That is over with. Once you are removed from being a U.S. attorney, you can no longer work as a deputy U.S. attorney.

He, I repeat, was a career prosecutor. When my Republican friend and colleague, JOHN ENSIGN, recommended him to be U.S. attorney for Nevada, he reached what he thought was the pinnacle of his career. Oh, was he mistaken. He has been humiliated, embarrassed, denigrated by this Justice Department for no reason. He worked hard. No one questioned his work ethic.

My son was a deputy U.S. attorney with Daniel Bogden. They worked together. A fine lawyer is Daniel Bogden. He worked hard as our U.S. attorney to protect Nevadans from crimes, drugs and white-collar crimes and earned a wide respect from law enforcement agencies throughout the State.

I repeat, he was fired. To this day, no satisfactory explanation has been provided to Dan Bogden and the people of Nevada.

In light of this evidence, we learned that other U.S. attorneys had been fired at the same time because they failed to pursue partisan political cases. So without any question, there is every reason to believe Dan Bogden suffered the same fate. He was fired for administering justice in Nevada in an evenhanded, nonpolitical way, as he thought as a prosecutor he was supposed to do.

I can remember as a young lawyer, I had a part-time job as a city attorney in Henderson, NV. It is now the second largest city in the State. It wasn't then. I prosecuted criminal cases. I came back to my law firm and I was bragging. That is the wrong word. I was saying: Man, that case, I can't imagine why that judge did that. That wasn't a very good case at all. One of the people

I worked with said: HARRY, that is not your responsibility.

I will use leader time now.

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

Mr. REID. Madam President, he said: Your job is not to convict people. It is to do the right thing for the people of the State of Nevada, the city of Henderson, NV.

That is a lesson somebody should have given Alberto Gonzales before he took the job as Attorney General. Dan Bogden was fired for doing his job exactly the way it is supposed to be done.

When he testified before the Senate Judiciary Committee, Attorney General Gonzales couldn't even say why Bogden was included on the list to be fired. Think about that: A man's career ruined, and the man who fired him or had him fired didn't even know why he was fired.

His lack of memory was astounding. He couldn't recall basic facts, even meetings with the President. Writing in the New York Times, Professor Frank Bowman, a former Federal prosecutor, said, talking about Gonzales:

The truth is almost surely that Mr. Gonzales's forgetfulness is feigned—a calculated ploy to block legitimate congressional inquiry into questionable decisions made by the Department of Justice, White House officials, and, quite possibly, the President himself.

If Albert Gonzales was not truthful with the Congress, he deserves to be fired—not Bogden but Gonzales.

On the other hand, if the Attorney General was not involved in the decision to fire Bogden and others, he is guilty of gross negligence and deserves to be fired. He turned over the awesome power of his office to a handful of young, inexperienced ideologues and allowed them to carry out a political campaign from the once-hallowed halls of the Justice Department.

But the Attorney General's misdeeds extend well beyond politically driven personnel decisions. As White House counsel, he presided over the development of antiterror tactics that have undermined the rule of law and made Americans less safe. We know now from former Deputy Attorney General Jim Comey the Attorney General tried to take advantage of John Ashcroft's serious illness—was sick in a hospital bed—to obtain Justice Department approval for an illegal surveillance program. He took papers there for him to sign.

Time and time again, Alberto Gonzales has proven beyond a doubt his utter lack of judgment and independence is foremost in his mind. Whether it is tortured reasoning allowing torture or his support of domestic surveillance, firing unfairly U.S. attorneys, hiring immigration judges based on their political affiliation—there is a long list. But let's talk about his being one of the masters of torture in our country.

I have a law review article from Columbia Law Journal, one of the finest law schools in America, the name of which is ''Drop by Drop: Forgetting the History of Water Torture in U.S. Courts.'' This is an article written by Judge Evan Wallach, one of the foremost experts in the world on the law of the war. I am only going to read the last paragraph of this article. He goes into some detail in the article, talking about how this Attorney General's office, this White House counsel, this administration has allowed torture to be part of what Americans do with detainees and others.

Here is what Judge Wallach said:

If we remember what we said and did when our military personnel were victims, if we remember our response when they were perpetrators, how can our government possibly opine that the use of water torture is within the bounds of law? To do so is beneath contempt; it is beyond redemption; and it is a repudiation of the rule of law that in our origins was the core principle of governance which distinguished our nation from the crowned dictatorships of the European continent.

That is the legacy of this administration and this Attorney General, that law review articles are being written to talk about how awful this Attorney General is and what he has allowed to happen.

To do so is beneath contempt; it is beyond redemption; and it is a repudiation of the rule of law that in our origins was the core principle of governance which distinguished our nation from the crowned dictatorships of the European continent.

Alberto Gonzales is profoundly unworthy to hold one of the highest and most important offices of our great country. I urge my colleagues to support this resolution reflecting the facts before us. I urge Attorney General Gonzales to resign his office, to give the Department of Justice a chance it needs to recover from his catastrophic tenure. If he does not, I urge President Bush to finally remove him.

The PRESIDING OFFICER. All time has expired.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are mandatory.

CLOTURE MOTION

Under the previous order, 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 179, S.J. Res. 14, relating to Attorney General Alberto Gonzales.

Harry Reid, Richard J. Durbin, Kent Conrad, Bernard Sanders, Jeff Bingaman, Dan Inouye, Jon Tester, S. Whitehouse, Debbie Stabenow, Byron L. Dorgan, Amy Klobuchar, Sherrod Brown, Carl Levin, Chuck Schumer, Barbara Boxer, Jack Reed, 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 S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people, 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. STEVENS (when his name was called). Present.

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

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

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

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

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—53

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

NAYS—38

Alexander	Dole	Lott
Allard	Domenici	Lugar
Bennett	Ensign	Martinez
Bond	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Cochran	Hatch	Shelby
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Voinovich
Crapo	Kyl	Warner
DeMint	Lieberman	

ANSWERED ''PRESENT''—1

Stevens

NOT VOTING—7

Biden	Dodd	Obama
Brownback	Johnson	
Coburn	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays 38, and one Senator responded ''present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 9, H.R. 6, Comprehensive Energy legislation.

Jeff Bingaman, Dick Durbin, S. Whitehouse, Blanche L. Lincoln, Jon Tester, Robert P. Casey, Jr., Patty Murray, Daniel K. Akaka, Jack Reed, Mary Landrieu, Max Baucus, Mark Pryor, Ron Wyden, Joe Biden, Pat Leahy, Claire McCaskill, Amy Klobuchar, Ken Salazar.

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. 6, 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, 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 Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

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

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—91

Akaka	Burr	Collins
Alexander	Byrd	Conrad
Allard	Cantwell	Corker
Baucus	Cardin	Cornyn
Bennett	Carper	Craig
Bingaman	Casey	Crapo
Bond	Chambliss	DeMint
Boxer	Clinton	Dole
Brown	Cochran	Domenici
Bunning	Coleman	Dorgan
Durbin	Lautenberg	Salazar
Ensign	Leahy	Sanders
Enzi	Levin	Schumer
Feingold	Lieberman	Sessions
Feinstein	Lincoln	Shelby
Graham	Lott	Smith
Grassley	Lugar	Snowe
Gregg	Martinez	Specter
Hagel	McCaskill	Stabenow
Harkin	McConnell	Stevens
Hatch	Menendez	Sununu
Hutchison	Mikulski	Tester
Inhofe	Murkowski	Thune
Inouye	Murray	Vitter
Isakson	Nelson (FL)	Voinovich
Kennedy	Nelson (NE)	Warner
Kerry	Pryor	Webb
Klobuchar	Reed	Whitehouse
Kohl	Reid	Wyden
Kyl	Roberts	
Landrieu	Rockefeller	

NOT VOTING—8

Bayh	Coburn	McCain
Biden	Dodd	Obama
Brownback	Johnson	

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are zero. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

MORNING BUSINESS

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

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

REMEMBERING SENATOR CRAIG THOMAS

Mr. BAUCUS. Mr. President, I honor a colleague, a friend, and a great Senator, Senator Craig Thomas.

No words that I can speak will ease the sadness of this loss. Nothing my colleagues and I say can fill the emptiness that his passing has left or lessen the pain that so many feel.

I feel compelled to speak of Senator Thomas not for the effect of my words. Instead, I speak to recognize the effect of his words, his actions, and his service.

His were words, actions, and service that have improved the lives and futures of Americans. His words and actions will leave a legacy long after our sadness passes.

Senator Thomas represented Wyoming effectively and with dignity. I was proud to work with him.

We both loved the open beautiful spaces of our home States, and we worked to keep them clean, safe, and sustainable. We collaborated to improve the Endangered Species Act and the Safe Drinking Water Act.

We also worked to safeguard our constituents' livelihoods—establishing the wool trust fund, keeping open global beef markets, and making sure that our trading partners played by the rules.

We worked together to safeguard our natural resources, improve rural energy infrastructure, and plan for a sustainable energy future with clean coal technologies.

These and many other accomplishments will be Senator Thomas's legacy. It is a legacy for which he deserves recognition, remembrance, and honor. It is a legacy for which our Nation is grateful.

But many will remember Senator Thomas more for who he was than for what he did. They will remember someone with a quick wit, an easy smile, and a generous helping hand.

I will remember Senator Thomas as I met him when he first joined the Senate in 1989. Back then, I recognized in him something very familiar. Senator Thomas was a man of the American West. He embodied the values and the character of the people whom he represented.

You always knew where Senator Thomas stood. Like many in the West, Senator Thomas was quiet, unassuming, and unpretentious—but he was never intimidated.

He was gentle and decent. When he gave you his word, he kept it. And as we all saw in these final months of his life, when he had to, he could fight like hell.

That is the man I will miss and it is the man I wish to recognize today—an honorable Senator and a great man of the American West.

Mr. DOMENICI. Mr. President, this last Saturday, I traveled with my wife Nancy and many of our colleagues in the Senate to Casper, WY, for the funeral service of my friend Senator Craig Thomas.

During the service I was particularly impressed by the words of Minority Leader MCCONNELL and I would like to thank him for so eloquently eulogizing Senator Thomas. So appropriately did his words honor Senator Thomas that I hope all our colleges in the Senate will take the time to read them.

I ask unanimous consent that this transcript of Senator MCCONNELL's comments be printed in the RECORD.

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

SERVICE IN HONOR OF CRAIG THOMAS, JUNE 9, 2007

Reverend [Moore], Susan, Lexie, Patrick, Greg, Peter; distinguished guests, colleagues and friends of Craig Lyle Thomas.

There are people that we can't ever imagine dying because they're so alive, and there are people we can't imagine dying because they seem so healthy and so strong. Craig Thomas's death is doubly hard because he was both of these people. But death has done its work, and so we come back to the place that he was always so eager to return to, to accompany him on one last trip back.

It was here that he first heard his calling to serve in public life, and here that he first

tasted the bitterness of loss. But Susan always told him, ''If you sign up to be a cowboy, you can't complain when you draw a raw, bucking bronco.'' He couldn't have imagined in those early years that one day he'd be known to America as the Senior Senator from Wyoming. But he was never one to dwell on his achievements. So it falls to us, his friends, to speak well of this good man.

One of the great things about this country is that so many of its leaders come from such surprising places: a candle shop in Boston, a cabin in Kentucky—and a one room-school house in Wapiti, Wyoming. Senator Enzi tells me that The Wapiti School is still standing, but that it's surrounded now by 10-foot fences and a ring of barbed wire—not to keep the kids in, but to keep the grizzlies out. That fence wasn't there when Craig was in school. They were tougher then.

Craig Thomas was always the tough guy—not tough to deal with, not tough on others, just tough. When his family moved to Cody, he signed up for two sports: wrestling and football. One of his teammates on the football team, Al Simpson, was also his neighbor. It may be the only time in American history that two U.S. senators grew up a block and half from each other.

There was a time when it was normal for tough guys to be studious too. And if you went back to Cody in the 1940s, you'd find the son of Craig and Marjorie Thomas as attentive to his football plays as he was to Mrs. Thompson's English lessons. He'd remember and benefit from both many years later during hundreds of legislative battles or on countless nights by the campfire along the North Laramie River, reciting the ''Cremation of Sam McGee.''

As a young man, Craig would have heard about the days when an unwritten code of honesty, bravery, and chivalry governed daily life in Cody. And he was inspired by stories of another code of bravery that guided young Americans of his own day in exotic places like Guadalcanal, Bougainville, Tarawa, and Guam. World War II cost the Marines nearly 87,000 dead and wounded. But as a young man fresh out of college with his whole life ahead of him, Craig Thomas wanted in. Fifty years later, he still proudly wore the anchor and the globe on his lapel.

He was happiest when he was here, but 18 years ago history called him to Washington and he responded dutifully. It was anything but inevitable. His opponent in the campaign to replace an outgoing congressman who's done pretty well himself over the last 18 years had about 99 percent name recognition and had just lost an election for U.S. Senate by about 1,200 votes. The lowest point in the race was the early polling, which suggested that Craig didn't have a chance. But over the next 40 days, the Marine and his staff pulled it off. Craig set the tone, he led the way, and he let others take the credit. That was his way.

Four days after the election, Craig and Susan packed their bags, headed east, and two days after that Craig was sworn in as a member of the U.S Congress. It wasn't the easiest transition. As soon as Craig got to Washington, he froze with a sudden realization—he didn't have any suits. So he did what anybody from Wyoming would do. He called Al Simpson, who told him where to find one.

A few months later, he had a similar predicament. He and Susan got an invite to the White House and Craig didn't have a tuxedo. So he told one of his staffers to go to a dry cleaning store up the street and rent one—but not to worry about the shirt. When the staffer came back, she found Craig in his office with a buck knife. He was cutting holes into his cuffs for where the cufflinks would go. Craig just laughed that big laugh of his, that full body laugh, and then went to the White House with a tuxedo shirt of his own making.

The Gentleman from Wyoming took an office on the top floor of the Longworth Office Building, but he didn't get too comfortable. Some members of the Senate boast about visiting every county in their state over the course of a year. Craig visited all 23 counties in Wyoming—the ninth largest state in America in just two weeks during that first August recess. He enjoyed every minute of it: driving west from Casper, looking out at the Wind River Range, and thinking about what an honor it was to serve this big, beautiful place he loved.

This was his home, and he loved it. He loved the land, he loved the people. But anyone who knew him knew what his greatest love was.

Craig met Susan in 1978. She was working on a statewide campaign, he was working for the state Republican Party, and she invited him over to talk about the race. When she looked out the window and saw a man riding toward her office on his bicycle, she turned to the woman next to her and said, ''Now who would that be?'' She soon found out, and thanks to her loving support, so did the rest of the country. Everything they did, they did together. She was with him for every race he won. Craig always said Susan was the one who liked campaigning.

They were like children, but they were deadly serious about their work. Craig viewed politics as a high calling, and he viewed Susan's work the same way. He admired her deeply. He never failed to mention her. I remember my wife Elaine telling me after giving the commencement speech one year at Susan's high school, how devoted to her the students there were.

We honor Susan today for her devotion to Craig. We'll miss seeing her outside the Senate chamber waiting for him to finish up his votes. The Senate's a lonelier, less joyful place without Craig. It's already a lonelier, less joyful place without her too.

The people of Wyoming sent Craig to the Senate in 1994, and those of us who've served with him there are grateful they did. It was the first time since 1906 that every statewide office in Wyoming was held by a Republican, and the credit, of course, goes to Craig. He led the ticket, and he worked tirelessly to bring everyone else along with him.

But again, he didn't take the credit. And the victory and the higher office did nothing to change the man. If there was any chance of that, Susan made sure to nip it in the bud. She made him hang a photo of himself falling off a horse. She knew the Scripture that ''pride cometh before a fail'' But Craig knew it too, and he wouldn't disappoint. He was a simple, humble son of Wyoming and he remained one to the end.

He was always eager to get home. So eager, in fact, that one time when his Mustang broke down on the way to the airport, he left it on the side of the highway and hitchhiked the rest of the way. They let him on the plane to Cheyenne without a ticket or anything. He called his staff from the airport to see if someone could get the car. When they found it, the keys were still in the ignition. They sent his clothes on the next plane.

We'll never forget his toughness, his goodness, his humor, his steady reassuring hand. Nor his kindness, which he always showed toward everyone—from presidents to doormen. He was straightforward and honest. In a phrase that Craig might have recalled from Mrs. Thompson's Shakespeare lessons, he was not a man ''to double business bound.'' His only business was his duty—to God, country, family, and friends. And he fulfilled them beautifully.

He was strong, humble, and full of faith. And here is why. As a boy Craig Thomas looked out at the majesty of the canyons and the falls of Yellowstone and knew there is a God. As a teenager he saw the hard work and dedication of his parents and learned that giving is more admirable than taking. And as a man he could hear the rumble of the herd even from his desk in Washington, and know that the movements of men were nothing compared to the power of the wild.

I am not a cowboy. But I've come to know and admire a few of them in my 22 years in the Senate. And I've come to know a little bit about their pastimes. I've heard that holding down a steer takes two kinds of ropers—a header and a heeler, and that there's an old saying that the header may be the quarterback, but that the heeler makes the money. The idea is that there may be more glory in roping the head, but that the heeler has the harder, more important, and less glamorous job. No one who knew Craig Thomas is surprised to know that he preferred to be a heeler.

The most impressive thing in Washington is also the rarest: and that's a man whose position and power has no effect on the person he was when he got there. I've never met a man who was changed less by what the world calls riches or power than Craig Lyle Thomas.

Now this great American life has come to an end. Yet we know it continues: This husband, father, lawmaker, mentor, and friend goes to the Father's house. We take comfort entrusting him to the Lord of Mercy, who tells us that in the life to come, every question will be answered, every tear wiped away. And we are confident in the hope that he will ride again, healthy and strong, along a wider, more majestic plain in a land that's everlasting.

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT RYAN A. BALMER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave airman from Mishawaka. Ryan Balmer, 33 years old, was killed on June 5 while deployed near Kirkuk, Iraq, when an improvised explosive device struck his vehicle. With an optimistic future before him, Ryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Ryan has served in the Air Force since enlisting shortly after graduating Mishawaka High School in 1993. He was extremely proud of his military service and was nearing the end of his 6-month tour in Iraq when he was killed by the improvised explosive device. In addition to his military service, Ryan, the youngest of nine children, was the devoted husband of Danielle Balmer and the father of two sons and one daughter.

Ryan was killed while serving his country in Operation Iraqi Freedom. He was assigned to Detachment 113, 1st Field Investigations Region, stationed at Hill Air Force Base, UT. A good high school friend of Ryan's, Dave Falkenau, told local media that, ''[Ryan] would go out of his way for anyone; I wouldn't be surprised if he died trying to save someone else from dying.''

Today, I join Ryan's family and friends in mourning his death. While

we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Ryan, a memory that will burn brightly during these continuing days of conflict and grief.

Ryan was known for his dedication to his family and his love of country. Today and always, Ryan will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Ryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Ryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Ryan A. Balmer in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Ryan's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ryan.

IMMIGRATION REFORM

Mr. FEINGOLD. Mr. President, over the last few weeks, the Senate has considered an issue that inspires strong feelings all around—the need for immigration reform. While the bill we were considering has many flaws, I am disappointed that some Members of this body decided to talk it to death. I voted to move this bill forward because Congress should act on this issue, and because I am hopeful that the bill's flaws can be cured during the next stages of the legislative process.

Despite our differences in approach, all of us in this Chamber agree on three core principles that form the bedrock of any comprehensive immigration reform. First, we must do something about the estimated 12 million undocumented immigrants who live and work in the shadows. The status quo is simply unacceptable. It harms citizens and noncitizens alike and makes us less safe as a nation. Second, we must take the necessary steps to prevent illegal immigration in the future so that we do not find ourselves back here in the same position 20 years from now. And, third, we must establish a system that allows people who can make valuable contributions to our society—by, for example, strengthening families or performing jobs that cannot be filled by Americans—to enter the country legally. These goals must be accomplished in a way that is consistent with our values as a nation. The fundamental problem with this bill, as it now stands, is that it fails to accomplish these objectives; in fact, it contains several provisions that go directly against these objectives.

With respect to the 12 million undocumented immigrants, the bill held genuine promise when it came to the floor. As both the President and the Secretary of Homeland Security have said, mass deportation is not a viable option, nor is amnesty for those who have broken the law. As introduced on the Senate floor, this legislation would have required those who are here illegally to come forward, pay hefty fines, pay taxes, learn English and civics, work, and wait in the back of the line—before earning the privilege of permanent resident status. That would have been a workable solution.

Unfortunately, this linchpin of the bill was undercut by the Senate's adoption of an amendment offered by Senator CORNYN. The amendment removed critical confidentiality provisions that would have protected applicants for legalization from being deported if their applications were denied. The problem with this approach is that few undocumented immigrants will even apply for legalization without this protection. They will stay in the shadows, and we will be exactly where we are now. If this bill ultimately moves forward, it is vitally important that these confidentiality provisions be included in the House bill and retained in conference; otherwise, the bill will defeat its own main purpose.

I also hope to see progress on other provisions that threaten to undermine the very purpose of the earned legalization program. I am particularly concerned about requiring undocumented immigrants to leave the United States in order to apply for permanent residence. Although the bill guarantees their reentry, this ''touch-back'' requirement creates a major practical obstacle for many immigrants, especially those who come from far-flung regions of the globe. Moreover, many undocumented immigrants—who may be receiving their information about the legislation from unreliable sources, or who may face language barriers in understanding its provisions—will be unwilling to leave the U.S. for fear that they will not be allowed to return. Again, a bill that creates a legalization program but discourages immigrants from applying for legalization gets us nowhere.

Another vital component of comprehensive immigration reform is a system that allows employers to turn to foreign labor as a last resort when they genuinely cannot find American workers to do the job. Permitting these workers to enter the country legally furthers the second core principle of comprehensive reform: avoiding a future flow of undocumented workers who would otherwise create a new underground economy. Unlike the bill we passed last year, however, the bill the Senate considered this year has no meaningful path to permanent residence for immigrants in the temporary worker program. It requires workers in that program to interrupt their employment every 2 years and leave the U.S. for a period of 1 year, and it prohibits most of these workers from bringing their families to the U.S. Taken together, these provisions are a recipe for a massive new flow of illegal immigration—once again defeating the very purpose the program was meant to serve.

I am also concerned that the temporary worker program contains insufficient protections for U.S. and foreign workers. I was pleased at the success of the Durbin-Grassley amendment, which strengthened the bill's requirement that employers recruit and hire U.S. workers before hiring temporary foreign workers. But that protection is simply not sufficient. The single best mechanism for enforcement of labor protections is a path to permanent residence. Knowing that foreign workers cannot simply be used up and thrown away prevents employers from exploiting them. That, in turn, takes away the incentive to hire foreign workers over U.S. citizens and ensures that working conditions for all workers don't sink to a lowest common denominator. It is a critical protection that is lacking from this bill.

Because I believe the temporary worker program as currently drafted will foster illegal immigration and will not sufficiently protect U.S. and foreign workers, I voted for Senator BINGAMAN's amendment to limit the scope of the program and Senator DORGAN's amendment to sunset the program in 5 years. Unless and until the structural problems with the program are fixed—and I hope they will be—we should not be putting in place a permanent program of the magnitude contemplated by the original bill.

Another serious flaw in the bill is its inclusion of multiple ''triggers''—enforcement requirements that must be fulfilled before other critical reforms could begin. While these provisions are designed to further the second core goal of immigration reform—preventing a future flow of illegal immigration—they will have exactly the opposite effect. History tells us that an ''enforcement-only'' approach simply doesn't work: the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that

we have tripled the number of border agents and increased the enforcement budget tenfold. True border security requires both increased enforcement measures and the creation of adequate legal channels for immigration, including programs to bring needed foreign workers into the U.S. and to allow undocumented immigrants who pass background checks to earn legal status. These measures allow us to separate those who are here to work and contribute to our communities from terrorists and others who pose a serious threat to this Nation, so that our immigration enforcement agents can focus their efforts in the right place. Postponing these measures—as this bill does—makes us less safe, not more.

The bill's solution to the third challenge of immigration reform—shaping the contours of legal immigration—is a radical shift away from family reunification. That solution is not consistent with the core values of this Nation. In the past, our immigration laws have acknowledged that our country and our communities are stronger when families are united. But under this bill, it will be much harder for U.S. citizens and legal immigrants to be reunited with parents, siblings, and adult children. Some of my colleagues argued that this shift in policy is a necessary step toward embracing a ''merit-based'' system of immigration. But I believe there is a great deal of merit in keeping families together. And I don't believe that bringing people with useful skills to this country can only be accomplished at the expense of family unity.

We had the opportunity to do something about the bill's antifamily provisions. Along with Senators MENENDEZ and OBAMA, I cosponsored two amendments: one that would sunset the so-called ''merit-based'' system in 5 years, and one that would reallocate points within the merit-based system to place more value on family ties. The first amendment failed, while the Senate has not yet had the opportunity to vote on the second. Other amendments would have improved this aspect of the bill, but they fell victim to points of order, and we were prevented from voting on them. So we are left with a system that values 3 years of U.S. employment more than the relationship between a brother and sister.

Beyond these much debated aspects of the bill, I am also deeply concerned by a little-discussed provision that would allow the Department of Homeland Security to detain several different categories of immigrants indefinitely. These immigrants may effectively be given a lifetime jail sentence, even though they have committed no crime for which such a sentence could be imposed by judge or jury. There is already a provision in our existing immigrations laws under which the Government may indefinitely detain any immigrant who is suspected of terrorism or whose release would threaten national security. The bill goes far beyond that, even allowing the Government to detain—forever—immigrants who have never been suspected, let alone convicted, of any crime. That does nothing to make us safer, and it goes against everything this country stands for.

A similar challenge to our core values was presented by an amendment offered by Senator CORNYN. The amendment would have allowed the Government to deny citizenship to legal immigrants based on secret evidence and without any opportunity for review. It would have required the mandatory deportation of several new categories of immigrants without any individualized determination of whether such deportation was appropriate. And it would have doomed the earned legalization program with provisions that would make most applicants ineligible. In short, the amendment put forward a scattershot approach that would have penalized immigrants who pose no threat to us and stripped them of crucial due process rights. Fortunately, Senator KENNEDY offered us an alternative that responsibly and effectively targets the small proportion of immigrants who threaten the safety of our communities. His amendment will ensure that immigrants who have committed serious crimes not fully covered by existing immigration laws, including firearms offenses, domestic violence, child abuse, or felony drunk driving, cannot come to this country. I joined the majority of the Senate in voting for this more sensible and effective approach and against Senator CORNYN's amendment.

Despite my concerns about the bill, it contains several provisions that are important and worthy. For example, this bill contains the DREAM Act, which provides higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own. It also contains AgJOBS, a bill long in the making that will provide much needed assistance to agricultural workers. And it contains the Secure and Safe Detention and Asylum Act, to ensure that asylum seekers and other vulnerable populations have a meaningful opportunity to exercise their rights under law, and to provide for humane detention conditions in accordance with the recommendations of the U.S. Commission on International Religious Freedom.

I am pleased the Senate approved the addition to the bill of the Wartime Treatment Study Act, legislation Senator GRASSLEY and I have been trying to enact for years to examine the treatment of German Americans, Italian Americans, and other European Americans during World War II, as well as Jewish refugees fleeing Nazi Germany. While there has been study of the internment and relocation of Japanese Americans during World War II, few people know about our Government's failure to protect the basic rights of German and Italian Americans. We also must understand why, as the United States heroically battled fascism, our Government turned away thousands of Jewish refugees fleeing Nazi Germany, delivering many of them to their deaths at the hands of the Nazi regime. I first introduced this legislation in 2001 after hearing from a group of German Americans in Wisconsin who were concerned that this sad chapter in our Nation's history had gone unnoticed for too long. It is only appropriate for a country that prides itself on equality and justice to acknowledge and learn from its mistakes. It is long past time to enact the Wartime Treatment Study Act, and I will continue to push for it to become law.

I hope the Senate will still have the chance to address the need for comprehensive immigration reform. Congress needs to act on this issue, which is why I voted to move forward with this bill despite the serious flaws I have discussed. I will work with my colleagues to try to make sure this happens and to make sure that we end up with a bill that represents true immigration reform—one that encourages the 12 million undocumented immigrants in this country to come forward out of the shadows, takes a comprehensive approach to preventing illegal immigration in the future, and strengthens our society by welcoming immigrants who can make valuable contributions.

VERMONT HOUSING AND CONSERVATION BOARD

Mr. LEAHY. Mr. President, it is my pleasure today to bring to the attention of the Senate the important work the members and staff of the Vermont Housing and Conservation Board have accomplished during their first 20 years of service to protect Vermont's working landscape and to help ensure that Vermonters have safe and affordable places to call home.

Since 1987, VHCB, its board members and staff have invested in 427 farms, resulting in the conservation of 118,500 acres of farmland; protected 250,000 acres of recreational and natural areas; and constructed or rehabilitated 8500 units of affordable housing. This has been a conscious investment of $200 million in our Green Mountains, leveraging an additional $750 million from public and private sources. Few organizations can boast the stimulus of $1 billion in two short decades.

For centuries, Vermonters have made their livings working the land. As land use patterns drastically change across the country, including in the valleys of Vermont, VHCB has helped many farmers and communities conserve the rural working landscape that has come to define Vermont and the way of life in our State's communities. VHCB has become a national leader in farmland protection practices—educating family farmers how they can make money protecting working farmland and rural landscape for generations to come. The

protections VHCB has been able to offer Vermont's farmers have resulted in hundreds of farms remaining active and contributing members of their communities, allowing them to remain Vermont's ultimate environmental stewards. VHCB's expertise also allowed me to work with them to implement a farm preservation pilot program in Vermont that has since become known as the Farm and Ranch Land Protection Program, a national farmland protection program. Today, this program has protected nearly a half million acres of farmland in 42 States nationwide.

For centuries, the very same farmers who have lived off the land have become well known for their love of fishing, hunting, hiking and snowmobiling across Vermont's forests and open spaces. With encroaching urban sprawl and changing demographics, these lands, too, have been dwindling. VHCB has made it a priority to preserve these natural lands and access to these lands, conserving a quarter of a million acres of these green spaces.

As a dual mission organization, VHCB has also led the country in developing and administering steady private, State and Federal funding sources for the preservation, development and rehabilitation of quality affordable housing in all corners of Vermont. These homes, like the great pieces of granite my grandfather once cut out of the mountainsides of Vermont, are the foundations for the future of Vermont. Additionally, many of these homes are designated perpetually affordable, ensuring that generations of Vermonters will have places to call home. Recently the U.S. Department of Housing and Urban Development named Vermont's federally funded HOME program, administered by VHCB, as the most effective program among 51 participating jurisdictions in the country for the fourth quarter in a row.

Like so many Vermonters, I live in a rather old house in the Green Mountains. At least half of Vermont's housing stock is estimated to be more than 50 years old, and many are more than a century old. With this Yankee character comes a great danger that VHCB has identified and tackled with great skill: lead poisoning. The most common cause of lead poisoning is exposure to dust from deteriorated lead-based paint in a child's home or daycare. The Vermont Lead-Based Paint Hazard Reduction Program, administered by VHCB, has provided technical and financial assistance to eligible landlords and homeowners to reduce the risk of lead poisoning in Vermont's buildings and homes.

Since the very beginning, my good friend Gus Seelig has steered this organization through both calm and stormy weather. Like any good leader, I am certain that Gus would say this organization owes a great deal of its success to its many past and present board members and staff. On behalf of the people of Vermont, I thank and applaud everyone who has worked to make the Vermont Housing and Conservation Board a success. Congratulations on 20 great years preserving the character and affordability of Vermont.

RECOMMISSION OF THE USS ''MICHIGAN''

Mr. LEVIN. Mr. President, I would like to take this opportunity to commemorate the recommission of the USS *Michigan*, SSGN–727. A formal return to service ceremony will be held on Tuesday, June 12 at 1 p.m. to honor the USS *Michigan* and her officers and crew, which includes captain of the boat CDR Terry Takats and chief of the boat CMDCM Wayne Lassiter.

The USS *Michigan* will return to active duty as the second *Ohio*-class nuclear-powered Trident missile submarine in the U.S. Navy to be refitted from a ballistic missile submarine, SSBN, into a guided missile submarine, SSGN. This conversion has enhanced and transformed the capabilities of the USS *Michigan*, making it a more valuable asset and serving as an example of the Navy's ongoing transformation to face current and future threats around the world.

The USS *Michigan* has had a proud tradition of service, and SSGN–727 will be the third naval vessel to bear the name of our great State. The first ship to carry this name was launched by the Navy in 1843 as its first iron-hulled warship. She operated throughout the Great Lakes for her entire period of service, gaining notoriety when she helped to successfully end the Fenian invasion of Canada by intercepting supplies between Buffalo and Fort Erie, Ontario along the Niagara River.

U.S. Naval vessels bearing the Michigan name have courageously seen action against Mexico, served as convoy escorts during WWI, and most recently completed more than 33 strategic deterrent patrols throughout the world. The newly converted USS *Michigan* SSGN–727 will return to service with a new mission and enhanced capabilities.

The new guided missile submarine conversion program was developed by the Navy to create a more efficient and effective dual-use submarine force. The USS *Michigan*'s successful transformation has maintained all the benefits of its predecessor, while creating a ship that will act as a force multiplier for the Navy. It has an increased payload capacity of 154 cruise missiles and the capability to more effectively house, sustain, and deploy a variety of special operations forces, allowing for a support role, as well as stealth insertion and extraction of operatives. The flexibility of this new submarine will allow it to efficiently function in a variety of multimission scenarios.

The USS *Michigan* is a shining example of the U.S. Navy's transformation, and I know my colleagues will join me in commemorating its return to active service.

ADDITIONAL STATEMENTS

MONTANA HISTORY

• Mr. BAUCUS. Mr. President, the history of Butte, Anaconda, and Walkerville is as bright and intricate as the people who live there. Stories of greed, danger, and power intermingle with values like hard work and loyalty, to weave a tapestry as rich as any city in America. As the Montana Historical Society has so richly shown, the history of Butte is the history of our country.

As America began to slowly mature from a budding nation to an international superpower, the growing pains became evident. Settlers, packing what little belongings they could fit into the legendary prairie schooners, began to gaze at the horizon and seek fame and fortune on the Western frontier. As the trails became longer, and the distance grew greater, the limits of one nation were pressed. Yet the powers of American ingenuity and our Nation's legendary can-do spirit kicked in. Samuel Morse learned how to communicate through code, and Alexander Graham Bell discovered how to talk through wires.

While these men showed great genius, without the sweat of working men and women these inventions would be nothing more than a footnote in history. But as miners extracted mountains of copper from the Earth's belly, telegraph and telephone wires began to crisscross our country. Suddenly, a letter that used to take days would now take minutes. Citizens on the eastern seaboard would know what was happening on the plains, and at last we truly were one Nation.

And at the heart of this was Butte, Anaconda, and Walkerville. Here, the gallow frames and the towering Anaconda Company smokestacks pierce the skyline as a monument to the men and women whose toil became the bedrock of our great Nation. Though faced with danger, and even death, these workers strapped on their boots every morning and from daybreak till night provided the fuel for a growing nation.

Faced with dire circumstance and physical harm, these workers developed a bond that none outside the mines could understand. They stood together through thick and thin, and truly were a family.

This bond took form in two of the Nation's most radical unions, the Western Federation of Miners, and the Industrial Workers of the World. Located in ''the Gibraltar of Unionism'', Butte and Walkerville, these unions waged a class warfare the likes of which is still the fodder for legends. The class war soon came to a raging boil after the Butte Granite/Speculator Mine fire, the worst hard-rock mining disaster in the Nation's history. Unions were busted, agitators dealt with, and the crushing hand of the ''company'' dealt a crippling blow to the workers.

Yet with the New Deal came new life for the unions. As the Federal Government guaranteed the right of workers to unionize, the strength of the men and women who worked the mines began to shine. In 1934, a 4-month strike, lead to the birth of the CIO, an organization that has become synonymous with unions, and workers' rights.

Now, as Butte, Walkerville, and Anaconda usher in the 21st century, these cities' special past will be immortalized forever. In 2006, the National Park Service recognized that this trio of cities' history of mining and labor should be remembered for generations and declared the district a National Historic Landmark. I was proud to work with many people from the area, and showing the determination of their ancestors, was able to make this landmark a reality. The district will be the largest National Historic Landmark in the West, covering the period from 1876 to 1934 and encompassing nearly 10,000 acres with over 6,000 contributing resources. And one woman, whose heart and soul was poured into this district, is Ellen Crain, Director of the Butte Public Archives. With the undeterred tenacity of the miners before her, Ellen worked for 14 long years to make this possible. Because of her hard work, the citizens in the district will also be able to reflect with pride on their past, as they work to uphold the cities' great tradition in the future.●

100TH ANNIVERSARY OF NOONAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 29–July 1, the residents of Noonan will gather to celebrate their community's history and founding.

Noonan is a thriving rural community in northwest North Dakota that shares a border with the Canadian province of Saskatchewan. Noonan holds an important place in North Dakota's history. Like many of the rural communities in North Dakota, Noonan began its history as a community with the arrival of the Great Northern Railroad. Noonan received its name from Patrick Noonan, the first mayor of Noonan. The first businesses in Noonan included the Golden Rule General Store, an implement store, and a hotel. Noonan officially became a city on September 14, 1928.

Today, the community of Noonan is largely based on agriculture and is home to some of the best waterfowl and upland game hunting in northwest North Dakota. There is also a volunteer fire department and EMT service, two taverns, and many other businesses in this close-knit community where everyone knows everyone. The nearby Noonan trout pond offers camping and fishing. Noonan is also home to a prominent Lions Club chapter, which is the oldest service organization in Noonan and whose main goal is to help the blind.

The community of Noonan is a wonderful place for its residents to live, work, and raise future generations. The people of Noonan take pride in their community and all the opportunities it has to offer. The town has an exciting centennial weekend planned that includes dances, a parade, variety show, a Sunday brunch, and much more.

I ask the Senate to join me in congratulating Noonan, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Noonan and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Noonan that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Noonan has a proud past and a bright future.●

100TH ANNIVERSARY OF GRANVILLE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 29–July 1, the residents of Granville will gather to celebrate their community's history and founding.

Granville is a friendly rural community located in northern North Dakota. William Christianson, along with his wife Minnie, were the first non-native people to settle the soon-to-be prairie town of Granville in 1895. William was an employee of the Great Northern Railway, and the town of Granville was named after Granville M. Dodge, a civil engineer for the railway. Established in 1901, the Granville State bank was one of the first businesses established. Granville was officially declared a city in 1907.

Today, like so many smaller rural communities in North Dakota, Granville is a tight-knit town where everyone knows their neighbor. Granville is known for its welcoming hospitality and conversation and it is easy to witness this local atmosphere at Granville's Memorial Diner. A beautiful city park offers a chance for parents and their children to have fun and play together.

The community of Granville is a wonderful place for its citizens to live and experience life together. The people of Granville take great pride in their community and all it has to offer. To celebrate their centennial anniversary, the town will be holding a barbeque, wagon train, parade, and fireworks.

I ask the Senate to join me in congratulating Granville, ND and its residents on their first 100 years and in wishing them well through the next century. By honoring Granville and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Granville that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Granville has a proud past and a bright future.●

125TH ANNIVERSARY OF COOPERSTOWN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to honor a community in North Dakota that is celebrating its 125th anniversary. On July 5–8, the residents of Cooperstown will celebrate their community's history and founding.

Cooperstown is a vibrant community located in east-central North Dakota. The town was founded in 1882 by Rollin and Thomas Cooper, who had previously been miners in Colorado. As with many communities in North Dakota, the arrival of the railroad in 1883 contributed greatly to Cooperstown's growth. The town's post office was established on December 28, 1882. The town continued to grow, becoming incorporated as a village in 1892 and as a city in 1906.

Today, Cooperstown plays host to manufacturers, agricultural businesses, and many other local companies. Cooperstown is also proud to boast a strong community, with chapters of 4–H, the American Legion, and the Boy and Girl Scouts of America, in addition to several local community organizations.

Tourism opportunities abound in Cooperstown. Sportsmen seek out hunting and fishing near Lake Ashtabula and the Red River Lake. The Cooper Theater hosts local plays, and the Griggs County Museum provides a window on Cooperstown's past.

I ask the Senate to join me in congratulating Cooperstown, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Cooperstown and all the other historic small towns of North Dakota, we keep the great tradition of the pioneering frontier spirit alive for future generations. It is places such as Cooperstown that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Cooperstown has a proud past and a bright future.●

CANNON AIR FORCE BASE ANNIVERSARY

● Mr. DOMENICI. Mr. President, 50 years ago on June 8, 1957, Clovis Air Force Base was renamed Cannon Air Force Base. On this anniversary, I would like to like to pay tribute to the men and women who have and continue to serve at Cannon.

Cannon was named after GEN John Kenneth Cannon who commanded Army Air Corps forces in the Mediterranean and later was commanding general of all Army Air Corps forces in Europe during the Second World War. After the war, General Cannon served

as commander in chief of U.S. Air Forces Europe and commanding general of Tactical Air Command. During his service, General Cannon earned four Distinguished Service Medals, a Legion of Merit, a Bronze Star, and the Air Medal. He also received decorations from Great Britain, France, Italy, Poland, Yugoslavia, and Morocco.

For the last 50 years the service men and women who called Cannon home have been deployed numerous times around the world to ensure the national security of our country. They have performed their duty faithfully and in a manner that I am sure would make General Cannon proud.

This year we will see major changes at Cannon as the 27th Fighter Wing is deactivated in preparation for the impending arrival of the 16th Special Operations Wing in October. While we are excited for the arrival of the 16th Special Operations Wing, we are sad to see the men and women of the 27th Fighter Wing go.

In the coming years I am sure the 16th Special Operations Wing will continue the 27th Fighter Wing's long tradition of excellence at Cannon. Again, I would like to thank the men and women, past and present, who have made Cannon a source of national pride.●

RECOGNITION OF JEFFREY S. MERRIFIELD

● Mr. GREGG. Mr. President, the Honorable Jeffrey S. Merrifield will be leaving the U.S. Nuclear Regulatory Commission, NRC, on June 30, 2007. Originally from Antrim, NH, Jeff Merrifield has served as a member of the Commission since October 23, 1998. First appointed by President Clinton, Jeff was reappointed by President Bush and was sworn in for a second term on August 5, 2002. After a distinguished government career at the NRC and on Capitol Hill, Jeff Merrifield has chosen to pursue endeavors in the private sector.

Throughout his tenure at the NRC, Jeff Merrifield has invested considerable time in familiarizing himself with the operations of NRC licensees, visiting all 104 operating power reactors in the United States, as well as numerous nuclear materials facilities and sites undergoing decommissioning. Jeff actively supported initiatives to improve the transparency, efficiency, and effectiveness of NRC regulatory programs. He headed an NRC Communications Task Force charged with initiating and implementing many recommendations to improve agency internal and external communications. Jeff also led an interagency task force of fifteen departments and agencies to identify gaps in the control and use of radiation source materials as required by the Energy Policy Act of 2005. Recommendations of this task force were detailed in a report to the President and Congress.

Jeff Merrifield has advocated a vision of excellence in regulating the safe and secure uses of nuclear material for the public good. A participant in the development of NRC's Strategic Plan, he championed a number of significant regulatory improvements, including efforts to risk-inform regulations, provide discipline in staff review of applications for license renewal, and prepare the agency for potential new power reactor applications. Recently Jeff chaired a Combined License Review Task Force which made a number of recommendations to improve the efficiency and effectiveness of the review of new reactor applications. He was the leading advocate for the use of the alternate dispute resolution process in agency enforcement actions and has taken a special interest in improving the management of decommissioning funding.

As an NRC Commissioner, Jeff Merrifield was actively involved in the agency's post September 11, 2001, response activities. These actions resulted in a significant improvement in security at NRC licensed facilities. Both before and since the terrible events of 9/11, NRC licensed power reactors are some of the best protected facilities in the civilian community.

Recognizing the NRC's influence in the international regulatory community, Jeff has traveled abroad to discuss policy issues with nuclear regulators and foreign dignitaries in more than 35 countries and has toured more than 140 nuclear reactors overseas. In 2005, he led an NRC delegation to India for the fifth bilateral exchange between the Indian Atomic Energy Regulatory Board and the NRC. This was the first visit to India by a member of the Commission following President Bush's initiative ''Next Steps in the Strategic Partnership'' with India. Jeff was also the major advocate for the establishment of a three-nation agreement with Canada and Mexico on nuclear materials and waste issues through periodic trilateral meetings.

Mr. President, please join me in thanking Jeff Merrifield for his dedicated service to the American people and in wishing him and his family all the best in their future pursuits.●

TRIBUTE TO ROBERT B. MEHNERT

● Mr. HARKIN. Mr. President, I would like to pay tribute to Robert B. Mehnert, who is retiring after 48 years of dedicated service to the Government and people of the United States of America.

Mr. Mehnert began his public service in 1958 with the U.S. Army, continuing in uniform until 1962. In 1963 he reentered Federal service, this time as a management intern with the then-Department of Health, Education and Welfare. He rose quickly through the ranks and, in 1971, Mr. Mehnert became Chief of the Office of Public Information at the National Library of Medicine of the National Institutes of Health. Since 1998 he has directed the Office of Communications and Public Liaison at the library. For more than a quarter century, Mr. Mehnert's keen editorial and literary talents have helped library's director, Donald A.B. Lindberg, M.D., and his predecessor, Martin M. Cummings, M.D., to communicate the most current and reliable medical and consumer health information to medical professionals, researchers, patients, families, and the public.

During his tenure at the National Library of Medicine, Mr. Mehnert has been in the vanguard of a revolution in health information. The introduction of the Internet and the Web environment vastly increased the number and extent of NLM services and audiences. In 1997, after more than a century of serving the library and medical communities exclusively, the National Library of Medicine launched Medline freely on the Web and declared that it would seek to serve the general public as well. With Mr. Mehnert's help, other NLM services for the consumer public quickly followed. In 1998, MedlinePlus.gov, a source of authoritative full-text health information written for the consumer was unveiled. In 2000, ClinicalTrials.gov—an NLM Web site that provides consumers with information on medical research studies that are recruiting patients—was launched. Other NLM consumer-oriented databases were introduced in the last decade as bandwidth and the power of personal computers increased. They have included NIHSeniorHealth.gov, a talking Web site with topics and formats tailored to the needs of older persons; Genetics Home Reference, a Web site that makes genetics and its relationship to disease more understandable to the public; the Household Products database that provides easy-to-understand information on the potential health effects of ingredients contained in common household products; and many others.

One of Mr. Mehnert's most tangible legacies has been his recent service on the editorial team responsible for producing a new quarterly NIH magazine, NIHMedlinePlus, which is sent to doctors' offices nationwide for their patients to read. The production of this consumer-oriented magazine fulfills Congress's call to publicize the fruits of NIH-sponsored research to patients, their families, and the public at large.

Mr. Mehnert has been recognized by the National Library of Medicine and the National Institutes of Health for his exceptional leadership and achievements. Aside from numerous merit awards, his honors have also included being the recipient of both the NLM Director's Award and the NIH Director's Award on several occasions.

As someone who has worked for many years to support medical research, I am especially grateful to people who have dedicated their lives to this crucial public health mission. Bob Mehnert has done that and is a great testament to what public service is all about. Bob and his wife, Helene, have three daughters, seven grandchildren,

and 1.5 great grandchildren—that is, one is on the way. I thank Bob for his distinguished career in service to the American people, and I wish him many well-deserved years of happiness in retirement.●

RECOGNIZING THE BARABOO NATIONAL BANK

● Mr. KOHL. Mr. President, I would like to take the time to recognize and honor Baraboo National Bank located in Baraboo, WI. This year, the bank celebrates 150 years as Baraboo's first and oldest bank.

On July 15, 1857, Simeon Mills joined with Terrell Thomas to open Sauk County Bank, Wisconsin's 15th chartered bank, in a building just down the street from its present location. They began with $50,000 in operating capital and by the end of that year were well on their way to establishing a successful institution. By the early 1860s, the Sauk County Bank had grown their operating capital to break the $100,000 mark. A fire in their first location caused the bank to move into temporary quarters on the back of a lot purchased on the corner of Oak and Third Avenue. The new building would soon be built on this corner and stand until today.

In 1873 the charter for Sauk County Bank changed and the bank renamed as First National Bank of Baraboo. For a 7-year period after the bank changed its name, banks in Wisconsin were financially stressed and many were closing across the State. However, through the actions taken by the principle officers and stockholders, the bank was able to avoid disaster. Otto Ringling came to the First National Bank of Baraboo and deposited a large sum of money to show his support for the bank. To show their appreciation, the bank would often send the Ringlings money when they needed help.

The 1880s brought more prosperity to Sauk County and the bank grew well beyond its neighboring competitors to over $400,000 in assets. By this time the bank decided it was time for a name change. In doing so, was now called The Bank of Baraboo, which would remain for about 58 years. Baraboo was now the 25th largest city in the State. Industry and small businesses all over the county were helped by the bank to get their start.

This included the Circus Industry. The Bank of Baraboo was a strong supporter of the Ringling and Gollmar Brother's Circus. When the Ringling brothers needed money to expand their circus in the 1900s, they turned to The Bank of Baraboo for help. Through the 1920s this bond grew to the point that a few of the Ringlings were appointed directors and became stock holders who were very loyal customers.

In 1938 a final national bank charter changed the name from The Bank of Baraboo to The Baraboo National Bank. As banking products expanded, the bank was now able to provide more services to the community. They even had a minibank at the local Badger Army Ammunition Plan. The Baraboo National Bank continued to expand the building on the corner, taking in space to the south and to the west.

In 1975, Merlin E. Zitzner became the eleventh president and CEO of The Baraboo National Bank. Zitzner, a Viroqua native, graduated from UW Whitewater and a graduate degree from UW Madison. Under this leadership The Baraboo Bancorporation Inc. was formed as the holding company of The Baraboo National Bank and later the State Bank of Viroqua and Green Lake State Bank.

The Baraboo National Bank continued to grow by adding the Downtown Drive-up Bank branch, West Baraboo branch, East Baraboo branch, Southwest branch and opening the Lake Delton National Bank branch. Later would follow the acquisition of the Rock Springs and Bank of Wonewoc branches. Most recently the Reedsburg National Bank and the Portage National Bank where built as well as the acquisition of the two locations of the Northwoods National Bank in Rhinelander and Elcho.

Today with assets nearing the $800,000,000 mark and a market share in Baraboo averaging 66 percent, The Baraboo National Bank has a lot to be thankful for. Customer loyalty going back for several generations and local businesses enjoying growth are what the bank is really all about.●

RETIREMENT OF DANIEL BERNSTINE

● Mr. WYDEN. Mr. President, today I want to pay tribute to one of Oregon's and indeed our Nation's finest higher education leaders, Dr. Daniel O. Bernstine, president of Portland State University. Portland State University is our state's largest university, and is foundational to Oregon's well-earned reputation for educational and technological innovation. Earlier this year, President Bernstine announced he would leave PSU at the end of the academic year and become the President and Chief Executive Officer of the Law School Admissions Council in Pennsylvania.

Pennsylvania's gain is truly Oregon's loss. As president of Portland State, Dan and his team have truly transformed Oregon's only urban university. Under his leadership the enrollment has grown substantially; research funding has increased from $17 million to more than $40 million; the University completed its first ever comprehensive campaign; and the campus has added a new Urban Center, the University Place hotel, the Native American Student and Community Center, the Simon Benson House, Epler Hall, the Broadway Housing complex, the Peter Stott recreational field, the Northwest Center for Engineering, Science, and Technology, and the Portland Streetcar.

Dan has forged community partnerships that truly reflect the university's motto: Let Knowledge Serve the City. These include many of the nonprofit organizations in the Portland Metropolitan community, the urban and suburban school districts, and the area's community colleges.

I want to highlight a development at Portland State that is especially important to me and to the work I have pursued in the Senate. Shortly after his arrival, Dan said that investment in science, technology, and engineering would be a priority. One area that has emerged as a national research center is in nanometrology. Attracting Dr. Jun Jiao to Portland State set the initiative in motion and today PSU has one of the premier centers for Electron Microscopy and Nanofabrication. This is evidence that President Bernstine understands the importance of nanotechnology and is committed to having PSU make a major contribution in this area.

Under President Bernstine's leadership, Portland State University has received national recognition for its faculty, community and service-learning programs and is listed in the Princeton Review book, Colleges with a Conscience: 81 Great Schools with Outstanding Community Involvement. For its work to revitalize its community, its work in urban development, and support for the local economy, Portland State University is listed on the first President's Higher Education Community Service Honor Roll and was recognized by The New England Board of Higher Education as one of 25 universities considered ''Saviors of Our Cities.'' The Association of American Colleges and Universities also recognized PSU in its report, ''College Learning for the New Global Century,'' as a leader in the area of fostering civic, intercultural, and ethical learning. And for the past 5 years, Portland State University has ranked among the Nation's best colleges in five categories that lead to student success, according to U.S. News & World Report in its America's Best Colleges 2007 edition.

For these reasons and more, I consider President Bernstine's decision to take on this new responsibility to be a loss to Portland State University and to Oregon. I am pleased that he will remain active in the higher education community and I wish him well in his new position in Pennsylvania. Mr. President, Daniel O. Bernstine is an Oregon treasure and has made a positive difference in the lives of students and to our community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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–2215. A communication from the Secretary of Housing and Urban Development, transmitting, the report of proposed legislation entitled ''The Community Development Block Grant Reform Act of 2007''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2216. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices and Communication Protocols for Public Utilities'' (RIN1902–AD31) received on June 7, 2007; to the Committee on Energy and Natural Resources.

EC–2217. 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 ''Qualifying Gasification Project Program'' (Notice 2007–53) received on June 7, 2007; to the Committee on Finance.

EC–2218. 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 ''Guidance Under Guaranteed Payments'' (Notice 2007–40) received on June 7, 2007; to the Committee on Finance.

EC–2219. 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 ''Qualifying Advanced Coal Project Program'' (Notice 2007–52) received on June 7, 2007; to the Committee on Finance.

EC–2220. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense services, and defense articles to support the sale of the Sensor Fused Weapon to the United Arab Emirates; to the Committee on Foreign Relations.

EC–2221. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense services, and defense articles necessary to support the Royal Australian Air Force's Hornet Upgrade Program; to the Committee on Foreign Relations.

EC–2222. 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 transfer of technical data, assistance and manufacturing know-how to Japan for the manufacture of the AN/APX–72 Identification Friend or Foe Transponder; to the Committee on Foreign Relations.

EC–2223. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense articles and defense services, including manufacturing know-how, to Germany for the manufacture of 120mm tank training ammunition; to the Committee on Foreign Relations.

EC–2224. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data, defense services, and defense articles to support the manufacture of F–15 aircraft major structural components for Israel; to the Committee on Foreign Relations.

EC–2225. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on June 7, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2226. A communication from the Director, Office of Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–112. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and in promoting economic development; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the health, safety, welfare, and economic recovery of the residents and businesses of New Orleans East are dependent upon the continued assistance and encouragement from our federal partners; and

Whereas, the Legislature of Louisiana created the New Orleans Regional Business Park as a special municipal district for the primary purpose of engaging industrial, manufacturing, processing, assembling, distribution, and wholesale businesses; and

Whereas, as of early May 2006, approximately forty companies out of one hundred four pre-Katrina were back in business and the future of the others is largely uncertain; and

Whereas, New Orleans East has become the illegal burial grounds for homes and businesses washed out by hurricanes Katrina and Rita; and

Whereas, illegal dumping makes it extremely hard to attract businesses to New Orleans East and to the business park; and

Whereas, in the business park alone there are twenty-three known illegal dumping sites and thirteen illegal automobile dumping sites; and

Whereas, the U.S. Environmental Protection Agency awarded the business park $400,000 in grants to catalogue contamination, but none of the federal funds will be used for clean-up; and

Whereas, the Louisiana Department of Environmental Quality Enforcement Division, Surveillance Division and Criminal Investigations Section of the Legal Affairs Division have inspected over one hundred seventy-five sites and found potential environmental violations on one hundred fifty of these sites in the Almonaster/Gentilly area alone; and

Whereas, on one of these sites, sixty-five thousand cubic yards of debris or approximately an eleven foot tall mound of debris was found to have been illegally dumped on this one site in New Orleans East; and

Whereas, the illegal piles of debris do not have protective barriers to keep whatever poisons are in the piles contained and from leaking out into the wetlands surrounding this area; and

Whereas, numerous federal agencies have roles and responsibilities in the health, safety, and economic development after hurricanes Katrina and Rita which range from debris removal, oversight of regulations, and recovery funding; and

Whereas, the removal of all dump sites within the New Orleans Regional Business Parks will improve the health, safety, and economic development: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to urge and request the respective executive branch departments to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and in promoting economic development; Therefore, be it further

Resolved, That the Legislature of Louisiana does hereby request the Congress of the United States and the appropriate federal agencies, in coordination with appropriate Louisiana state agencies, to immediately take the following actions: (a) cease funding any waste disposal activities within the New Orleans Regional Business Park; (b) develop and implement procedures for expeditious environmental sampling, analysis, and reporting; (c) resolve the blurring of debris management responsibilities between the Federal Emergency Management Agency and Environmental Protection Agency, and state environmental and public health agencies; (d) review and enhance the Environmental Protection Agency's oversight role of illegal and improper debris disposal; and (e) provide guidance and mechanisms for the development of public/private partnerships in restoring and redeveloping the New Orleans Regional Business Park and the New Orleans East community; be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–113. A resolution adopted by the House of Representatives of the State of Hawaii urging Congress to create a replacement for the outdated Fast Track Trade Authority system so United States trade agreements are developed and implemented using a more democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty; to the Committee on Finance.

HOUSE RESOLUTION NO. 63

Whereas, in general, democratic accountable governance in the states, and specifically, the authority granted to the legislative branch by the Constitution of the State of Hawaii, is being undermined by international commercial and trade rules enforced by the World Trade Organization and established by the North American Free Trade Agreement, and is further threatened by similar provisions in an array of pending trade agreements; and

Whereas, today's trade agreements have effects that extend significantly beyond the bounds of traditional trade matters such as tariffs and quotas; and

Whereas, the North American Free Trade Agreement and other United States free trade agreements grant foreign firms new rights and privileges regarding acquisition of land and facilities and operating within a state that exceed those granted to American businesses under state and federal laws; and

Whereas, the North American Free Trade Agreement already has generated ''regulatory takings'' cases against state and local land use decisions, state environmental and public health policies, adverse state court rulings, and state and local contracts that would not have been possible in United States courts; and

Whereas, when states are bound to comply with government procurement provisions contained in trade agreements, common economic development and environmental policies such as buy-local laws, prevailing wage laws, policies to prevent offshoring of state jobs, as well as recycled content laws could be subject to challenge as violating the obligations in the trade agreements; and

Whereas, recent trade agreements curtail state regulatory authority by placing constraints on future policy options; and

Whereas, the World Trade Organization General Agreement on Trade in Services could undermine state efforts to expand health care coverage and rein in health care costs and places constraints on state and local land use planning and gambling policy; and

Whereas, new General Agreement on Trade in Services negotiations could impose additional constraints on state regulation of energy, higher education, professional licensing, and other issues; and

Whereas, despite the indisputable fact that international trade agreements have a far-reaching impact on state and local laws, federal government trade negotiators have failed to respect states' rights to prior informed consent before binding states to conform state law and authority to trade agreement requirements and have refused even to send copies of key correspondence to state legislatures; and

Whereas, the current encroachment on state regulatory authority by international commercial and trade agreements has occurred due in no small part to the fact that United States trade policy is being formulated and implemented under the Fast Track Trade Authority procedure; and

Whereas, Fast Track Trade Authority eliminates vital checks and balances established in the United States Constitution by broadly delegating Congress' exclusive Constitutional authority to set the terms of trade to the Executive Branch such that the Executive Branch is empowered to negotiate broad-ranging trade agreements and to sign them before Congress votes on the agreements; and

Whereas, the ability of the Executive Branch to sign trade agreements prior to Congress' vote of approval means Executive Branch negotiators are able to ignore congressional negotiating objectives or states' demands, and neither Congress nor the states have any means to enforce any decision regarding what provisions must be contained in every United States trade agreement and what provisions may not be included in any United States trade agreement; and

Whereas, federal trade negotiators have ignored and disrespected states' demands regarding whether states agree to be bound to certain nontariff trade agreement provisions; and

Whereas, Fast Track Trade Authority also circumvents normal Congressional review and amendment committee procedures, limits debate to twenty hours total, and forbids any floor amendments to the implementing legislation that is presented to Congress to conform hundreds of United States laws to trade agreement obligations and to incorporate the actual trade agreement itself into United States federal law, which preempts state law; and

Whereas, Fast Track Trade Authority is not necessary for negotiating trade agreements, as demonstrated by the existence of scores of trade agreements, including major pacts such as the agreements administered by the World Trade Organization implemented in the past thirty years without use of Fast Track Trade Authority; and

Whereas, Fast Track Trade Authority, which was established in 1974 by President Richard Nixon when trade agreements were limited to traditional matters such as tariffs and quotas, is now woefully outdated and inappropriate given the diverse range of nontrade issues now included in ''trade'' agreements that broadly affect federal and state nontrade regulatory authority; and

Whereas, the current grant of Fast Track Trade Authority expires in July 2007: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, That the United States Congress is respectfully requested to create a replacement for the outdated Fast Track Trade Authority system so that United States trade agreements are developed and implemented using a more democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty; and be it further

Resolved, That the Congress is requested to include in this new process for developing and implementing trade agreements an explicit mechanism for ensuring the prior informed consent of state legislatures before states are bound to the nontariff terms of any trade agreement that affect state regulatory authority so as to ensure that the United States Trade Representative respects the decisions made by states; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, Ambassador Susan Schwab, United States Trade Representative, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 457. A bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories (Rept . No. 110–79).

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. INHOFE (for himself and Mr. COBURN):

S. 1585. A bill 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.

By Mr. LEAHY (for himself, Mr. SUNUNU, Mr. GREGG, and Mr. SANDERS):

S. 1586. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. CARPER, Mr. ISAKSON, Mr. KERRY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. LINCOLN, and Mr. BAYH):

S. 1587. A bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property and to provide for tax-exempt financing of recycling equipment, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. COLEMAN, Ms. SNOWE, Mr. BAYH, Ms. STABENOW, Mr. LUGAR, and Mr. COCHRAN):

S. 1588. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. AKAKA, Mr. SALAZAR, Mr. WHITEHOUSE, and Ms. MIKULSKI):

S. 1589. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 1590. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project; to the Committee on Energy and Natural Resources.

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. 230. A resolution designating the month of July 2007, as ''National Teen Safe Driver Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 242

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 311, a bill to amend the

Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 339

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 339, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 376

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 384

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 384, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 397

At the request of Mr. MARTINEZ, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 397, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and for other purposes.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 402

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 450

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) 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 Colorado (Mr. ALLARD) 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. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 642

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 642, a bill to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes.

S. 667

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 774

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Michigan (Mr. LEVIN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 881, supra.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 969

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1033

At the request of Mr. LIEBERMAN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1033, a bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

S. 1064

At the request of Mrs. CLINTON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1064, a bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1242

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1242, a bill to amend the Federal Crop Insurance Act and Farm Security and Rural Investment Act of 2002 to establish a biofuel pilot program to offer crop insurance to producers of experimental biofuel crops and a program to make loans and loan guarantees to producers of experimental biofuel crops.

S. 1243

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1267

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1307

At the request of Mr. COLEMAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1307, a bill to include Medicare provider payments in the Federal Payment Levy Program, to require the Department of Health and Human Services to offset Medicare provider payments by the amount of the provider's delinquent Federal debt, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1334

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1334, a bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1356

At the request of Mr. BROWN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1363

At the request of Mrs. CLINTON, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1363, a bill to improve health care for severely injured members and former members of the Armed Forces, and for other purposes.

S. 1373

At the request of Mr. PRYOR, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1382

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1409

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1409, a bill to provide and enhance education, housing, and entrepreneur assistance for veterans who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1416

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1418

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1487

At the request of Mrs. FEINSTEIN, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 1487, a bill to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1514

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1523

At the request of Mrs. BOXER, the names of the Senator from Virginia (Mr. WARNER), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1523, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant.

S. 1557

At the request of Mr. DODD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1557, a bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers.

S. CON. RES. 3

At the request of Mr. SALAZAR, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing 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 provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 201

At the request of Mr. CHAMBLISS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 201, a resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 215

At the request of Mr. ALLARD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

S. RES. 224

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

AMENDMENT NO. 1415

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. ENSIGN) was withdrawn as a cosponsor of amendment No. 1415 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Mr. COBURN):

S. 1585. A bill 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.

Mr. INHOFE. Mr. President, I rise today for myself and on the behalf of my colleague, Dr. COBURN, to reintroduce a bill to honor the memory of an American hero and proud son from our great State of Oklahoma. Ernest Childers was the first Native American to receive the Congressional Medal of Honor. This is our Nation's highest military award and it was awarded to him by Congress ''for conspicuous gallantry and intrepidity at risk of life above and beyond the call of duty in action.''

Ernest Childers was born in Broken Arrow, Oklahoma, on February 1, 1918 as the third of five children. His father died when he was young and he grew up mostly on a farm. His hunting skills in his youth provided much of the food for his family and formed the basis of a great military career.

Ernest Childers enlisted in the Oklahoma National Guard in 1937 while attending the Chilocco Indian School in north-central Oklahoma. He then went to Fort Sill in Lawton, Oklahoma, for basic training before being deployed to Africa in World War II. On September 22, 1943, despite a broken instep that forced him to crawl, Second Lieutenant Childers advanced against enemy machine gun nests in Oliveto, Italy, killing two snipers and capturing an enemy mortar observer in the process. His actions were instrumental in helping the Americans win the Battle of Oliveto and won him the Congressional Medal of Honor. He continued his career in the Army earning several other military awards including the Combat Infantry Badge, Europe and Africa Campaign Medals, The Purple Heart, The Bronze Star, and the Oklahoma Distinguished Service Cross. He retired from the Army in August of 1965 as a lieutenant colonel in Oklahoma's 45th Infantry Division.

Ernest Childers passed away on March 17, 2005, and was Oklahoma's last Congressional Medal of Honor winner still living in the State. He was an honored guest of many Presidential inaugurations and as a Creek Indian, was named Oklahoma's Most Outstanding Indian by the Tulsa Chapter of the Council of American Indians in 1966. He once said ''The American Indian has only one country to defend, and when you're picked on, the American Indian never turns his back.'' I am proud and believe it is only appropriate to introduce once again this year a bill to rename the Department of Veterans Affairs' Outpatient Clinic in Tulsa, Oklahoma, the Ernest Childers Department of Veterans Affairs Outpatient Clinic to honor the enduring legacy of a true hero and fine soldier. 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. 1585

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

SECTION 1. DESIGNATION OF ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, shall be known and designated as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. AKAKA, Mr. SALAZAR, Mr. WHITEHOUSE, and Ms. MIKULSKI):

S. 1589. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to with Senators KERRY, AKAKA, SALAZAR and WHITEHOUSE to introduce the Drug Rebate Equalization Act of 2007.

As you know, the Medicaid drug rebate ensures that State Medicaid programs receive the best price for prescription drugs for their beneficiaries. Unfortunately, health plans that serve over 10 million Medicaid beneficiaries cannot access the same discounts

through the Federal drug rebate program. Plans typically get no rebate on generic drugs and about a third of the rebate on brand drugs as States receive. Therefore, States are paying more for the acquisition of prescription drugs for these health plan enrollees than for beneficiaries in fee-for-service Medicaid, raising costs for Federal and State governments.

Even with this price disadvantage, the total cost of prescription drugs for health plans is less on a per member per month basis because of health plans' greater use of generics and case management. Unfortunately, many States are considering carving prescription drugs out from health plans for the sole purpose of obtaining the rebate, thereby undermining plans' ability to maintain a comprehensive care and disease management program that includes prescription drugs. Not only will this legislation save money, it will eliminate this incentive and ensure that health plans can maintain a comprehensive care coordination system for their patients.

This policy change was passed by the Senate during last year's debate over the Deficit Reduction Act. This year's version of the bill improves on last year's bill in several important ways. First, the bill ensures that health plans can continue their good work by using their own integrated care coordination and disease management protocols. Second, the bill will maintain the fee-for-service prohibition against health plans ''double dipping'' into the Medicaid drug rebate and the 340b discount drug pricing program. Finally, it will ensure that plans can use so-called positive formularies while simultaneously ensuring that enrollees will have access to off-formulary drugs through the regulated prior authorization process. These changes significantly improve the bill and will help improve its chances of passage.

This policy enjoys widespread support. Extending the Medicaid drug rebate to enrollees in health plans is supported by the National Governors Association, the National Association of State Medicaid Directors, the National Medicaid Commission, the National Association of Community Health Centers, the Partnership for Medicaid, the Association for Community Affiliated Plans, and the Medicaid Health Plans of America. I am entering into the record copies of letters provided by these organizations over the last few years memorializing their support for this concept.

Last year, the Congressional Budget Office estimated that the Bingaman amendment would have saved Federal taxpayers $1.7 billion over 5 years. Likewise, the CMS Office of the Actuary estimated that extending the drug rebate to health plans would save Federal taxpayers $2.2 billion over 5 years. I think that we can say that this policy will provide significant savings to Americans, whatever the number.

I urge my colleagues to join me in supporting this legislation.

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

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

S. 1589

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 ''Drug Rebate Equalization Act of 2007''.

SEC. 2. EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(1) in clause (xi), by striking ''and'' at the end;

(2) in clause (xii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(xiii) such contract provides that (I) payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to and that the State shall allow the entity to collect such rebates from manufacturers, and (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates.''.

(b) CONFORMING AMENDMENTS.—Section 1927 (42 U.S.C. 1396r–8) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by adding at the end the following:

''(C) Notwithstanding the subparagraphs (A) and (B)—

''(i) a medicaid managed care organization with a contract under section 1903(m) may exclude or otherwise restrict coverage of a covered outpatient drug on the basis of policies or practices of the organization, such as those affecting utilization management, formulary adherence, and cost sharing or dispute resolution, in lieu of any State policies or practices relating to the exclusion or restriction of coverage of such drugs; and

''(ii) nothing in this section or paragraph (2)(A)(xiii) of section 1903(m) shall be construed as requiring a medicaid managed care organization with a contract under such section to maintain the same such polices and practices as those established by the State for purposes of individuals who receive medical assistance for covered outpatient drugs on a fee-for service basis.''; and

(B) in paragraph (4), by inserting after subparagraph (E) the following:

''(F) Notwithstanding the preceding subparagraphs of this paragraph, any formulary established by medicaid managed care organization with a contract under section 1903(m) may be based on positive inclusion of drugs selected by a formulary committee consisting of physicians, pharmacists, and other individuals with appropriate clinical experience as long as drugs excluded from the formulary are available through prior authorization, as described in paragraph (5).''; and

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

''(1) Covered outpatients drugs are not subject to the requirements of this section if such drugs are—

''(A) dispensed by a health maintenance organization other than a medicaid managed care organization with a contract under section 1903(m); and

''(B) subject to discounts under section 340B of the Public Health Service Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

CONTROLLING PHARMACEUTICAL COSTS THROUGH GREATER EFFICIENCIES AND BETTER ADMINISTRATION OF THE DRUG REBATE PROGRAM

BACKGROUND

Medicaid fee-for-service and managed care spent an estimated $36.8 billion in FY 2003 on pharmaceuticals. Prescription drugs are one of the fastest growing categories of Medicaid expenditures, having quadrupled between 1992 and 2003. Between 2000 and 2003, spending on drugs increased by 17 percent per year, faster than any other major type of Medicaid service. In 1998, less than 8 percent of Medicaid expenditures were for drugs—by 2003 drugs claimed over 13 percent. After 2006 drugs for Medicare beneficiaries will be paid for by Medicare. These recipients currently account for about half of all Medicaid drug spending. State Medicaid programs will still be responsible for the drug costs of children and families and other non-Medicare eligibles.

Drugs are paid for by Medicaid through 3 separate mechanisms. First, the state pays the pharmacists for the ingredient costs of the drug. Previously, most states paid pharmacists based on the average wholesale price (AWP) less some percentage. AWP is the average list price that a manufacturer suggests wholesalers charge pharmacies. Federal reimbursements to states for state spending on certain outpatient prescription drugs are subject to ceilings called federal upper limits (FULs), also known as the maximum allowable cost (MAC). The effect of the FUL is to provide a financial incentive to pharmacies to substitute lower-cost ''generic'' equivalents for brand-name drugs. The Deficit Reduction Act (DRA) expanded the impact of FULs by applying them to multiple source drugs for which the FDA has rated at least 1 other drug (instead of the previous 2) to be therapeutically and pharmaceutically equivalent. The DRA also changed the FUL formula from a percentage of the AWP to a percentage of the Average Manufacturer Price (AMP), which is the average price paid to a manufacturer by wholesalers. For those drugs, the FUL would be equal to 250 percent of the AMP. The result of the AWP-to-AMP change is to make Medicaid pharmaceutical payments closer to actual cost. The DRA also expanded the required reporting of AMP and best price data, allowing states to have access to reported AMP data for the first time, and requiring HHS to make AMP data available to the public.

Second, the states pay the pharmacists a dispensing fee which typically ranges from $3 to $5 per prescription. This fee is expected to cover a wide range of services associated with dispensing drugs to Medicaid patients. The need to adequately reimburse pharmacists for these services was recognized by Congress under the Medicare Modernization Act of 2003, which included a provision requiring Medicare Part D drug plans to reimburse pharmacists for ''medication therapy management services'' administered to patients with multiple chronic conditions.

Third, states receive a rebate directly from the manufacturers based on their utilization. The brand name rebate is the greater of a flat rebate amount of 15.1 percent of average manufacturers price (AMP) or the difference between AMP and the best price offered to any nongovernmental buyer. Manufacturers

have to pay an additional rebate if their drug prices have risen faster than the rate of general inflation. The DRA also made limited changes to the Medicaid drug rebate program. In addition, some states have entered into supplemental rebate agreements with manufacturers in return for putting their drugs on a preferred drug list. CBO estimates that the average rebate received by the states equaled 31.4 percent of AMP with the average basic rebate of 19.6 percent and the inflation adjustment rebate equal to 11.7 percent. States also receive a rebate on generic drugs of 11 percent of AMP. In return for the rebates, states must provide access to all FDA-approved drugs, although they may and do have extensive prior authorization programs, step therapy, limited prescriptions per month and co-payments.

Medicaid managed care plans do not receive the statutory rebate levels, and instead must negotiate rebates on their own.

ISSUES TO CONSIDER

Administration of the rebate program is inadequate. The Government Accountability Office has found significant shortcomings in the Centers for Medicare and Medicaid Services' (CMS) administration of the Medicaid drug rebate program, including lack of clear guidance to manufacturers for determining AMP, poor reporting of certain group purchase prices in setting ''best price'' levels, and limited audits of manufacturer price setting methods. Moreover, the Health and Human Services (HHS) Office of the Inspector General (OIG) recently found that CMS's failure to add qualified new drugs to the Federal upper limit list had resulted in state Medicaid programs paying more than they otherwise would have for these drugs. Changes to the rebate program in the DRA are minimal and are not expected to have a major effect on it.

Reimbursement is not reflective of the true costs of drugs and pharmacy services. The DRA-driven changes in pharmaceutical acquisition prices, by moving to an AMP-based system, may result in some system savings, though how much is not clear. However, the dispensing fee is also considered by many to be inadequate for reimbursing pharmacists for the range of services they provide. These services may include managing inventory, counseling patients on proper medication use, and complying with federal and state regulations in addition to storing, warehousing, and dispensing the drug. Without an adequate dispensing fee, some pharmacies may elect not to participate in Medicaid rather than assume financial loss.

Exemption for managed care plans inefficient. Over 10 million Medicaid beneficiaries receive their drugs through Medicaid managed care plans which do not have access to the Medicaid drug rebate. Under the drug rebate, States receive between 18 and 20 percent discounts on brand name drug prices and between 10 and 11 percent for generic drug prices. According to a recent study, Medicaid-focused managed care organizations (MCOs) typically only receive about a 6 percent discount on brand name drugs and no discount on generics. Because many MCOs (particularly smaller Medicaid-focused MCOs) do not have the capacity to negotiate deeper discounts with drug companies, Medicaid is overpaying for prescription drugs for enrollees in Medicaid health plans. The Congressional Budget Office (CBO) recently estimated that this change would save $2 billion over 5 years.

POTENTIAL SOLUTIONS

Tighten administration of the rebate program. Inconsistent and inaccurate calculations of AMP, best price, and other components of the rebate formula have cost Medicaid millions of dollars. By improving CMS oversight over the program and increasing manufacturer accountability over proper calculation of rebates, Medicaid would reap the full benefits of the Medicaid drug rebate program.

Increase the basic level of rebate. CBO has estimated that setting the basic rebate level at 23 percent would result in savings of $3.2 billion over 5 years. Available information supports setting the rebate at a higher level than it is at today.

Payment for pharmacist services should be realigned to reflect true costs, including medication therapy management services. With the Congress having addressed the issue of pharmaceutical acquisition prices, now is the appropriate time to adjust reimbursement for pharmacists' services to reflect their increased role in managing medication-based therapies, counseling patients, and providing other critical pharmacy services to Medicaid patients.

Encourage evidence-based formularies where appropriate. Development of formularies should provide access to necessary treatments, and encourage and support benefit management best practices that are proven in widespread use today. Effectiveness, not cost, should be the main objective when developing formularies. The goal is for plans to provide high-quality, cost-effective drug benefits by using effective drug utilization management techniques. Although effectiveness data do not exist for all classes of medications, and are not appropriate for certain populations, well-designed evidence-based formularies that take into account comparative effectiveness data have the potential to provide access to high quality, cost-effective medications.

Allow Medicaid managed care plans to have access to the drug rebate for non-340B drugs. All Medicaid beneficiaries should have their drug costs reduced to the maximum extent possible, either by the Medicaid rebate or by the 340B program. While recognizing that managed care plans should have access to the Medicaid drug rebate, it is also important to be mindful of the need to protect 340B-covered entities from the risk of creating a ''duplicate discount'' due to the overlap of the rebate and the 340B program.

Extend the 340B drug discount to Inpatient Pharmaceuticals. The Safety Net Inpatient Drug Affordability Act (S. 1840/H.R. 3547) would require that 340B hospitals and Critical Access Hospitals rebate Medicaid a significant portion of their 340B savings on inpatient drugs administered to Medicaid patients. In addition, to the extent that any Critical Access Hospitals operate outpatient pharmacies, they would be required to pass through to Medicaid their 340B savings for Medicaid patients. These savings to Medicaid also accrue to taxpayers by reducing costs for federal, state and local governments. The proposal allows health care providers to stretch limited resources as they care for America's neediest populations. The Public Hospital Pharmacy Coalition (PHPC) estimates that the Safety Net Inpatient Drug Affordability Act (S. 1840/H.R. 3547) would provide significant savings to the Medicaid program and lower costs for taxpayer-supported safety net institutions that care for low-income and uninsured patients. PHPC estimates that this legislation would reduce Medicaid costs by over $100 million per year.

AMERICAN PUBLIC HUMAN SERVICES ASSOCIATION, NATIONAL ASSOCIATION OF STATE MEDICAID DIRECTORS

POLICY STATEMENT: MCO ACCESS TO THE MEDICAID PHARMACY REBATE PROGRAM

Background

The Omnibus Budget Reconciliation Act of 1990 (OBRA '90) established a Medicaid drug rebate program that requires pharmaceutical manufacturers to provide a rebate to participating state Medicaid agencies. In return, states must cover all prescription drugs manufactured by a company that participates in the rebate program. At the time of this legislation, only a small percentage of Medicaid beneficiaries were enrolled in capitated managed care plans and were primarily served by plans that also had commercial lines of business. These plans requested to be excluded from the drug rebate program as it was assumed that they would be able to secure a better rebate on their own. Though regulations have not yet been promulgated, federal interpretation to date has excluded Medicaid managed care organizations from participating in the federal rebate program.

Today, the situation is quite different. 58% of all Medicaid beneficiaries are enrolled in some type of managed care delivery system, many in capitated health plans. Some managed care plans, especially Medicaid-dominated plans that make up a growing percentage of the Medicaid marketplace, are looking at the feasibility of gaining access to the Medicaid pharmacy rebate. However, a number of commercial plans remain content to negotiate their own pharmacy rates and are not interested in pursuing the Medicaid rebate.

Policy Statement

The National Association of State Medicaid Directors is supportive of Medicaid managed care organizations (MCOs), in their capacity as an agent of the state, being able to participate fully in the federal Medicaid rebate program. To do so, the MCO must adhere to all of the federal rebate rules set forth in OBRA '90 and follow essentially the same ingredient cost payment methodology used by the state. The state will have the ability to make a downward adjustment in the MCO's capitation rate based on the assumption that the MCO will collect the full rebate instead of the state. Finally, if a pharmacy benefit manager (PBM) is under contract with an MCO to administer the Medicaid pharmacy benefit for them, then the same principal shall apply, but in no way should both the MCO and the PBM be allowed to claim the rebate.—Approved by NASMD June 24, 2002

We oppose the Senate provision that provides for mandatory dispensing fee guidelines. States welcome more research in dispensing fees throughout the US health care system. Currently, there is very little information for states to use when considering appropriate dispensing fees. New reference information would be helpful; but mandatory guidelines should not be imposed on states.

The effective date for any dispensing fee provisions should be the date 6 months after the close of the first regular state legislative session. A state may need extra time to implement a pharmacy reimbursement system to determine appropriate dispensing fees and make changes to separate out the dispensing fee from the reimbursement in their systems.

Governors should maintain flexibility to establish dispensing fees to maintain access to both pharmacies that may provide specialty services as well as those that serve beneficiaries in rural and underserved areas. Limiting such pharmacies by arbitrary federal statutory definitions or regulation will not help states to manage their pharmacy programs. New federal mandates on how to consider dispensing fees for such pharmacists are unnecessary and burdensome.

Preferred Drug List Restriction: NGA opposes House provision

The House provision (SEC.3105) that would limit states' current ability to include mental health drugs on a state's preferred drug

list should be dropped from the final bill. This provision would be very costly—far beyond the $120 million estimated by the Congressional Budget Office—and would undermine states current ability to use commonsense tools that are used throughout the health care system to manage expensive mental health drugs. For example, Texas estimates the provisions federal impact from its state would be a cost of $50 million over five years and California alone estimates $250 million cost to the federal government over the five year budget window.

Tiered Co Pays for Prescription Drugs: NGA supports House provision with modification

The House provision that would allow states to use tiered co-pays to encourage use of more affordable drugs should be maintained in the final package; however, the provision that limits this flexibility and otherwise links Medicaid program administration to TRICARE-approved formularies should be dropped.

Rebates: NGA supports some Senate provisions, one with modification

The Senate provision that would increase minimum rebates on brand name drugs should be maintained in the final bill.

The Senate provision that extends rebates to managed care organizations that care for Medicaid beneficiaries should be maintained in the final bill.

Regarding the requirement in both the House and Senate bill for states to collect rebates on physician administered drugs, the provision in the House bill that provides for a hardship waiver for those states that require additional time to implement the reporting system required to collect these rebates should be maintained in the final bill.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Washington, DC, August 18, 2005.

MARGARET A. MURRAY,
Executive Director, Association for Community Affiliated Plans, Washington, DC.

DEAR MS. MURRAY. The National Association of Community Health Centers (NACHC), the national trade organization representing America's 1,100 federally qualified health centers, has reviewed your proposed initiative to provide Medicaid managed care organizations with access to the Medicaid drug rebate found in Section 1927 of the Social Security Act.

ACAP and NACHC share a very special relationship. Many of ACAP's member plans are owned and governed by community health center representatives. This unique relationship often creates a mutual policy interest and this proposal is an example of such an intersection.

Your proposal to allow Medicaid managed care organizations access to the Medicaid drug rebate makes sense given the migration of Medicaid beneficiaries from fee-for-service to managed care since 1990. Increasingly, states have not been able to take advantage of the drug rebate for those enrollees in managed care, thus driving up federal and state Medicaid costs. The savings estimated in the Lewin Group study are significant and may help to mitigate the needs for other cuts in the program. In addition, it demonstrates a proactive effort to offer solutions to improving the Medicaid program. We applaud this effort.

While we are deeply concerned that Congress may engage in budget-driven, rather than policy-driven, efforts to restrain or reduce Medicaid spending, we also recognize that—as providers to a substantial portion of the Medicaid-enrolled population—we have a responsibility to put forth viable, realistic alternatives that can help slow the growth on Medicaid spending without throwing people off the rolls, or cutting benefits or payment rates, Your proposal offers just such a common-sense solution, one that we would be pleased to support in the event that the Congress acts to constrain costs without undermining the fundamental goals of the program.

Sincerely,
DANIEL R. HAWKINS, Jr.,
Vice President for Federal, State, and Public Affairs.

ASSOCIATION FOR COMMUNITY AFFILIATED PLANS,
Washington, DC, June 5, 2007.

HON. JEFF BINGAMAN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Association of Community Affiliated Plans (ACAP), our 32 member health plans, and over four million Americans they serve, I am writing to express our gratitude and support for your legislation to extend the benefits of the Medicaid drug rebate to the Medicaid beneficiaries enrolled in Medicaid health plans.

Created by the Omnibus Budget Reconciliation Act (OBRA) of 1990, the Medicaid Drug Rebate Program requires a drug manufacturer to have a rebate agreement with the Secretary of the Department of Health and Human Services for States to receive federal funding for outpatient drugs dispensed to Medicaid patients. At the time the law was enacted, managed care organizations were excluded from access to the drug rebate program. In 1990, only 2.8 million people were enrolled in Medicaid managed care and so the savings lost by the exemption were relatively small. Today, 18 million people are enrolled in capitated managed care plans. Pharmacy costs in Medicaid Fee-for-Service settings are 18 percent higher on a per-member-per-month basis than in the managed care setting even though plans are at a disadvantage with respect to the federal rebate. With the federal rebate as an additional tool, plans could save the Medicaid program even more.

Extending the Medicaid drug rebate to Medicaid health plans has been championed by ACAP for several years as a common sense approach to reforming the Medicaid program, while ensuring that all Medicaid beneficiaries receive the care they need. The proposal to extend the drug rebate has been endorsed by the National Governors Association, the National Association of State Medicaid Directors, the National Medicaid Commission, the Medicaid Health Plans of America, the Partnership for Medicaid, and the National Association of Community Health Centers. The Congressional Budget Office and the CMS Actuary have said that this policy will save between $1.7 billion and $2.2 billion in Federal tax dollars over 5 years.

Again, thank you for your leadership to help modernize the Medicaid program in a commonsense manner by extending the savings of the drug rebate to Medicaid health plans. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,
MARGARET A. MURRAY,
Executive Director.

MEDICAID HEALTH PLANS OF AMERICA,
Washington, DC, April 7, 2005.

Margaret A. Murray,
Executive Director, Association for Community Affiliated Plans, Washington, DC.

DEAR MS. MURRAY: The Medicaid Health Plans of America (MHPOA) supports your proposed initiative to provide Medicaid managed care organizations with access to the Medicaid drug rebate found in Section 1927 of the Social Security Act. We support this effort and urge Congress to enact this common sense provision.

Medicaid Health Plans of America, formed in 1993 and incorporated in 1995, is a trade association representing health plans and other entities participating in Medicaid managed care throughout the country. It's primary focus is to provide research, advocacy, analysis, and organized forums that support the development of effective policy solutions to promote and enhance the delivery of quality healthcare. The Association initially coalesced around the issue of national health care reform, and as the policy debate changed from national health care reform to national managed care reform, the areas of focus shifted to the changes in Medicaid managed care.

Your proposal to allow Medicaid managed care organizations access to the Medicaid drug rebate makes sense given the migration of Medicaid beneficiaries from fee-for-service to managed care since 1990. Increasingly, states have not been able to take advantage of the drug rebate for those enrollees in managed care, thus driving up federal and state Medicaid costs. The savings estimated in the Lewin Group study are significant and may help to mitigate the needs for other cuts in the program. In addition, it demonstrates a proactive effort to offer solutions to improving the Medicaid program. We applaud this effort.

MHPOA is proud to support this legislative proposal and will endorse any legislation in Congress to enact this proposal.

Sincerely,
THOMAS JOHNSON,
Executive Director.

THE MEDICAID COMMISSION

(Report to the Honorable Secretary Michael O. Leavitt, Department of Health and Human Services and The United States Congress September 1, 2005)

Proposal

The Commission recommends allowing states to establish pharmaceutical prices based on the Average Manufacturer Price (AMP) rather than the published Average Wholesale Price (AWP). Additionally, reforms should be implemented to ensure that manufacturers are appropriately reporting data. Such improvements should include reforms to ensure: (1) clear guidance from CMS on manufacturer price determination methods and the definition of AMP; (2) manufacturer-reported prices are easily auditable so that systematic oversight of the price determination can be done by HHS; (3) manufacturer-reported prices and rebates are provided to states monthly rather than the current quarterly reporting; and (4) new penalties are implemented to discourage manufacturers from reporting inaccurate pricing information.

Estimated savings

$4.3 Billion over 5 years (CMS Office of the Actuary)

EXTENSION OF THE MEDICAID DRUG REBATE PROGRAM TO MEDICAID MANAGED CARE

Current law

Section 1927 of the Social Security Act, effective January 1, 1991 sets forth the requirements of the Medicaid Drug Rebate Program. In order for Federal Medicaid matching funds to be available to States for covered outpatient drugs of a manufacturer, the manufacturer must enter into and have in effect a rebate agreement with the Federal government. Without an agreement in place, States cannot generally receive Federal funding for outpatient drugs dispensed to Medicaid recipients. Rebate amounts received by states are considered a reduction

in the amount expended by States for medical assistance for purposes of Federal matching funds under the Medicaid program.

The basic rebate for brand name drugs is the greater of 15.1 percent of the Average Manufacturer Price (AMP) or AMP minus Best Price (BP). Best Price is the lowest price at which the manufacturer sells the covered outpatient drug to any purchaser, with certain statutory exceptions, in the United States in any pricing structure, in the same quarter for which the AMP is computed.

The rebate for generic drugs is 11 percent of AMP.

Under current law Medicaid states cannot collect rebates from managed care organizations in the Medicaid Drug Rebate Program.

Proposal

The Commission recommends providing Medicaid managed care health plans access to the existing pharmaceutical manufacturer rebate program currently available to other Medicaid health plans. States should have the option of collecting these rebates directly or allowing plans to access them in exchange for lower capitation payments.

Estimated savings

$2 Billion over 5 years (CMS Office of the Actuary)

CHANGE THE START DATE OF PENALTY PERIOD FOR PERSONS TRANSFERRING ASSETS FOR MEDICAID ELIGIBILITY

Current law

States determine financial eligibility for Medicaid coverage of nursing home care using a combination of state and federal statutes and regulations. Personal income and assets must be below specified levels before eligibility can be established. Personal resources are sorted into two categories: those considered countable (those that must be spent down before eligibility criteria is met) and those considered non-countable (those that applicants can keep and still meet the eligibility criteria such as real estate that is the beneficiary's primary residence). Some assets held in trust, annuities, and promissory notes are also not counted. If it is determined that the applicant has excess countable assets, these must spent before they can become eligible. Personal income is applied to the cost of care after a personal needs allowance and a community spouse allowance is deducted.

Federal law requires states to review the assets of Medicaid applicants for a period of 36 months prior to application or 60 months if a trust is involved. This period is known as the ''look back period.'' Financial eligibility screeners look for transfers from personal assets made during the look back period that appear to have been made for the purpose of obtaining Medicaid eligibility. Transfers made before the look back period are not reviewed.

Applicants are prohibited from transferring resources during the look back period for less than fair market value. Some transfers of resources are allowed, such as transfers between spouses. If a state eligibility screener finds a non-allowed transfer, current law (OBRA 1993) requires the state to impose a ''penalty period'' during which Medicaid will not pay for long-term care. The length of the penalty period is calculated by dividing the amount transferred by the monthly private pay rate of nursing homes in the state. The penalty period starts from the date of the transfer. Using the date of the transfer as the start date provides an opportunity for applicants to preserve assets because some or all of the penalty period may occur while the applicant was not paying privately for long-term care.

We oppose the Senate provision that provides for mandatory dispensing fee guidelines. States welcome more research in dispensing fees throughout the U.S. health care system. Currently, there is very little information for states to use when considering appropriate dispensing fees. New reference information would be helpful; but mandatory guidelines should not be imposed on states.

The effective date for any dispensing fee provisions should be the date 6 months after the close of the first regular state legislative session. A state may need extra time to implement a pharmacy reimbursement system to determine appropriate dispensing fees and make changes to separate out the dispensing fee from the reimbursement in their systems.

Governors should maintain flexibility to establish dispensing fees to maintain access to both pharmacies that may provide specialty services as well as those that serve beneficiaries in rural and underserved areas. Limiting such pharmacies by arbitrary federal statutory definitions or regulation will not help states to manage their pharmacy programs. New federal mandates on how to consider dispensing fees for such pharmacists are unnecessary and burdensome.

Preferred drug list restriction

NGA opposes House provision

The House provision (Sec. 3105) that would limit states' current ability to include mental health drugs on a state's preferred drug list should be dropped from the final bill. This provision would be very costly—far beyond the $120 million estimated by the Congressional Budget Office—and would undermine states current ability to use commonsense tools that are used throughout the health care system to manage expensive mental health drugs. For example, Texas estimates the provisions federal impact from its state would be a cost of $50 million over 5-years and California alone estimates $250 million cost to the federal government over the 5-year budget window.

Tiered Co-pays for prescription drugs

NGA supports House provision with modification

The House provision that would allow states to use tiered co-pays to encourage use of more affordable drugs should be maintained in the final package; however, the provision that limits this flexibility and otherwise links Medicaid program administration to TRICARE-approved formularies should be dropped.

Rebates

NGA supports some Senate provisions, one with modification

The Senate provision that would increase minimum rebates on brand name drugs should be maintained in the final bill.

The Senate provision that extends rebates to managed care organizations that care for Medicaid beneficiaries should be maintained in the final bill.

Regarding the requirement in both the House and Senate bill for states to collect rebates on physician administered drugs, the provision in the House bill that provides for a hardship waiver for those states that require additional time to implement the reporting system required to collect these rebates should be maintained in the final bill.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 1590. A bill to provide for the reintatement of a license for a certain Federal Energy Regulatory Commission project; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, my colleague from West Virginia, Senator ROCKEFELLER, and I have joined together today to introduce legislation that would allow for the construction of a hydroelectric facility near the the City of Grafton, located in north central West Virginia. A companion measure is being introduced in the U.S.I House of Representatives by Congressman ALAN MOLLOHAN. The proposed hydro facility, to be constructed on an existing dam, would supply power to Grafton and surrounding area while also providing a significant economic benefit to the city.

Our legislation, which was passed by the Senate late last year but did not clear the House of Representatives before the end of the session, would reinstate a license from the Federal Energy Regulatory Commission, FERC, for a new hydroelectric facility on the Tygart Valley River. The City of Grafton has been considering the hydroelectric facility for many years, and first received a license for the project in 1989. However, that license lapsed in 1999 without the city making progress on the effort. The Byrd-Rockefeller-Mollohan measure would reinstate the license and allow Grafton to move ahead with the 20-megawatt hydroelectric facility.

The City of Grafton is working with a private contractor to develop the hydro project. With a new FERC license, the contractor believes that the project could be in operation as early as 2008. It is expected that the new hydroelectric facility would generate about $300,000 in annual revenues for Grafton, while creating 200 construction jobs in the process.

In 1938, the Tygart dam became the first flood control project to be completed in the Pittsburgh District of the Army Corps of Engineers under the Rivers and Harbors Act of 1935. It remains one of the most expensive and extensive construction projects in the history of West Virginia. I recognize that the hydroelectric project has been delayed numerous times, but the Congressional Budget Office found that implementing the project will pose zero negative impact to the Federal budget. In fact, it will generate roughly $200,000 in annual licensing fees for the U.S. Treasury. Approval of our legislation will yield a return on this previous significant investment by the American taxpayer by leveraging new value out of old infrastructure.

Clean, hydroelectric power generation from an expensive dam previously used only for flood control, at no cost to the Federal Government, is the type of cost-effective, progressive action that we should facilitate and applaud at every chance. It is the right thing to do for the communities and public utilities in the rural Appalachian counties where the existing dam and lake are located. It is the right thing to do for the West Virginians all along the Tygart and Monongahela Rivers. And it is the right thing to do for the taxpaying citizens of this Nation. I respectfully request that my colleagues support our

legislation, the bill that makes these positive results possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 230—DESIGNATING THE MONTH OF JULY 2007, AS ''NATIONAL TEEN SAFE DRIVER MONTH''

Mr. ISAKSON submitted the following resolution; which was referred to the Committee on the Judiciary:

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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1500. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1501. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1502. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1503. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1504. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1500. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, strike line 24 and insert the following:

''under subsection (a)(1).

''(g) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

''(1) ENERGY AND WATER EVALUATIONS.—Not later than 1 year after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency shall complete a comprehensive energy and water evaluation for—

''(A) each building and other facility of the Federal agency that is larger than a minimum size established by the Secretary; and

''(B) any other building or other facility of the Federal agency that meets any other criteria established by the Secretary.

''(2) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency—

''(i) shall fully implement each energy and water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has a 15-year simple payback period; and

''(ii) may implement any energy or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has longer than a 15-year simple payback period.

''(B) PAYBACK PERIOD.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), a measure shall be considered to have a 15-year simple payback if the quotient obtained under clause (ii) is less than or equal to 15.

''(ii) QUOTIENT.—The quotient for a measure shall be obtained by dividing—

''(I) the estimated initial implementation cost of the measure (other than financing costs); by

''(II) the annual cost savings from the measure.

''(C) COST SAVINGS.—For the purpose of subparagraph (B), cost savings shall include net savings in estimated—

''(i) energy and water costs;

''(ii) operations, maintenance, repair, replacement, and other direct costs; and

''(iii) external environmental, health, security, and other costs based on a cost adder, as determined in accordance with the guidelines issued by the Secretary under paragraph (4).

''(D) EXCEPTIONS.—The Secretary may modify or make exceptions to the calculation of a 15-year simple payback under this paragraph in the guidelines issued by the Secretary under paragraph (4).

''(3) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (2), each Federal agency shall carry out—

''(A) commissioning;

''(B) operations, maintenance, and repair; and

''(C) measurement and verification of energy and water savings.

''(4) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraph (1) not later than 90 days after the date of enactment of this subsection; and

''(ii) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection.

''(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (8).

''(5) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each building and other facility that meets the criteria established by the Secretary under paragraph (1), each Federal agency shall use a web-based tracking system to certify compliance with the requirements for—

''(i) energy and water evaluations under paragraph (1);

''(ii) implementation of identified energy and water measures under paragraph (2); and

''(iii) follow-up on implemented measures under paragraph (3).

''(B) DEPLOYMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall deploy the web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(i) the covered buildings and other facilities;

''(ii) the status of evaluations;

''(iii) the identified measures, with estimated costs and savings;

''(iv) the status of implementing the measures;

''(v) the measured savings; and

''(vi) the persistence of savings.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific buildings from disclosure under clause (i) for national security purposes.

''(6) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—Each Federal agency shall enter energy use data for each building and other facility of the Federal agency into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

''(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

''(ii) issue guidance for use of the system.

''(7) FEDERAL AGENCY SCORECARDS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue quarterly scorecards for energy management activities carried out by each Federal agency that includes—

''(i) summaries of the status of—

''(I) energy and water evaluations under paragraph (1);

''(II) implementation of identified energy and water measures under paragraph (2); and

''(III) follow-up on implemented measures under paragraph (3); and

''(ii) any other means of measuring performance that the Director considers appropriate.

''(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(8) FUNDING.—

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

''(B) FUNDING OPTIONS.—

''(i) IN GENERAL.—To carry out paragraphs (1) through (3), a Federal agency may use any combination of—

''(I) appropriated funds made available under subparagraph (A); and

''(II) private financing, including financing available through energy savings performance contracts or utility energy savings contracts.

''(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection, with proportional allocation for any energy and water savings.

''(iii) LACK OF APPROPRIATED FUNDS.—Since measures may be carried out using private financing described in clause (i), a lack of available appropriations shall not be considered a sufficient reason for the failure of a Federal agency to comply with paragraphs (1) through (3).''.

SA 1501. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 146, strike line 22 and all that follows through page 151, line 14, and insert the following:

SEC. 263. ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (D), by inserting ''beginning on the date of the delivery order'' after ''25 years''; and

(B) by adding at the end the following:

''(E) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

''(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

''(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

''(F) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

''(i) IN GENERAL.—The evaluations and savings measurement and verification required under paragraphs (1) and (3) of section 543(f) shall be used by a Federal agency to meet the requirements for—

''(I) in the case of energy savings performance contracts, the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section; and

''(II) in the case of utility energy service contracts, needs that are similar to the purposes described in subclause (I).

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 180 days after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.''; and

(2) by striking subsection (c).

SA 1502. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

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 produced through the conversion of organic matter from renewable biomass; and

(vi) butanol or higher alcohols produced through the conversion of organic matter from renewable 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) biomass (as defined by section 210 of the Energy Policy Act of 2005 (42 U.S.C. 15855)) (excluding the bole of old-growth trees of a forest from the late successional state of forest development) that is harvested where permitted by law and in accordance with applicable land management plans from—

(i) National Forest System land; or

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); 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, boiler 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, boiler, 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, home heating oil, and boiler fuel 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 built 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
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 90 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.

(4) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1)(B) that railroad transportation of domestically-produced renewable fuel is inadequate, based on either the service provided by, or the price of, the railroad transportation, the President shall submit to Congress a report that describes—

(A) the actions the Federal Government is taking, or will take, to address the inadequacy, including a description of the specific powers of the applicable Federal agencies; and

(B) if the President finds that there are inadequate Federal powers to address the railroad service or pricing inadequacies, recommendations for legislation to provide appropriate powers to Federal agencies to address the inadequacies.

(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) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2008.

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).

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.

(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.

(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.—Within 180 days following the date of enactment of this Act, the President shall promulgate regulations to ensure that only biodiesel that is tested and certified to comply with the American Society for Testing and Materials (ASTM) 6751 standard is introduced into interstate commerce.

(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.

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 THE ADEQUACY OF RAILROAD TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the adequacy of railroad transportation of domestically-produced renewable fuel.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) the adequacy of, and appropriate location for, tracks that have sufficient capacity, and are in the appropriate condition, to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B) the adequacy of the supply of railroad tank cars, locomotives, and rail crews to move the necessary quantities of domestically-produced renewable fuel in a timely fashion;

(C)(i) the projected costs of moving the domestically-produced renewable fuel using railroad transportation; and

(ii) the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(D) whether there is adequate railroad competition to ensure—

(i) a fair price for the railroad transportation of domestically-produced renewable fuel; and

(ii) acceptable levels of service for railroad transportation of domestically-produced renewable fuel;

(E) any rail infrastructure capital costs that the railroads indicate should be paid by the producers or distributors of domestically-produced renewable fuel;

(F) whether Federal agencies have adequate legal authority to ensure a fair and reasonable transportation price and acceptable levels of service in cases in which the domestically-produced renewable fuel source does not have access to competitive rail service;

(G) whether Federal agencies have adequate legal authority to address railroad service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States; and

(H) any recommendations for any additional legal authorities for Federal agencies to ensure the reliable railroad 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 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 conducted under subsection (a).

SEC. 150. 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.

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) 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).

(i) 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 prescribe a minimum level of energy efficiency or a maximum quantity of energy use and, in the case of a showerhead, faucet, water closet, urinal, clothes washer, and dishwasher, water use, for a covered product, determined in accordance with test procedures prescribed under section 323.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, as part of a consensus agreement under section 325(hh); and

''(ii) any other requirements that the Secretary may prescribe under subsections (o) and (r) of section 325.

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product.''.

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.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

''(hh) EXPEDITED RULEMAKING FOR CONSENSUS STANDARDS.—

''(1) IN GENERAL.—The Secretary shall conduct an expedited rulemaking based on an energy conservation standard or test procedure recommended by interested persons, if—

''(A) the interested persons (demonstrating significant and broad support from manufacturers of a covered product, States, utilities, and environmental, energy efficiency, and consumer advocates) submit a joint comment or petition recommending a consensus energy conservation standard or test procedure; and

''(B) the Secretary determines that the joint comment or petition includes evidence that (assuming no other evidence were considered) provides an adequate basis for determining that the proposed consensus energy conservation standard or test procedure proposed in the joint comment or petition complies with the provisions and criteria of this Act (including subsection (o)) that apply to the type or class of covered products covered by the joint comment or petition.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Notwithstanding subsection (p) or section 336(a), if the Secretary receives a joint comment or petition that meets the criteria described in paragraph (1), the Secretary shall conduct an expedited rulemaking with respect to the standard or test procedure proposed in the joint comment or petition in accordance with this paragraph.

''(B) ADVANCED NOTICE OF PROPOSED RULEMAKING.—If no advanced notice of proposed rulemaking has been issued under subsection (p)(1) with respect to the rulemaking covered by the joint comment or petition, the requirements of subsection (p) with respect to the issuance of an advanced notice of proposed rulemaking shall not apply.

''(C) PUBLICATION OF DETERMINATION.—Not later than 60 days after receipt of a joint comment or petition described in paragraph (1)(A), the Secretary shall publish a description of a determination as to whether the proposed standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1).

''(D) PROPOSED RULE.—

''(i) PUBLICATION.—If the Secretary determines that the proposed consensus standard or test procedure covered by the joint comment or petition meets the criteria described in paragraph (1), not later than 30 days after the determination, the Secretary shall publish a proposed rule proposing the consensus standard or test procedure covered by the joint comment or petition.

''(ii) PUBLIC COMMENT PERIOD.—Notwithstanding paragraphs (2) and (3) of subsection (p), the public comment period for the proposed rule shall be the 30–day period beginning on the date of the publication of the proposed rule in the Federal Register.

''(iii) PUBLIC HEARING.—Notwithstanding section 336(a), the Secretary may waive the holding of a public hearing with respect to the proposed rule.

''(E) FINAL RULE.—Notwithstanding subsection (p)(4), the Secretary—

''(i) may publish a final rule at any time after the 60-day period beginning on the date of publication of the proposed rule in the Federal Register; and

''(ii) shall publish a final rule not later than 120 days after the date of publication of the proposed rule in the Federal Register.''.

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 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

''(m) FURTHER RULEMAKING.—

''(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 be amended based on the criteria described 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.

''(4) APPLICATION OF AMENDMENT.—An amendment prescribed under this subsection shall apply to a product manufactured after a date that is 5 years after—

''(A) the effective date of the previous amendment made pursuant to this part; or

''(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years after publication of the final rule establishing a standard.''.

(c) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking paragraph (6) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) 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, packaged terminal central and commercial 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.

''(B) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(i) IN GENERAL.—Except as provided in clause (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 subparagraph (A), the Secretary shall establish an amended uniform national standard for the product at the minimum level for the applicable effective date specified in the amended ASHRAE/IES Standard 90.1.

''(ii) MORE STRINGENT STANDARD.—Clause (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.

''(C) RULE.—If the Secretary makes a determination described in subparagraph (B)(ii) for a product described in subparagraph (A), 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) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—After issuance of the most recent final rule for a product under this subsection, 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, the Secretary shall publish a final rule to determine whether standards for the product should be amended based on the criteria described in subparagraph (A).

''(ii) 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.

''(iii) FINAL RULE.—Not later than 3 years after a positive determination under clause (i), the Secretary shall publish a final rule amending the standard for the product.''.

(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 PRODUCTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act or not later than 18 months after test procedures have been developed for a consumer electronics product category described in subsection (b), whichever is later, the Federal Trade Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency shall promulgate regulations, in accordance with the Energy Star program and in a manner that minimizes, to the maximum extent practicable, duplication with respect to the requirements of that program and other national and international energy labeling programs, to add the consumer electronics product categories described in subsection (b) to the Energy Guide labeling program of the Commission.

(b) CONSUMER ELECTRONICS PRODUCT CATEGORIES.—The consumer electronics product categories referred to in subsection (a) are the following:

(1) Televisions.

(2) Personal computers.

(3) Cable or satellite set-top boxes.

(4) Stand-alone digital video recorder boxes.

(5) Computer monitors.

(c) LABEL PLACEMENT.—The regulations shall include specific requirements for each product on the placement of Energy Guide labels.

(d) DEADLINE FOR LABELING.—Not later than 1 year after the date of promulgation of regulations under subsection (a), the Commission shall require labeling electronic products described in subsection (b) in accordance with this section (including the regulations).

(e) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may add additional product categories to the Energy Guide labeling program if the product categories include products, as determined by the Commission—

(1) that have an annual energy use in excess of 100 kilowatt hours per year; and

(2) for which there is a significant difference in energy use between the most and least efficient products.

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(13)) 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, 2012.—Not later than January 1, 2012, 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, 2012, 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 transportation technology 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 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.

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) electrolytes, including bioelectrolytes;

(iv) surface and interface dynamics; and

(v) modeling and simulation.

(B) NANOSCIENCE CENTERS.—The Secretary shall ensure that the nanoscience centers of the Department—

(i) support research in the areas described in subparagraph (A), as part of the mission of the centers; and

(ii) coordinate activities of the centers with activities of the Council.

(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;

(D) compressed air energy systems;

(E) power conditioning electronics; and

(F) manufacturing technologies for energy storage systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, 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 and the Under Secretary of Energy 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))).

(G) INTELLECTUAL PROPERTY.—A participant shall be provided appropriate intellectual property rights commensurate with the nature of the participation agreement of the participant.

(7) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 5 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 making the United States globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(8) 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) DEFINITION OF ELECTRIC DRIVE VEHICLE.—In this subsection, the term ''electric drive vehicle'' means a precommercial vehicle that—

(A) draws motive power from a battery with at least 4 kilowatt-hours of electricity;

(B) can be recharged from an external source of electricity for motive power; and

(C) 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 electric drive vehicles.

(3) ELIGIBILITY.—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.

(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 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 OIL SAVING TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED TRANSPORTATION PROJECT.—In this subsection, the term ''qualified transportation project'' means—

(A) a project that simultaneously reduces emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies used in nonroad vehicles; and

(B) an electrification project involving onroad commercial trucks, rail transportation, or ships, and any associated infrastructure (including any panel upgrades, battery chargers, trenching, and alternative fuel infrastructure).

(2) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall establish a program to provide grants to eligible entities for the conduct of qualified transportation projects.

(3) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(4) 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.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry this subsection $90,000,000 for each of fiscal years 2008 through 2013.

Subtitle D—Setting Energy Efficiency Goals

SEC. 251. NATIONAL GOALS FOR ENERGY SAVINGS IN TRANSPORTATION.

(a) GOALS.—The goals of the United States are to reduce gasoline usage in the United States from the levels projected under subsection (b) by—

(1) 20 percent by calendar year 2017;

(2) 35 percent by calendar year 2025; and

(3) 45 percent by calendar year 2030.

(b) MEASUREMENT.—For purposes of subsection (a), reduction in gasoline usage shall be measured from the estimates for each year in subsection (a) contained in the reference case in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2007''.

(c) 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 reduction in gasoline usage established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public comment.

(d) 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.

(e) 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) to the maximum extent practicable, verify energy savings resulting from the policies.

(f) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (c) and each updated plan.

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 on-site 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.

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.

''(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 from a public utility service 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, and if 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.

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 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;

''(2) to reduce the total energy use of the States 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 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) 70 percent to eligible units of local government; and

''(ii) 30 percent to States.

''(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.

''(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) or (C)(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) or (C)(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, 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 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, 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. WORKFORCE TRAINING.

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) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the energy efficiency and renewable energy industries.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with representatives of the energy efficiency and renewable energy industries concerning skills that are needed in those industries.''.

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.

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 of carbon dioxide;

''(ii) development of new or improved technologies that reduce the cost and increase the efficacy of the 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; and

''(v) research and development of new and improved technologies for carbon use, including recycling and reuse of carbon dioxide.

''(2) CARBON CAPTURE DEMONSTRATION PROJECT.—

''(A) IN GENERAL.—The Secretary shall carry out a demonstration of large-scale carbon dioxide capture from an appropriate gasification facility selected by the Secretary.

''(B) LINK TO STORAGE ACTIVITIES.—The Secretary may require the use of carbon dioxide from the project carried out under subparagraph (A) in a field testing validation activity under this section.

''(3) 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; and

''(vi) deep geologic systems containing basalt formations.

''(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.

''(4) LARGE-SCALE TESTING AND DEPLOYMENT.—

''(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-volume sequestration tests for geological containment of carbon dioxide (at least 1 of which shall be international in scope) to 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.

''(5) 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.

''(6) 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).

''(7) 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 Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy in April 2006.

(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 shall incorporate the results of the assessment using the NatCarb database, to the maximum extent practicable.

(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); or

(F) manufacture transportation fuels from coal.

(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 carries out the large-scale capture (including purification and compression) of carbon dioxide, as well as the cost of transportation and injection of carbon dioxide.

(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 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.

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 TECHNOLOGY ACCELERATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants in order to achieve the goals identified in subsection (c)(2)(A); and

(C) establish methods to track the success of departments and agencies with respect to the goals identified in subsection (c)(2)(A).

(b) ACCELERATED USE OF COST-EFFECTIVE LIGHTING TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this subsection, 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 in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) identify, in consultation with the Environmental Protection Agency, cost-effective lighting technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 180 days after the date of enactment of this Act, the Administrator shall establish a cost-effective lighting technology acceleration program to achieve maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies in each GSA facility using available appropriations.

(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 technologies with more cost-effective lighting 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 technologies with more cost-effective lighting technologies by not later than the date that is 5 years after the date of enactment of this Act.

(c) GSA FACILITY COST-EFFECTIVE 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 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) 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;

(B) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in subparagraph (A);

(C) describes the status of the implementation of cost-effective 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 process all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies and practices;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective 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 practices; and

(ii) identifying short- and long-term cost savings that accrue from cost-effective technologies and practices;

(G) 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).

(d) 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, 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 by not later than the date that is 5 years after the date of installation.

(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) 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 life-cycle 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 non-governmental 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 decisionmaking; 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 a manufacturer 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 at least 4 percent greater than the average fuel economy standard required to be attained for the fleet in the previous model year (rounded to the nearest $\frac{1}{10}$ mile per gallon).

''(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, and based on the results of that study, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program and, as appropriate, shall adopt test methods, measurement metrics, fuel efficiency 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 a commercial on-highway vehicle with a gross vehicle weight rating of more than 10,000 pounds.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles under this section includes the authority—

''(A) to prescribe standards based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) to 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.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(A) may prescribe a standard higher than that required under subsection (b); or

''(B) 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.

''(2) REQUIREMENTS FOR LOWER STANDARD.—Before adopting an average fuel economy standard for automobiles for a model year during model years 2021 through 2030 that is lower than the standard required by subsection (b), the Secretary of Transportation shall do the following:

''(A) NOTICE OF PROPOSED RULE.—At least 30 months before the model year for which the standard is to apply, the Secretary shall post a notice of proposed rulemaking for the proposed standard. The notice shall include a detailed analysis of the basis for the Secretary's determination under paragraph (1)(B).

''(B) FINAL RULE.—At least 18 months before the model year for which the standard is to apply, the Secretary shall promulgate a final rule establishing the standard.

''(C) REPORT.—The Secretary shall submit a report to Congress that outlines the steps that need to be taken to avoid further reductions in average fuel economy standards.

''(3) MAXIMUM FEASIBLE STANDARD.—An average fuel economy standard prescribed for automobiles under paragraph (1) shall be the maximum feasible standard.''.

(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) 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 and aggressivity reduction standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility and aggressivity. 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 and aggressivity reduction standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive 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. ENSURING AVAILABILITY OF FLEXIBLE FUEL AUTOMOBILES.

(a) AMENDMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

''§ 32902A. Requirement to manufacture flexible fuel automobiles

''(a) IN GENERAL.—For each model year, each manufacturer of new automobiles described in subsection (b) shall ensure that the percentage of such automobiles manufactured in a particular model year that are flexible fuel vehicles shall be not less than the percentage set forth for that model year in the following table:

2012	50 percent
2013	60 percent
2014	70 percent
2015	80 percent

''(b) AUTOMOBILES TO WHICH SECTION APPLIES..—An automobile is described in this subsection if it—

''(1) is capable of operating on gasoline or diesel fuel;

''(2) is distributed in interstate commerce for sale in the United States; and

''(3) does not contain certain engines that the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, may temporarily exclude from the definition because it is technologically infeasible for the engines to have flexible fuel capability at any time during a period that the Secretaries and the Administrator are engaged in an active research program with the vehicle manufacturers to develop that capability for the engines.''.

(2) DEFINITION OF FLEXIBLE FUEL AUTOMOBILE.—Section 32901(a) of title 49, United

States Code, is amended by inserting after paragraph (8), the following:

''(8A) 'flexible fuel automobile' means an automobile described in paragraph (8)(A).''.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''Sec. 32902A. Requirement to manufacture flexible fuel automobiles''.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out the amendments made by subsection (a).

(2) HARDSHIP EXEMPTION.—The regulations issued pursuant to paragraph (1) shall include a process by which a manufacturer may be exempted from the requirement under section 32902A(a) upon demonstrating that such requirement would create a substantial economic hardship for the manufacturer.

SEC. 512. 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. 513. 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. 514. 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. 515. 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;

(ii) portable radio communications devices, including devices used by public safety personnel; and

(iii) 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. 516. 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. 517. 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 518(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 518. 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. 519. 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. 520. 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).

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.

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. 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.

SA 1503. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 269. GREEN BUILDING STANDARDS FOR FEDERAL BUILDINGS.

(a) DEFINITION OF LEED SILVER STANDARD.—In this section, the term ''LEED silver standard'' means the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council.

(b) GREEN BUILDING STANDARDS FOR FEDERAL BUILDINGS.—

(1) REQUIREMENT.—Except as provided in paragraph (2), a Federal building for which the design phase for construction or major renovation is begun after the date of enactment of this Act shall be designed, constructed, and certified to meet, at a minimum, the LEED silver standard.

(2) DETERMINATION OF IMPRACTICABILITY.—

(A) IN GENERAL.—Subject to subparagraph (C)(ii), the requirement under paragraph (1) shall not apply to a Federal building if the head of the Federal agency with jurisdiction over the Federal building, in accordance with the factors described in subparagraph (B), determines that compliance with the requirement under paragraph (1) would be impracticable.

(B) FACTORS FOR DETERMINATION.—In determining whether compliance with the requirement under paragraph (1) would be impracticable, the head of the Federal agency with jurisdiction over the Federal building shall determine—

(i) the quantity of energy required by each activity carried out in the Federal building; and

(ii) whether the Federal building is used to carry out an activity relating to national security.

(C) REPORT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and submit to the Secretary a report that includes a description of each Federal building for which the head of the Agency with jurisdiction over the Federal building determined that compliance with the requirement under paragraph (1) would be impracticable.

(ii) REVIEW BY SECRETARY.—Not later than 90 days after the date on which the Secretary receives a report from a head of a Federal agency under clause (i), the Secretary shall review the report and notify the head of the Federal agency on whether any Federal building described in the report submitted by the head of the Federal agency shall be required to comply with the requirement under paragraph (1).

(D) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out this paragraph.

(3) STUDY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress the results of a study comparing—

(i) the expected energy savings resulting from the implementation of this section; with

(ii) energy savings under all other Federal energy savings requirements.

(B) INCLUSION.—The Secretary shall include in the report any recommendations for changes to Federal law necessary to reduce or eliminate duplicative or inconsistent Federal energy savings requirements.

SA 1504. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TELECOMMUTING TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. TELECOMMUTING CREDIT.

''(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the amount of the telecommuting credit determined under this section for the taxable year shall be equal to 40 percent of the qualified first-year wages for such year.

''(b) QUALIFIED FIRST-YEAR WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

''(2) QUALIFIED WAGES.—The term 'qualified wages' means the wages paid or incurred by the employer during the taxable year to qualified telecommuters.

''(3) ONLY FIRST $6,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—The amount of the qualified first-year wages which may be taken into account with respect to any individual shall not exceed $6,000 per year.

''(c) QUALIFIED TELECOMMUTER.—For purposes of this section, the term 'qualified telecommuter' means any individual who renders not less than 40 percent of the service described in subsection (b)(1) from the individual's principal residence.

''(d) WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

''(2) ON-THE-JOB TRAINING AND WORK SUPPLEMENTATION PAYMENTS.—

''(A) EXCLUSION FOR EMPLOYERS RECEIVING ON-THE-JOB TRAINING PAYMENTS.—The term 'wages' shall not include any amounts paid or incurred by an employer for any period to any individual for whom the employer receives federally funded payments for on-the-job training of such individual for such period.

''(B) REDUCTION FOR WORK SUPPLEMENTATION PAYMENTS TO EMPLOYERS.—The amount of wages which would (but for this subparagraph) be qualified wages under this section for an employer with respect to an individual for a taxable year shall be reduced by an amount equal to the amount of the payments made to such employer (however utilized by such employer) with respect to such individual for such taxable year under a program established under section 482(e) of the Social Security Act.

''(e) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 52 and subsections (f), (g), (i), (j), and (k) of section 51 shall apply.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the telecommuting credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45O. Telecommuting credit.''.

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

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''The Impact of Rising Gas Prices on America's Small Businesses,'' on Thursday, June 14, 2007, at 9:30 a.m. in room 428A of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Allyson Anderson, a AAAS fellow, and Paul Augustine, an EPA detailee, with my staff on the Energy and Natural Resources Committee, be granted the privilege of the floor for the remainder of the debate on this Energy bill.

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

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that Benjamin Robinson, Kristen Meierhoff, and Matthew Zedler, who are interns with my staff on the Energy and Natural Resources Committee, also be granted the privilege of the floor for the remainder of the debate on the Energy bill.

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

30TH ANNIVERSARY OF ASEAN-UNITED STATES DIALOGUE AND RELATIONSHIP

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 177, S. Res. 110.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 110) expressing the sense of the Senate regarding the 30th Anniversary of the ASEAN-United States dialogue and relationship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. 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 any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 110

Whereas the Association of Southeast Asian Nations (referred to in this resolution as ''ASEAN''), was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore, and Thailand as the initial members;

Whereas the membership of ASEAN has expanded to 10 countries since its establishment in 1967, and now includes Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam;

Whereas the United States-ASEAN dialogue and relationship began in 1977;

Whereas the countries of ASEAN constitute the 3rd largest export market for the United States, have received approximately $90,000,000,000 in direct investment from the United States, and are developing an integrated free trade area;

Whereas trade between the United States and the countries of ASEAN totals nearly $170,000,000,000 annually;

Whereas ASEAN is committed to accelerated economic growth, social progress, cultural development, and regional peace and stability;

Whereas ASEAN is committed to developing a regional energy security strategy;

Whereas nearly 40,000 students from ASEAN countries are studying in the United States;

Whereas ASEAN countries share common concerns with the United States, including the spread of avian influenza and other diseases, and environmental issues, such as the preservation of biodiversity and illegal logging;

Whereas ASEAN countries continue to partner with the United States against global terrorism;

Whereas the Senate passed legislation authorizing the establishment of the position of United States Ambassador for ASEAN Affairs; and

Whereas United States officials announced in August of 2006 that an Ambassador for ASEAN Affairs will be appointed: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States and the ASEAN countries should continue implementing the ASEAN-United States Enhanced Partnership, with emphasis on the agreed upon specific priority measures for cooperation in 2007;

(B) the United States should proceed with appointing a United States Ambassador for ASEAN Affairs;

(C) the United States should work with the countries of ASEAN in developing a regional energy strategy;

(D) the United States should provide greater emphasis and support toward encouraging students from ASEAN countries to study in the United States, and American students to study in ASEAN countries; and

(E) the United States should continue to support the work of multilateral financial institutions, including the Asian Development Bank and the World Bank in ASEAN countries, and to encourage additional transparency and anticorruption efforts by those institutions, for the benefit of the ASEAN countries where they operate;

(2) the Senate welcomes the initiation of a Fulbright Program for ASEAN scholars; and

(3) the Senate welcomes and encourages planning by the countries of ASEAN and the United States for an ASEAN-United States Summit in 2007.

MEMORIALIZING FALLEN FIREFIGHTERS

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. Res. 171.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 171) memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. 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 any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 171) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 171

Whereas 1,100,000 men and women comprise the fire service in the United States;

Whereas the fire service is considered one of the most dangerous professions in the United States;

Whereas fire service personnel selflessly respond to over 22,500,000 emergency calls annually, without reservation and with an unwavering commitment to the safety of their fellow citizens;

Whereas fire service personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident; and

Whereas approximately 100 fire service personnel die annually in the line of duty: Now, therefore, be it

Resolved, That this year, the United States flags on all Federal facilities should be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

ORDERS FOR TUESDAY, JUNE 12, 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, June 12; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half under the control of the Republicans and the second half under the control of the majority; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 6; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences; that all time during morning business and the adjournment or recess count postcloture; that at 2:15 p.m. Tuesday, the motion to proceed be agreed to and the motion to reconsider be laid upon the table and the Senate then proceed to H.R. 6.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, June 12, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 2007:

DEPARTMENT OF TRANSPORTATION

THOMAS J. BARRETT, OF ALASKA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE MARIA CINO, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LYN D. SHERLOCK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

To be major general

BRIG. GEN. GARBETH S. GRAHAM, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JIMMIE J. WELLS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EMERSON N. GARDNER, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHRISTINE M. BRUZEK-KOHLER, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 11, 2007 withdrawing from further Senate consideration the following nomination:

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.