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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable BARACK OBAMA, a Senator from the State of Illinois.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain, Pastor Linda Arey, New Harvest Church, Waynesboro, VA.

The guest Chaplain offered the following prayer:

Let us pray.

Father God, we acknowledge You as the Ruler of all nations and we pray for peace and justice in our world.

We pray First Timothy 2:1–4:

I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings; and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God our Savior, who will have all men to be saved and to come unto the knowledge of the truth.

Father, I pray for our President and First Lady. Bless them this day and give them the wisdom to do all that is set before them.

I pray for the Senate, to have Your wisdom to accomplish all that is set before them. Bless them for their commitment to serve the people of our Nation and to carry out their duties.

Father, in Jesus' name I call this United States of America blessed. In Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARACK OBAMA 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 21, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

PRESIDENTIAL VETOES

Mr. REID. Mr. President, Senator ENSIGN and I hold, every Thursday, in a room right off the Chamber, in the Johnson Room, the LBJ Room, a breakfast where we have Nevadans come and visit with us.

Today it was a larger crowd than we usually have because school is out. Even if it were not a larger crowd, there were a lot more kids there.

One of the young people who was there is Anna Ressell. Anna is from Sparks, NV. She came to see me the day before yesterday with some other Nevada girls because she is a diabetic. She was there today with all of her family—a wonderful child. She is 13 years old.

During her lifetime, this young lady has had 20,000 finger pokes, 35,000 injections. She is a diabetic, I repeat. Think about that. When we go to the doctor and they draw blood or give you a shot, we always wince because it hurts. We try to have a backbone of steel, but it hurts. This young lady has had 20,000 finger pokes to determine what her blood sugar levels are and 35,000 injections.

That is why it is so sad, when we see this young girl with her family, that that hope has been taken away. She came here with these other girls to talk about the need for stem cell research.

The President, yesterday, in his message to the Senate, snuffed out hope for tens of thousands of people in Nevada, people such as Anna and many others suffering from Parkinson's, Alzheimer's, spinal cord injuries—millions of Americans. Their hope was snuffed out with the President vetoing this bill. It is too bad.

I also think it is so important that I mention to everyone, as I said on the floor—I get up every morning and do my exercises and listen to public radio. I get the news at the top of the hour and the middle of the hour. I try to be up to date on what is going on in the world today that is not in the morning newspaper.

It was not on the morning news this morning, the tragic, sad news from Iraq, that 14 more of our soldiers were killed in the last 36 hours—14. I don't know if any are from Nevada.

Meanwhile, we see further evidence that the Iraqi leaders are frozen in an increasingly dangerous stalemate. The Vice President resigned. The fact is, our troops are caught in the middle of this civil war in faraway Iraq, trying to give Iraqi leaders the space and security to bring their country together. We have 160,000 to 180,000 troops there now, protecting the Shias, protecting the Sunnis, protecting the Kurds. They are all after our soldiers.

Unfortunately, Iraq's leaders continue to drag their feet, while our

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

troops are getting killed; 14 more brave American soldiers.

But the problems aren't just in Iraq. The Middle East is engulfed in civil war in Lebanon, civil war in Iraq, civil war among the Palestinians. The Israelis do not know where to turn. Iran is thumbing its nose at us.

That is why we have fought so hard, as Democrats, and will continue to fight, to change the course in Iraq. We need a new mission, one that is aligned with our strategic interests. We need to begin redeploying our troops from Iraq so we can reduce our large combat footprint and extricate forces from this Civil War.

We need more than two Republicans to help us. We have had two, and I so appreciate that. They made it so we were able to pass a bill, send it to the President, and he vetoed it. We need more.

I have signaled to my colleagues that the Defense authorization bill will be coming up shortly. We intend to wage our battle on Iraq, changing the course of the war in Iraq.

SCHEDULE

Mr. REID. This morning, under an order entered yesterday, the Senate will resume the energy legislation. We will have 70 minutes of debate on the matter of the Kyl amendment, which is No. 1733, and a motion to invoke cloture on the Baucus-Grassley energy tax amendment, with that time equally divided and controlled. Once the time is used or yielded back, the Senate will conduct two rollcall votes: The first vote will be in relation to the Kyl amendment, followed by cloture on the Baucus-Grassley amendment. As Members are aware, if cloture is invoked on the Baucus amendment, then postcloture time runs and the second-degree amendments which have been timely filed and are germane postcloture are in order. The filing deadline for germane second-degree amendments is 11 a.m. this morning, 20 minutes from now.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

ORDER OF BUSINESS

Mr. KYL. Mr. President, to advise those on the other side how Senator DOMENICI and I intend to divide our time, I have 15 minutes. I think what I will do is take 5 minutes right now and then defer to Senator DOMENICI for his 20 minutes. Then I will conclude. Of course, the majority will be fitting their time in there as well. That is what we intend to do.

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

The ACTING PRESIDENT pro tempore. Will the Senator suspend to allow the Senate to report pending business.

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

The assistant legislative 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.

Pending:

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

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

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

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

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

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

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

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

Kyl-Lott modified amendment No. 1733 (to amendment No. 1704), to provide a condition precedent for the effective date of the revenue raisers.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 70 minutes of debate equally divided prior to a vote in relation to amendment No. 1733, offered by the Senator from Arizona, Mr. KYL, and the motion to invoke cloture on amendment No. 1704, offered by the Senator from Montana, Mr. BAUCUS.

The Senator from Arizona is recognized.

AMENDMENT NO. 1733

Mr. KYL. Mr. President, resuming debate on the amendment which I offered, the amendment is very straightforward. It simply says that notwithstanding the tax increases, $28.6 billion in tax increases in the amendment pending on the floor, they shall not take effect unless the Secretary of Energy certifies that those tax increases will not increase retail gasoline prices or the reliance of the United States on foreign sources of energy.

The point of the amendment is to make it clear that sometimes tax increases on business can be passed on to consumers. If that happens in this case, we are going to see higher gasoline prices at the pump, not lower prices. One of the concerns many of us have with the underlying bill is it doesn't produce any new energy. Yet it spends $28.5 billion. To make up for that spending, it taxes an additional $28.6 billion.

Somebody has to end up paying that tax. Most people in America know that when you put a tax on a business, that gets passed on to the consumers who buy the product—in this case, gasoline. So instead of reducing gasoline prices, this bill, if the underlying amendment passes, is going to add to the cost of gasoline.

Yesterday I mentioned a Heritage Foundation study that confirmed that what I was saying was not simply my opinion but the facts as a result of a study that the Heritage Foundation had done. I would like to expand on that a little bit because we actually have the figures for two States, the State of the chairman of the committee, Montana, and my State of Arizona, to illustrate the point.

The study projects that gas prices in Montana, for example, in May averaged at $3.17 per gallon. They would be $3.48 per gallon next year as a result of the Energy bill before the Senate. A Montana taxpayer would see spending on gasoline increase by $1,632.95 next year, as a result of the bill.

In Arizona, we are paying about $3.09 per gallon. That would go up to $3.40 next year as a result of this bill, so Arizona taxpayers will see spending on gasoline increase by $1,140.51 next year as a result of this Energy bill. That is a huge increase in consumers' payment for gasoline. When we realize that for many people driving is not a luxury, it is a requirement—to get to work or perform work—it is clear we are costing the American consumer a huge amount of money that is important for our economy and for them to make a living. That is an unintended consequence of the tax increases embodied in this bill but real nevertheless.

What we are saying is, if that is the result of tax increases, then those tax increases would not go into effect. I think that is an important principle for us to establish.

I would like to respond to a couple of points made by opponents of my amendment. The chairman of the Finance Committee argued the tax increases in the underlying bill are simply loophole closers, but that is not true. The largest tax increase in the bill is a brandnew tax. It is not a loophole closer, it is a new 13-percent tax on new oil production in the Gulf of Mexico. How is that going to help bring down gasoline prices? I suggest it is not. It will help to raise prices.

The second largest tax increase in the bill raises the corporate tax rate. That is not a loophole closer either, it is simply needed to pay for the other costs of the bill, so it was a ready source of revenue that they decided to tap.

This is a raise in the corporate tax rate for oil and gas companies, which would then make it higher on those companies than others in manufacturing—something we were trying to promote when we passed the bill 2 years ago.

Raising the corporate tax rate is obviously not a loophole closer. I suggest when you raise marginal tax rates, you either get less production or higher prices—more likely, both—not good results from raising taxes.

Finally, the Senator from Oregon argued yesterday that with oil over $55 a barrel, oil companies should not need incentives to drill for new oil and gas. I certainly agree with that; they do not need any new incentives to drill for oil and gas. I have always been against those kinds of targeted incentives or taxpayer subsidies for any form of energy. But imposing a new tax or raising the corporate rate is not the same thing as repealing targeted incentives, which is what we should be doing. Moreover, with oil over $60 a barrel right now, renewable energy companies should not need any further taxpayer subsidies either. The market is providing all the incentives necessary to produce hybrid cars and advanced fuels.

These tax increases are not necessary. They are going to be counterproductive to our economic growth. They are going to hurt our producers vis-a-vis foreign producers, they are going to further increase our dependence on foreign oil and, most importantly, they are going to raise the cost of gasoline at the pump for American consumers.

All my amendment says is if that happens, then these tax increases should not go into effect. If it doesn't have that effect, then the tax increases would go into effect.

I urge my colleagues to support my amendment.

I reserve the remainder of my time.

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

Mr. DOMENICI. Mr. President, I rise today to oppose the Baucus amendment and urge my colleagues to vote against cloture.

There are only two things wrong with the Baucus amendment: One, it raises taxes in the wrong places; and, secondly, it spends these taxes on the wrong policies. I want to make two points upfront before I start my remarks.

When we speak of American big oil, let me remind people that America's five big oil companies hold less reserves than Hugo Chavez, the state-owned company of Hugo Chavez in his country.

My second point is, very seldom does the United States tax businesses that are in competition overseas. Let me repeat that. We in America hardly ever tax American businesses that are in competition overseas. Of course, that is exactly what we have done here, and what is going to happen is not going to be good. It is not going to help the American consumer one bit.

There are only two things, as I indicated, that are wrong with the Baucus amendment. I would repeat: It raises taxes in the wrong places, and then it spends them on the wrong policies.

I cast this vote, and I think it is an informed vote based on my experience. It is with a deep sense of responsibility to do what is right, with a keen interest and understanding of energy policy, because I have been forced to work on it with many who know a lot about it. With a real appreciation of the importance of this vote, I will oppose cloture.

The tax provisions in this bill will increase the cost of gasoline at the pump for Americans, increase electricity bills for families, and work severe hardship on our natural gas supply. Additionally, this amendment could seriously harm our economy. The Federal Reserve Chairman, Ben Bernanke, recently noted that: A significant increase in energy prices can simultaneously slow the economy, and raise inflation.

I cannot vote for that consequence. I urge that my colleagues not do so either. I do not cast this vote lightly, and I arrive at the decision after a great deal of reflection. There are many good and important provisions contained in this amendment. In the area of renewable energy, while there may be questions about how long certain tax credits should be extended, there should be no doubt that in the past I have supported renewable energy.

In the Energy Policy Act of 2005, with Senator BINGAMAN, we passed the largest tax incentives for renewable energy, a variety of renewable energies, than we ever have in American history. My friend and colleague Senator ALEXANDER has often referred to the bill that we passed as the ''Clean Energy Act.'' He is right. In 2005, in the Energy Policy Act we provided renewable energy production tax credits, automobile tax credits, and we can keep going. We provided tax credits for energy efficient improvements, biodiesel, and for ethanol. We included tax credits for installing alternative refueling property, tax credits for the installation of solar. The world demanded cleaner energy, and the Energy Policy Act answered the call.

Between 2004 and 2006, global private capital investment in clean energy rose from around $30 billion to $60 billion a year. It rose because we set the framework into law, and it was invested on the private side. In the public market and in venture capital and in private equity, in corporate research, development, and demonstration, and government research and development and asset financing, the answer has been the same. Both the private and public sector are excited about the future of clean energy, and they are busy, under our 2005 act, investing heavily in it.

The weakness is in the amendment I am talking about. Without question, some of the tax incentives in this bill could have a positive impact on the landscape of American energy future. To deny that would be to debate unfairly the merits of this amendment.

Cellulosic ethanol production credits, plug-in hybrid vehicle credits, and clean coal energy bonds are smart financial incentives, and those tax policies complement many of the goals we have sought to achieve in the previous legislation. I think that is good.

Supporting the great things that we accomplished together in the Energy bill 2 years ago made us all feel good. However, the tax incentives in this bill focus on too narrow a field of energy policy. The Finance Committee has reported this amendment with a pricetag of $32.1 billion, a very large tax increase. In a few minutes I will speak about the troubling revenue-raising proposals in this amendment.

But, first, I ask myself and I ask others, so our people would get a feeling of what $32.1 billion is, what it can be better used for or what it might be used for in the American economy if it were free to be invested or other things bought with it: $32.1 billion would purchase 15 biorefineries, 16,000 barrels-per-day coal-to-liquid refineries, 5 gasoline refineries, and 4 nuclear powerplants, 10 bio-energy research centers, and 500 miles of transmission lines.

Now, I am not suggesting we would buy them with this bill, but I am suggesting that everyone should know the huge size of this tax, taken out of the economy, and what it would invest in similar dollars, that it could invest in the American economy. I just told you what they were.

We could use this money for commercial demonstrations in oil shale, fund demonstrations for energy from coal using IGCC, and we all know we must do that. We do not have any money to do them, and we are having difficulty getting loans from the Government, and here we are taking $32 billion and not providing anything for these kinds of investments that we must do if we are going to keep pace with China, which is going full speed ahead with all of those things, including nuclear power, and nuclear powerplants in this country. We must get there also.

But in the meantime, we are taking an awful lot of revenue flow out of the economy, right away from the energy companies that know how to invest it, where to invest it, how to pick up reserves, and how to keep the price of oil as much within bounds as the world market will permit.

Without question, the revenue-raising proposals in the amendment will increases the cost of exploring for and producing our Nation's oil and gas and natural gas. As a result, Americans will pay higher prices for gasoline at the pump, and we will suffer increased electricity costs as our Nation's natural gas supply is weakened. We will pay higher prices, obviously, for natural gas.

The excise tax on oil and gas exploration increases taxes $10 billion over 10 years on producers on our Nation's Outer Continental Shelf. Frankly, I believe that entire tax is wrong. We should not be taxing the most productive—the places where more money is being put for exploration than anywhere else, the Outer Continental

Shelf. Yet one-third of the taxes here come from imposing a fee, a very high fee, on the Outer Continental Shelf. Who would have thought it? The place in America where we have a chance of producing, we have imposed a heavy tax. Proponents of this amendment claim these tax provisions only affect the five largest U.S. oil and gas companies. Not true. But I have already told you who they are and what they represent in the world markets.

In fact, there are 40 lessee companies. Nearly 75 percent of all entities leasing on the OCS hold leases that would be subject to a 13-percent punitive tax. I hardly thought I would see that on the floor of the Senate. Yet here it is, bragged about as a very big source of money that we can do other things with, without regard to the prices the American people are going to pay in the increased prices for oil and gas coming from the shelf.

This is the lifeblood of our domestic oil and gas production. It makes absolutely no sense to advocate for independence from foreign oil, and then turn right around and raise taxes on our domestic companies that are producing America's oil and natural gas. It will mean higher prices for consumers.

Oil and gas production in the Outer Continental Shelf amounts to approximately 1.7 million barrels of oil per day, and 12½ billion cubic feet of natural gas. Annually, this production equals approximately 600 million barrels of oil per year and 4.7 trillion cubic feet of natural gas per year.

Now, that is good. They are doing fine. So why don't we put a tax on them of 13.5 surtax? It makes no sense. The price will go up, production will come down. These amounts produce 30 percent of our domestic oil production per year, and 23 percent of our domestic natural gas. Placing a punitive tax on this production is serious business backed by very serious facts, and I say serious consequences.

Activities on the OCS provide an average of over $6 billion a year in revenue to the Treasury. In the future the offshore will be even more important. The Minerals Management Service estimates about 60 percent of the oil and 40 percent of the natural gas resources estimated to be contained in remaining undiscovered fields in the United States are located where? Where might you guess? In the Outer Continental Shelf, upon which we are going to place a very stiff, very high tax.

Furthermore, the intent of the OCS excise tax and the effect of this tax is crystal clear. The provision charges 13 percent of the removal price of taxable crude oil and natural gas, with a credit available to those who have price thresholds on their oil and natural gas leases. In plain English, this amendment seeks to legislatively breach valid contracts from 1998 and 1999, because the Clinton administration failed to include a term in these agreements.

In other words, there was no fault of the companies. The Clinton administration either made a mistake or did not want to put the fee on; it just didn't happen. So for those 2 years, we have royalty leases with no royalty thresholds.

Congress cannot rewrite contracts after the fact merely because we do not like the contracts or the results. I predict when we are all finished, the courts of the land are going to say: This part of this tax is illegal and unconstitutional, and out the window will go a very large portion of this tax because the rights are clearly there. We have to think about it and think about what we are doing.

I do not like the idea of the United States of America going back on its contracts. It sounds and looks and smells like some foreign country. But we are close to doing it here in the name of some new answer, and at the same time saying it is going to yield revenues for us to use for various things in this bill.

As we consider this amendment, the Senate should be on notice that legal precedent would not be on our side. The U.S. Supreme Court and Federal circuit court precedents suggest that the Government cannot avoid the obligations of its contracts by using its taxing power to take back benefits it has given up pursuant to an agreement. I suggest to the Senate that a Federal court will recognize this tax for what it is and, therefore, this $10 billion we are counting on in this bill will be lost.

The Department of the Interior has already testified before Congress expressing its concern about protracted litigation over this issue and the potential for a loss of billions in revenue as well as the delay of oil and gas production.

There are 2 other provisions among the revenue raising proposals that are very troubling. One provision would amend the Job Creation Act of 2004, which created tax relief for more than 200,000 U.S. corporations and businesses. This proposal increases taxes by almost $10 billion over 10 years.

Instead of the Jobs Creation Act, we could call this provision the Jobs Destruction Act.

Finally, the increase in taxes by the U.S. Government on American companies competing overseas—through the foreign oil tax provision—increases taxes $3.1 billion over 10 years.

This amendment also attacks American interests and cedes control to foreign interests. It says we would rather buy energy from the likes of Hugo Chavez in Venezuela than produce it ourselves.

To put the proper context on this, Saudi Aramco, the Saudi Arabian state-owned oil company, has nearly 3 times more daily output per million barrels per day than the largest U.S. oil company and holds nearly 10 times the oil and natural gas reserves.

To make it more difficult for American companies to compete overseas for this global commodity at a time when oil prices are nearly $70 per barrel is simply wrong. The Senate should reject this political expediency that will hurt American businesses, and the American consumer.

I began my remarks by conveying to this Senate the seriousness with which I cast this vote.

In my judgment, this amendment will have significant negative consequences on America's energy security. The Baucus amendment will increase the cost of producing oil and gas in America and will undermine the ability of American businesses to compete against state-owned oil companies run by foreign governments. The result for our Nation will be a greater reliance on crude oil from hostile regions of the world and an increase in the price of gasoline for the American people.

That is an unacceptable consequence and not what the American people expect of us.

For the reasons that I have stated, I must vote no on the motion to invoke cloture on the Baucus amendment, and I urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Idaho.

Mr. CRAIG. How much time remains?

The PRESIDING OFFICER. Eight minutes.

Mr. CRAIG. I thank the Senator for yielding.

I come to the floor to oppose the tax that has been proposed and is now before us brought by the Finance Committee.

It is very easy politically to stick it to the big boys, and that is the political game which is being played out on the floor of the Senate as we speak. Stick it to the big boys. OK, we are going to stick it to the big boys, $32.1 billion worth of taxes. What will it do for us? Will it change the price at the gas pump today? No. In fact, we have just heard the Senator from New Mexico say it could possibly raise the price of gas in the long term. Hasn't this Senate heard the plea of the American consumer over the last 6 months about $3 gas? Don't we get it today or do we just want to play petrol politics? That is what the Finance Committee has done; they have played petrol politics. They are sticking it to the big boys, and they are going to put it in the green machine. The green machine may yield some energy in the future, but it sure isn't going to change the price at the gas pump tomorrow or the next day or next week or next year. If they argue in disagreement with me, my answer is simple: Prove it. Prove that you will change the price at the pump. Or will the big boys simply try to pass it through to the consumer? We will find out, won't we, if this bill passes. That is why I am going to have to oppose cloture on the Baucus provision of taxes, the petrol politics of this issue.

Let me show you the petrol politics of the real issue. Here is where the reserves in the world exist today. Here are the big boys of America—Exxon,

Chevron, Marathon. Do we really think if we stick it to these three and more we will change the world? No. The world today from the standpoint of energy is controlled over here on the left-hand side of the chart. It is controlled by Saudi Arabia, Iran, Iraq, and so on down the line. They control the known reserves. They control the world's oil supply. They are the big boys. We are not sticking it to them. In fact, we are handing them a golden leaf. We are saying: You control the world oil supply, and we are dependent upon you for 60 percent of our supply. But we are going to penalize our producers because of the petrol politics of this issue.

There is another petrol game being played out. Petrol politics is being played out on the floor of the Senate, but petrol nationalism is being played out by these companies and countries of known reserve. Every one of these producers controls their supply; their nation's government and their nation's government's companies control the supply of oil. They can turn the valve on or off. Every time they do, the American consumer ultimately pays more. That is called petrol nationalism. I believe when we talk about the war of energy today, that is what we are involved in. We are involved in a war on who can produce energy and can we become energy secure so that we don't have to be dependent upon Saudi Arabia and Iraq and Iran.

We know what is happening in that area of the world today, the phenomenal instability. Not only do these nations play petrol nationalism, they also play with something else: They have the weapon of mass disruption. Let me repeat that. These nations hold the weapon of mass disruption. You change the price at the pump a couple of dollars because you turn the valve off in these countries, and you hit this economy like a freight train.

What are we going to do today? We are going to tax it a little more. That is all this Congress really knows how to do, is tax. They don't know how to produce. We don't produce. We get out of the way of production. We encourage production, but this bill will not produce one barrel of oil. ExxonMobil will produce a barrel of oil. Chevron will. Marathon will. The rest of these countries will. But we don't. We are now stepping in the way of that production. We are now penalizing that production.

The senior Senator from New Mexico talked about where the greatest reserves of America lie today—offshore. Yet we are saying: If you want to play out there, if you want to go out, find it, drill, we are going to tax you. We are going to penalize you instead of encourage you and incentivize you to discover, to bring it to the wellhead and to bring it to America's shores and to refine it for the American consumer.

Anybody in a reasonable way who doesn't want to play the political game being played out on the floor as we speak—petrol politics—needs to vote no on cloture.

If the American consumer thinks these companies are going to pay the $32.1 billion in taxes, they have it wrong. They are going to pay it at the pump. The Baucus bill pumps tax dollars out of the back pocket of the American consumer. It does not allow oil to be pumped out of the ground. It does not allow us to hold a stronger political position in the world of petrol nationalism. That is the debate we are going through right now. It is about windmills. It is about cellulosic. It is about all the things I like. But it really isn't. It is antiproduction. It is anticonsumer. It is anti-American to deny our Nation's economy access to the world energy supply. That is what we are doing. Let's allow Saudi Arabia and Iraq and Iran to grab us by the gas nozzle and jerk us around every time they choose. This tax package suggests that could start again tomorrow because we are not going to get ourselves back into the business of production.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a very interesting series of statements we have heard in the last 15 minutes, half hour, statements basically trying to lead Americans to believe that this Finance Committee tax package, as well as the provisions of the tax package to pay for incentives so we can wean ourselves away from OPEC, away from all these countries, is going to result somehow in some cataclysmic event; namely, gasoline prices are going to go up, according to statements we have heard. We have also heard that we are going to reduce domestic exploration and development of American oil companies; we are putting ourselves in the hands of foreign countries. The fact is, the exact opposite is the case. These statements are amazing. It is good political rhetoric, but it has nothing to do with the facts.

First, it is more important that people understand that the amendment offered by the Senator from Arizona, Mr. KYL, basically delegates to the Secretary of Energy whether $30 billion worth of tax provisions will be enacted. I am astounded that anybody in the Senate wants to delegate that decision to the Secretary of Energy instead of the U.S. Congress deciding whether the tax needs to be imposed.

The Kyl amendment basically says that unless the Energy Secretary can determine that the effect of this will not increase the price of gasoline at the pump, that he, the Energy Secretary, or she, the Energy Secretary—whoever the Energy Secretary is—will automatically be forced to rescind the pay-fors in this bill. That is astounding. It is basically delegating to the Energy Secretary a policy which should be made by the Congress, and that is a huge dereliction of responsibility. I am appalled that anybody would dare suggest it. But that is a fact.

Second, if we look at the whole bill, the Finance Committee package in the Energy bill and also the Kyl amendment, several things are striking. The first is the major underlying Finance Committee bill is designed to accomplish the objective that the Senator from Idaho is complaining about. The Senator from Idaho is complaining that this amendment transfers power to Venezuela or to Saudi Arabia, other countries. The whole point of this bill is the exact opposite. It is to wean ourselves away from OPEC, wean ourselves away from those countries, so that we Americans are in a better position to determine our own destiny, in a better position to get more energy production here in America.

How do we do that? The committee bill does that through all kinds of incentives. It reduces taxes in lots of different ways for alternative energy, renewable energy, cellulosic development, encouraging more American clean coal technology so we can tap into our vast reserves of coal. It has lots of ways we could help America be more self-sufficient and wean ourselves away from these very high gasoline prices we are forced to pay partly because OPEC is forcing us to pay those prices; the truth is, partly because the major oil companies are charging whatever the market will bear. That is why they are charging such high prices to the American consumer. What evidence do I have of that? It is very simple and direct.

I was stunned because of the candor of the CEO of ExxonMobil when he made this statement. This was last year at a Judiciary Committee hearing. I was not there; I was watching on C–SPAN. At that hearing, the exchange was essentially between the Senator from Wisconsin, Mr. KOHL, and the CEO of Exxon. I think Senator KOHL asked the question. This was an open hearing.

He said: Sir, why are gasoline prices so high now?

The answer: Well, Exxon has to pay more because OPEC is charging us more. So we to have pay more, and we transfer those price increases down to the American consumer.

The Senator from Wisconsin asked the head of ExxonMobil: Explain this to me, please. At the same time, your profits have exploded. They have gone up about $35 billion this year. Your profits have expanded.

Senator KOHL said: I am a businessman. Ordinarily, if my costs go up, my profits go down. Please explain to me why you would say your costs are going up because OPEC is charging you more and yet your profits are going way up. Why?

His answer was very illustrative of the point here. He said, in all candor: Senator, my responsibility is not to the American consumer; my responsibility is to my stockholders. I will charge whatever the market will bear because I have a duty to protect my stockholders and get whatever I can for my stockholders. I am going to charge whatever I can.

That is why profits are so high, because Americans can't put milk in their car or their truck. They can't put in water. They have to put in diesel fuel or gasoline. Americans are stuck. The majors are passing on through their distribution system these very high gasoline prices because they can get away with it and because it fattens profits and because they are beholden to stockholders, not the American consumers.

What about these provisions which the Senator from Arizona wants to strike. There are three of them. It is very simple, and there is a reason why they are there and why they will not have the disastrous effect the Senator from Arizona claims.

The first one is to rescind a tax break we gave to the five major oil companies back in 2004. It is called section 199.

We gave that tax break, frankly, to all American domestic manufacturers, including the oil companies. It was as a response to a WTO ruling a year or two earlier which said our American tax laws—which gave incentives for American products to be exported—were WTO illegal. So we came up with a backup plan. The backup plan was basically section 199 in the code, enacted in the 2004 Jobs Act, which says, OK, we will give an extra little break to domestic production in the United States. If they export the products, fine; if they do not, that is fine. We will still give them a break. That is what that is.

What has happened to domestic oil production in the United States since that was enacted in 2004? Well, one would think it probably increased a little bit because the major oil companies get a little tax break. The fact is, the exact opposite has happened.

Let me quote a couple statistics. In 2004, when that provision was put in effect, domestic production was about 170 million barrels a month. It was 170 million barrels a month in 2004. Well, you would think it would go up because of that tax break for domestic production. Oh, no, that is not what happened. It actually went down. It is down to about 160 million barrels.

Look at the price of oil. Back in 2004, the price of oil was $40 a barrel. Now it is about $65 a barrel. Well, gee, you would think—that is more money in the oil companies' coffers—they would want to use that for more exploration, more development. No. Again, there is less domestic production, even with the price of oil so high over that period of time and even though they have had a tax break. I might add, too, the price of gasoline at the pump back then was about $2 a gallon. Today, it is above $3 a gallon. So that did not help.

So, gee, we thought: We will take that away. It did not help, so we will take it away. So, therefore, it seems to me it is not going to cause an increase in the price of gasoline at the pump.

I might say, the statistics cited by the Senator from Arizona are based on the Heritage Foundation. I am not going to get into the question of who financed that study—I have an idea who financed that study; and, therefore, it drove the results they would like to get—but that is the same organization that said Iraqi oil is going to pay for Iraq reconstruction too. They were dead wrong then, and they are dead wrong now. They are an organization which, frankly, I think is not the most objective, independent organization in the world. That is the first one. That is why we made that first change.

The second provision in the Finance Committee bill the Senator's amendment wants to strike is a loophole closer. We are trying to close a loophole. The Joint Committee on Taxation said—that is a bipartisan organization, the Joint Committee on Taxation, which serves both the House and the Senate, Republicans and Democrats—their independent study shows there is a big loophole the major oil companies take with respect to foreign tax breaks in this area; that is, ordinarily a company gets to reduce its income taxes in the amount of the foreign taxes that company pays to a foreign country.

Now, the law is different between exploration costs and distribution downstream costs. The companies game the system. They offset one against the other. Joint Tax saw this big loophole. Let's close it. That is the second provision. Also, I do not see how anybody could argue against that. It is a big loophole closer. It makes the Tax Code more fair.

Then we get to the third provision. This is the so-called confiscatory excise tax on the oil produced in the Gulf of Mexico. Let's be honest. First of all, the President of the United States, himself, believes there is insufficient revenue paid to Uncle Sam on these OCS leases. The best evidence: The President of the United States, himself, has enacted a 6⅔-percent royalty on all new leases in the gulf. He thinks they are not paying enough. He has increased the current royalty—it was 12 percent. The bill has a 13-percent severance tax. The President, himself, has enacted a whole new higher royalty provision on new leases in the gulf. He thinks they are undertaxed. Right now it is about a 12-percent royalty. This provision in our Finance Committee bill says a 13-percent severance tax.

Clearly, Congress has the power to enact a tax. The royalties paid by any company are credited against the 13 percent, and so it is a net lower than what the President thinks the amount should be in revenue paid by the oil and gas companies in the gulf.

I might also say the General Accounting Office has done a study of how much America taxes oil and gas compared with how other countries tax oil and gas. What is the result of the GAO study? The result of the GAO study is we Americans basically tax oil and gas less than other jurisdictions around the world—or other States. The State of Alaska is taxing more. Other countries tax more now. We Americans are pretty easy and soft compared to other countries on how much we tax oil and gas revenues.

So this argument that somehow, oh, my gosh, America is going to tax oil and gas companies with these provisions—that it is confiscatory; they are going to go overseas—it is just nonsense. It is just total nonsense because, already, oil and gas revenue in the United States is not taxed as much as it is in other jurisdictions. It seems to me, therefore, it is not unfair to enact this provision.

The main point is if the Kyl amendment passes, then the Finance Committee tax title of this bill is dead because we are not paying for it, effectively. That is because the Energy Secretary, under the Kyl amendment, probably would rule that maybe prices might go up at the pump, given the politics of it all, and that means we do not have a bill anymore.

Therefore, I urge Senators to say: OK, let's do what is right. Let's start to wean ourselves from OPEC. Let's start to give some incentives to American domestic producers of alternative fuels, renewable fuels, and have more conservation measures to help America again take control of our own destiny.

This is not a perfect bill. Nothing is perfect. But it is a good bill. It is a very good bill. It helps put America back on track, helps America turn the corner toward more energy independence, and enhances our national security so we are less reliant upon OPEC, less reliant upon those countries to which some Senators say this bill gives a break. It does not. This bill does the exact opposite. It helps America become America again.

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

The PRESIDING OFFICER. The senior Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I want to address why we should have cloture on this bill to get to finality—and that is going to take 60 votes—and why you should not support the Kyl amendment.

In the debate on some of this bill, particularly in committee, we had the issue of, well, we are taxing oil companies to promote renewable fuels; that this is an industrial policy, and it is bad for Congress to be involved in industrial policy. Basically, I agree.

But, remember, throughout the history of this country, Congress has been involved in a lot of industrial policy. There would not be a farmstead today that would have electricity if we did not have rural electric cooperatives. Railroads would have a monopoly on hauling things if we did not have river improvements so that barges could work as well. Railroads would still be hauling most of our commerce if we had not built an interstate system. Airports and airlines are all about the Government promoting competition.

Also, we are involved in where we are, taxing the oil industry to get a renewable energy industry started—as we

have been for 20 years now just with ethanol, and expanding it beyond ethanol, but we would not have an ethanol industry today if we had not had tax incentives over the last few years. There will be, someday—just like we are saying to the oil companies today: You got your start because of tax policy, a lot of tax benefits, because the oil industry was infant at one time and needed to get started. The same thing is true of alternative energy. If we do not give some tax incentives to get alternative energy—and I mean beyond ethanol: biodiesel, wind energy, things that maybe we do not even have on our mind today—we are talking a little bit about cellulosic ethanol, but it is around the corner yet—we are not going to develop these industries to the strong capability they need to be when there is less and less and less transportation provided by petroleum products.

So I think we ought to look at the reality of how a gigantic oil industry got started in the United States—through tax incentives. We are talking about tax incentives to get alternative energy started. That is why I hope you will abide by the decisions the Committee on Finance made to have these situations where there is some tax on oil companies for the benefit of tax credits for alternative energy.

I hope you also appreciate the fact that maybe a lot of us would like to have the tax incentives without offsets, but we are in an environment of pay-go. We are not in a reconciliation situation. We are in a situation where we have to provide the necessary offsets in order to get this legislation through.

So I hope you will think of the history of where we have been with tax policies to promote an industry that is out there now. I hope you will understand that God only made so much fossil fuel and there has to be a follow-on if we are going to have the growth of our economy.

I would like to state this one last point that I have heard the President of the United States make many times when I have been to the White House in the Oval Office to talk energy. The President has said many times that with these high prices of oil the way they are, we do not need any more incentives for the oil companies to get more energy.

The President has been a friend of alternative energy, most often expressing his support of ethanol, but a supporter of alternative energy, and I hope he is in support of this legislation as well.

Mr. President, I yield the floor because I think the Senator's time is about up. Thank you.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 7 minutes to the Senator from New Mexico, Mr. BINGAMAN.

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

Mr. BINGAMAN. Mr. President, I thank my colleague from Montana. I want to publicly state what I have stated several times in the last few days, and that is my appreciation to Senator BAUCUS and Senator GRASSLEY for their leadership in putting this tax package together that has been reported favorably by the Finance Committee on which I am privileged to serve.

Let me speak, briefly, about the Kyl amendment and then talk about the tax package more generally and why we should vote to invoke cloture on this tax package and proceed.

On the Kyl amendment, my first concern is the obvious one: that adoption of the Kyl amendment would be totally irresponsible as a fiscal matter. The Kyl amendment says ''notwithstanding any other provision of the subtitle,'' the subtitle being those provisions that raise revenue to pay for this. We are in a pay-go situation in the Senate under our budgetary arrangements, so if we are going to provide tax credits and tax benefits to some parts of the economy, we need to pay for that. We need to find some way to obtain the revenue. The way the committee has found is to reduce the tax benefits that some other parts of the economy are enjoying today.

So Senator KYL's amendment says ''notwithstanding the provisions of''—the provisions in the tax package that raise revenue—none of this shall ''take effect unless the Secretary of Energy'' positively decides, that is, ''certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.''

So, essentially, we are saying it is up to the Secretary of Energy whether we pay for this set of tax provisions. I do not think it is responsible for this Congress to take that position. I mean it is great, and I know everybody likes to be able to go home and say: I didn't oppose the production tax credit extension which is in the bill, I didn't oppose the investment tax credit for solar energy which is in the bill, I didn't oppose the provisions that would incentivize more biofuels production; all I opposed was the idea that we should pay for them. I don't think that is a responsible position for us to take.

On the general tax package and the cloture issue, let me say, the arguments I have heard are three. Some have argued this is going to reduce production; some have argued it is going to increase the price of gas; some have argued this is going to hurt the energy companies. Let me address each of those points briefly.

On reducing production, I don't think this is going to reduce domestic production of oil and gas. I think Senator BAUCUS made the point very clearly that the two big items that are being used to pay for this tax package are this section 199 provision, which was not even in the law until 2004. We are taking that away as it applies to certain large companies.

Then, of course, the severance tax provision. Let me talk a minute about that. I wasn't here last evening when Senator BUNNING was speaking, but I noticed he referred to it as Senator BINGAMAN's ''scheme'' in his comments last night. The severance tax proposal is not that; it is a 13-percent tax which would apply prospectively; there is nothing retrospective about it. It is prospective. It applies to all production of oil and gas that occurs in the Outer Continental Shelf and in the Gulf of Mexico. It is designed so it will not be unduly burdensome on any company that is producing in the Gulf of Mexico. I think we have done a good job in accomplishing that. It does not abrogate contracts. It is a forward-looking tax provision which I think is eminently reasonable.

It would raise some revenue that is sorely needed if we are going to extend these tax provisions, including the production tax credit, the investment tax credit, and the other provisions that are in this bill. I feel very strongly that we should keep it in place, and it is an appropriate way for this Congress to proceed.

The second argument we heard was if we adopt this, we are going to see an increase in the price of gas. The truth is we all know the price of oil is determined on the world market. Our producers produce something like 5 percent of the oil that goes into the world market. So the idea that for us to raise some revenue here is going to affect the price of gas at the pump is not true. If the world price of oil goes up, we wind up paying more at the pump; if the world price of oil goes down, we wind up paying less at the pump. I think American consumers have watched that occur year after year and they understand that is the circumstance.

The other argument is this is going to hurt our energy companies, that this is an undue burden on them. When you look at the reality, the reported profits of the top five integrated oil and gas producers last year were over $111 billion. I don't begrudge them that, but that is 1 year, and that is 5 companies. If profits continue at somewhere in that range, we can reasonably expect very conservatively that producers—large producers of oil and gas—will have over the next 10 years over $1 trillion in profits.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. BINGAMAN. I ask unanimous consent for 1 additional minute.

Mr. BAUCUS. I yield 1 minute to the Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Montana.

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

Mr. BINGAMAN. So we have $1 trillion of profits over the next 10 years. This package calls for raising $27 billion over the next 10 years. So that is something in the range of 2.5 percent of profits, a much smaller percentage of revenues, of total revenues. So I point out that is not an undue burden on

anyone, and I think all of these screams that this is the end of the world for the oil and gas industry are not founded on any kind of basis in fact.

I think the whole purpose here is to do some very good things in the Tax Code, which I compliment the Senator from Montana and the Senator from Iowa for proposing, and to do so by—under our pay-go rules, find revenue where it will reduce production at the very least, and I think they have done an excellent job in accomplishing that.

I urge my colleagues to support the tax package and vote for cloture on the tax package when it comes up for a vote following the Kyl amendment, and obviously I urge all Members to oppose the Kyl amendment.

Mr. BAUCUS. Mr. President, I very much thank the chairman of the Energy Committee who I think has put together a very good energy bill. I thank him very much for his instructive comments here. They are very helpful.

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

Mr. WYDEN. Mr. President, when oil was $55 a barrel, President Bush said oil companies don't need taxpayer subsidies to drill. Oil is now just under $70 a barrel, and certainly oil companies truly don't need taxpayer subsidies to drill for oil.

The Finance Committee amendment begins to reverse decades of policies that equated what was good for the major oil companies was good for America, and that oil companies would get us cheap and plentiful energy supplies here in America. The reality is, if you go to the gas pump today, you see gas is not cheap. If you look at the impact of a refinery fire or a pipeline problem or a cold snap and the impact on heating oil prices, you see energy is not plentiful. If you look at the growing level of oil imports from countries around the world that don't have our best interests at heart, you will see that what has been good for the major oil companies has not been good for the well-being of the citizens of America.

The Kyl amendment is just the latest in a long line of arguments that has been advanced on the theory that we ought to keep subsidizing the oil industry or energy prices will go up, oil imports will go up, and America will be less secure.

The fact is our people and our country have now experienced the results of past policies based on the idea that we ought to send billions and billions of dollars of subsidies to the major companies. It is time to end those subsidies. It is time to stop the major oil companies from fleecing taxpayers when they drill for oil on public lands, and it is time to embrace the very different vision of a more positive energy future, largely constructed by the chairman of the Finance Committee and the chairman of the Energy Committee.

I urge my colleagues to vote against the Kyl amendment and to support the work of the Finance Committee.

Mr. ENZI. Mr. President, I would like to take this opportunity to discuss my opposition to a few of the provisions in the Finance Committee-passed energy tax package. Before I begin, I would like to take a moment to thank Chairman BAUCUS and Ranking Member GRASSLEY for their work on this amendment. I know they have exerted an incredible amount of energy to get this legislation to the floor so that we can debate it as part of this Energy bill.

The package we are debating includes a number of important provisions. It includes additional funding for clean renewable energy bonds, which are important to rural electric cooperatives who seek to build clean generation. It includes accelerated depreciation for carbon dioxide pipelines, which will encourage more carbon sequestration. It also includes a carbon capture credit that will make it more economical for some carbon dioxide to be used in enhanced oil recovery and for some carbon dioxide to be sequestered. These are important provisions, and I am pleased to see them included in this package.

Although that is the case, I have grave concerns about the impact of this tax package. I am specifically concerned about its impact on consumers. When taken as a whole, I believe that the package will lead to increased gas prices and will have a detrimental impact on our country's quest to become energy independent by discouraging domestic energy production.

The amendment contains approximately $28.6 billion in ''revenue raisers'' over the next 10 years. The phrase ''revenue raisers'' is Washington speak for tax increases, and I find it hard to believe that we can increase taxes by $28.6 billion and have no impact on the price of gasoline at the pump for the average American. Businesses are in business to make money, and when we increase their taxes, they pass that increase along to the consumer.

It is not ExxonMobil or Shell or BP that will pay for these tax increases. It is the senior citizen on a fixed income who fills up her station wagon. It is the soccer mom who drives her children to school. This tax title is not punishing the companies. It is punishing the American people who rely on energy to fuel their daily lives.

Specifically, I am concerned that three provisions of this bill will increase gas prices and will discourage energy production at a time when our Nation's supply does not meet our Nation's demand. Last week, I joined a number of my colleagues in a letter to the Senate Finance Committee that urged the committee not to repeal the section 199 manufacturing deduction, and I am disappointed to note that this was included. The Joint Tax Committee estimates that the repeal of the section 199 deduction will raise $9.43 billion over a 10-year period. That is $9.43 billion that will be passed along to the American people.

I am also disappointed that the legislation includes a new 13-percent severance tax for oil produced in the Outer Continental Shelf, OCS. The OCS represents one of America's greatest energy sources, and raising taxes on those who hope to produce in the OCS will most certainly not encourage the domestic energy production that we all believe is so important.

Finally, I am concerned that this legislation changes what is known as the foreign tax credit. This change, which amounts to double taxation, will increase taxes by $3.2 billion over the next 10 years. Someone has to pay for that tax increase, and I am concerned that it will be the American people.

While I appreciate the work of my colleagues, at the end of the day, I am extremely concerned that this legislation will slow domestic energy production and increase the prices paid by consumers. There are a number of good provisions in this bill that I do support. However, at the end of the day, raising taxes is not the way to increase energy production and decrease energy prices. I would urge my colleagues to oppose cloture on this amendment.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

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

The PRESIDING OFFICER. The Senator from Montana has 4½ minutes and the Senator from Arizona has 8 minutes.

Mr. KYL. Mr. President, I would be happy to take half of my time right now and then let the Senator from Montana close, and I will close after that.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to respond to some of the arguments that have been made. First, I do appreciate the candor of both the Senator from New Mexico and the Senator from Iowa. Rather than arguing that these tax increases are loophole closers, as has been suggested, they candidly acknowledge the reason for the tax increases is to pay for the costs of the bill. As the Senator from Iowa said, we want to avoid offsets, but we can't. We have to pay for the costs of the bill. So, so much for the argument that these tax increases are loophole closers. They are, very plainly, necessary to pay for the cost of the bill, so they are tax increases. I appreciate that.

Another bit of candor: The Senator from Montana quoting—or paraphrasing, anyway—the former chairman of Exxon Oil Company, essentially argued that it is OK to add these taxes on oil companies because they make too much money, and they make too much profit, so we are justified in taxing them.

I am not going to argue with that theory. If they make too much money,

we are going to tax them, if that is the argument for imposing these new taxes. All I say is as long as it doesn't raise the price of gasoline for American consumers, then I guess the question would be: Who cares? But if they do raise the cost of gasoline for American consumers, then I think we should care. That is all this amendment does. It says: If it doesn't raise the cost of gasoline, go ahead and impose the tax. If these oil companies are making too much money, go ahead and tax them. But if the result of it is not just to hurt the oil companies but to hurt the American consumer, then Congress says: Wait a minute; not so fast. We are not going to allow that to happen. That is all this amendment does. So we don't say you can't tax. What we say is, you can't tax if it has a negative impact on the American consumer.

Now, there was a question about the Heritage study. I noticed there was no attack on the numbers, no refutation of the numbers, just: Well, who paid for the study? I don't know who paid for the study. I presume Heritage paid for the study. It is their study. What does it say and why is it such a burr under the saddle of those who oppose my amendment? Well, it found that the tax provisions in this bill, setting aside the other mandates, will likely increase gas prices by 21 cents per gallon over the next 8 years, and taking all of the provisions of the bill together, it can increase the price of regular unleaded gas from $3.14 a gallon to $6.40 a gallon in the year 2016, over the next 10 years. That is a 104-percent increase.

If that is the case, even if it is only half that much, it is a huge hit to the American consumer and we shouldn't even be thinking about that kind of a hit on the American consumer.

I ask unanimous consent to have printed in the RECORD at this point a letter from the Chamber of Commerce of the United State of America. It is dated June 20, 2007.

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

CHAMBER OF COMMERCE,
Washington, DC, June 20, 2007.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports the Kyl amendment, to H.R. 6, the ''Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.''

This amendment would require the Secretary of Energy to certify that the tax provisions included in H.R. 6 will not lead to increased reliance on foreign oil or higher gasoline prices for American consumers.

The Chamber strongly opposes the tax title of this bill because it contains many proposals that amount to little more than a modern-day Windfall Profits Tax. When that tax increase was enacted in 1980, it resulted in higher prices for consumers, long waits at gasoline lines, and increased consumption of foreign oil.

The economic reality is that oil and gas are necessities for the nation's economic growth and well being. Even assuming the development of viable alternatives and increased efficiency, the U.S. will continue to rely on these traditional energy sources. It is imperative that the Senate ensure that the American consumer not be saddled with higher prices due to the consequences of the tax changes included in H.R. 6.

Sincerely,

R. BRUCE JOSTEN.

Mr. KYL. This is a letter from R. Bruce Josten, who makes the point that the U.S. Chamber of Commerce opposes the tax increases in the bill and supports the amendment which I offer, which would condition that tax increase on not hurting American consumers.

He says:

This amendment would require the Secretary of Energy to certify that the tax provisions included in H.R. 6 will not lead to increased reliance on foreign oil or higher gasoline prices for American consumers.

As a result, they support the amendment, and I believe they will key it as a key vote.

He goes on to say:

The Chamber strongly opposes the tax title of this bill because it contains many proposals that amount to little more than a modern-day Windfall Profits Tax. When that tax was enacted in 1980, it resulted in higher prices for consumers, long waits at gasoline lines, and increased consumption of foreign oil.

That is what we are concerned about here. If the tax increases don't have that effect, then nobody has to worry about it. But if they do have that effect on the American consumers, they would not go into effect.

My penultimate point is the argument that we have to do something to wean ourselves from OPEC, so what do we do? We slap a new 13-percent tax on the production of new oil. How does that help wean us from OPEC? What it does is to say to the producers of oil: You go out and find some, and by the way, if you do, we are going to hit you with a new tax. This is a perverse incentive, not a proper incentive.

Mr. President, I also ask unanimous consent to add Senator CORNYN as a cosponsor of my amendment.

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

Mr. KYL. Mr. President, I note that the U.S. Chamber of Commerce and Americans For Tax Reform I expect will also key vote the Kyl-Lott amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

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

The PRESIDING OFFICER. The Senator from Montana has 4 minutes 20 seconds.

Mr. BAUCUS. Mr. President, I yield 2 minutes and—how many seconds?

The PRESIDING OFFICER. Ten seconds.

Mr. BAUCUS. I yield 2 minutes 10 seconds to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I thank the Senator from Montana and the Senator from New Mexico for all of the work they have done.

I think the argument we are hearing today is we should have trust in the oil companies and that ExxonMobil and their friends are staying up nights and days worrying about high gas prices in the best interests of the American people. If anyone believes that, I think we have some good bridges to sell you right now.

The truth is the oil companies are ripping off the American people. This moment in American history is a time that our country needs to radically change the way it does energy, and the Finance Committee, in a bipartisan way, and the Energy Committee, in a bipartisan way, are making some very clear statements.

What they are saying is that global warming is a huge problem for this Nation today, and if we do not get a handle on it, that problem will only intensify in years to come.

What we must begin to do, and what this legislation is making clear, is that we have to break our dependency on fossil fuel, we have to move to energy efficiency, we have to move toward sustainable energy, and in that process not only can we substantially lower greenhouse gas emissions but we can also create millions of good-paying jobs for the American people.

As the chairman of the Energy Committee made clear a moment ago, the oil companies, year after year, are making recordbreaking profits. I for one do not stay up nights worrying about ExxonMobil, when a few years ago they were able to provide a $400 million retirement package to their former CEO.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. SANDERS. I thank the Senator for yielding me the time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I will take the remaining 2 minutes. This whole debate boils down to something pretty simple and basic; that is, do we as Americans want to begin to become more self-sufficient in our energy production? Do we want to be less reliant on OPEC? Do we want to give incentives to new clean energy industries to develop in America—not just renewables and alternatives but also clean coal technologies and other ways to help America be more self-sufficient?

Congress, for many years, has provided some very significant tax incentives to the oil and gas industry to help America be strong, to make sure we as Americans have a strong industrial base and a strong energy base to fuel our industries. That was probably the right thing to do over the years from 1926, and the various provisions that have helped America. I think the time has come for us to give incentives to other industries, alternative energy, renewable fuels, clean coal technologies, cellulosic, and so forth—the same kinds of incentives that the oil

and gas industry have enjoyed for decades and decades.

We are not taking away these incentives from the oil and gas industry at all. We are just saying the time has come for us to give incentives to make America more self-sufficient in the production of energy. This bill helps accomplish that result, and the way we do that is very fair and balanced. It will not have the horrible results that are claimed here. I urge our colleagues to begin to take—we will still have huge breaks for the oil and gas, but we give help on the margin to new independent energy sources in America.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, in closing the debate on this amendment, I will respond to the point that both the Senator from Vermont and the chairman have just made, and that is the need to promote renewable energy and to give incentives to those producers. That is a fine sentiment, but my amendment has nothing to do with that. My amendment doesn't affect these incentives one iota. It doesn't speak to them at all. So that is a straw man, just as it is a straw man to argue that we ought to have the right to sock it to the oil companies because they are making huge profits. I am not arguing that proposition. In fact, yesterday, I offered an amendment to eliminate a real loophole in one of those subsidies that one oil company is going to be taking advantage of, and both of the Senators whom I mentioned voted to support that subsidy. I voted to eliminate it.

I am not trying to protect the oil companies, obviously. I am trying to protect the American consumer. My amendment says if the American consumer comes out OK, tax the oil companies. My amendment says if the American consumers are going to lose, then we say no, and then there are unintended consequences to these sentiments of socking it to the oil companies, creating subsidies for renewable energy producers and so on, fine. But if it adversely affects American consumers and increases our dependency upon foreign oil, then does anybody argue that we should do this? Wouldn't they instead try to find another way to achieve the objective? I think the answer is yes.

My amendment says: Do what you want to do here, but if it adversely affects the American consumer or increases our dependence on foreign oil, that is where we say no, we need to find another way to do this.

My amendment doesn't affect the underlying subsidies and doesn't say that you cannot impose additional taxes. These arguments are straw men. All I say is, if the American consumers end up being the losers, as they sometimes have been with our tax policies, if these are the unintended consequences and we become more dependent upon foreign oil, then we say no. That is all this amendment does.

I urge my colleagues to think carefully about this, and I hope they will support my amendment. We are going to vote on it right now, but first I think the chairman wants to raise a point of order. I yield the floor at this time for him to do that.

The PRESIDING OFFICER. The question occurs in relation to the amendment.

Mr. BAUCUS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Senator BINGAMAN regarding a study by professors of law John Leshy and Brian Gray.

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

UNIVERSITY OF CALIFORNIA,
HASTINGS COLLEGE OF THE LAW,
San Francisco, CA, June 18, 2007.

Re proposed severance tax on oil and gas production in the Gulf of Mexico.

Hon. JEFF BINGAMAN,
Chairman, Subcommittee on Energy, Natural Resources, and Infrastructure, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: At your request, we have examined your proposal for a severance tax on production from federal oil and gas leases in the Gulf of Mexico with an eye toward potential constitutional takings and breach of contract issues. We also have reviewed the June 14, 2007, memorandum from the Congressional Research Service on this subject.

We are thoroughly familiar with the legal issues posed. Professor Leshy teaches them as part of his law school course in Federal Lands and Resources Law. In fact, he includes a section on these takings and contracts issues in the standard law text that he co-authors on the subject: Federal Public Land and Resources Law, 6th Ed., 2007 (which will appear next month). Professor Gray has litigated several cases that involved similar takings and breach of contract questions, including *Madera Irrigation District* v. *Hancock*, 985 F.2d 1397 (9th Cir. 1993); and *Peterson* v. *Department of the Interior*, 899 F.2d 799 (9th Cir. 1990). He also has written several articles on the subject and teaches these materials in his own courses.

In our judgment, the argument that this proposal raises a serious takings issue has a steep uphill climb. The Supreme Court has long been reluctant (for good reason) to give much scrutiny to takings arguments in the context of federal tax proposals. See, e.g., *Houck* v. *Little River Drainage Dist.*, 239 U.S. 254, 264–65 (1915) (special tax assessment not a taking ''unless the exaction is a flagrant abuse. and by reason of its arbitrary character is mere confiscation of particular property''); *Cole* v. *LaGrange*, 113 U.S. 1, 8 1885) (''the taking of property by taxation requires no other compensation than the taxpayer receives in being protected by the government to the support of which he contributes''); *County of Mobile* v. *Kimball*, 102 U.S. 691, 703 (1880) (''neither is taxation for a public purpose, however great, the taking of private property for public use, in the sense of the Constitution'').

Even if a court were to apply the basic *Penn Central* takings analysis to the proposed severance tax, we believe the proposal would easily satisfy that test. The tax is for an important public purpose: funding of clean energy tax initiatives, including renewable energy, energy efficiency, and other clean energy programs. The proposed 13 percent royalty is modest and would leave the lessees significant net revenue from the production of oil and natural gas. And the tax, of course, would not physically encroach on the companies' property. See *Penn Central Transportation Co.* v. *New York City*, 438 U.S. 104, 123–28 (1978); cj. *Lingle* v. *Chevron U.S.A.*, 544 U.S. 528, 538–40 (2005) (confirming the *Penn Central* standards as the general takings test).

The contract question is slightly more complicated, because the severance tax proposal contains a provision that allows lessees to credit against the severance tax the royalties they pay on oil and gas production from their federal leases. While companies with leases that require them to pay less royalty to the United States than other lessees might argue that the credit provision effectively rewrites their leases, we believe this argument also would not withstand careful legal scrutiny.

The proposed legislation does not target these leases. Rather, it is aimed at a generic category of activity—Gulf of Mexico OCS production—to serve a general and important public policy—viz. raising revenue for green energy tax initiatives. In our judgment; the severance tax therefore falls within the standard government contract principle, recognized for more than a century by the United States Supreme Court, that protects ''public and general'' acts by Congress from breach of contract claims.

In *Merrion* v. *Jicarilla Apache Tribe*, 455 U.S. 130 (1982), for example. the Court upheld the application of a severance tax on oil and natural gas production to long-term leases. The lessees claimed that the tax effectively increased the royalties on oil and gas production set forth in their contracts with the Tribe. The Supreme Court rejected this claim inter alia on the ground that ''Contractual arrangements remain subject to subsequent legislation by the presiding sovereign. Even where the contract at issue requires payment of a royalty for a license or franchise issued by the governmental entity, the government's power to tax remains unless it 'has been specifically surrendered in terms which admit of no other reasonable interpretation.' ''

Id. at 147–48 (citations omitted); see also *Bowen* v. *Public Agencies Opposed to Social Security Entrapment*, 477 U.S. 41 (1986). In *United States* v. *Winstar*, 518 U.S. 839 (1996), the Court modified this principle of contract interpretation in suits for damages—allowing certain government contractors to sue for breach of contract on the ground that a new law altered the terms of performance of their existing contracts with the United States. The Court maintained the sovereign acts/unmistakable waiver doctrine in cases involving new taxes however, because the consequence of refunding tax payments in the form of damages would be to nullify the tax. In the Court's words: ''The application of the doctrine will therefore differ according to the different kinds of obligations the Government may assume and the consequences of enforcing them. At one end of the wide spectrum are claims for enforcement of contractual obligations that could not be recognized without effectively limiting sovereign authority, such as a claim for rebate under an agreement for a tax exemption. Granting a rebate, like enjoining enforcement, would simply block the exercise of the taxing power, and the unmistakability doctrine would have to be satisfied.''

Id. at 994 (citation omitted).

There is nothing in the existing OCS leases that purport to waive or to limit Congress' sovereign taxing authority. Accordingly, we conclude that existing lessees that are not presently paying royalties for deep water oil and natural gas production would be unlikely successfully to challenge the proposed severance tax on grounds of breach of contract.

Please let us know if we may be of any additional assistance.

Sincerely yours,

JOHN D. LESHY,
Harry D. Sunderland, Distinguished Professor of Law.

BRIAN E. GRAY,
Professor of Law.

Mr. BAUCUS. Mr. President, I raise a pay-go point of order that the pending Kyl amendment would worsen the deficit, in violation of section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. KYL. Mr. President, I move to waive the applicable points of order with respect to my amendment, and I ask for the yeas and nays on the motion.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted ''yea.''

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

The yeas and nays resulted—yeas 38, nays 55, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—38

Alexander	DeMint	Martinez
Allard	Dole	McConnell
Bayh	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Shelby
Bunning	Graham	Smith
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Warner
Crapo	Lott	

NAYS—55

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

NOT VOTING—6

Boxer	Coburn	McCain
Brownback	Johnson	Sessions

The PRESIDING OFFICER. On this vote, the ayes are 38, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

TRIBUTE TO SENATOR FRANK LAUTENBERG

Mr. REID. Mr. President, a few minutes ago, a record was broken. Senator FRANK LAUTENBERG has passed Senator Clifford Case's record for the most votes cast by a Senator from the State of New Jersey.

Senator LAUTENBERG's career can't possibly be summed up, though, on numbers alone. I have had the good fortune of serving with this man in the Senate since I came here. Sometimes the term ''American Dream'' is thrown around, and probably a bit too much, but if there were ever a Member of this body who exemplifies the American Dream, it is FRANK LAUTENBERG, the Senator from New Jersey.

FRANK LAUTENBERG was born without privilege to immigrant parents. He served his country bravely in World War II and put himself through Columbia University on the GI bill. He is an example of what the GI Bill of Rights did for America.

FRANK LAUTENBERG achieved great personal success in the business world, but he wanted to do more than be a successful businessman. And he was a successful businessman, both in reputation and in the ability to make money in our great free enterprise system. He was an exemplar of that.

He decided he would seek public service, and, very unusually, he shot for the top. He ran for the Senate—and ran and ran and ran—and was elected in 1982. Senator LAUTENBERG's legislative record is fantastic. It is terrific. He has been a titan here.

Guns and crime: Author of the Domestic Violence Ban, and sponsored countless laws to make neighborhoods safer.

Health and safety: He led the fight regarding drunk driving by toughening Federal laws and penalties relating thereto in the States.

The environment: I had the good fortune of serving with him on the Environment Committee from the first day I arrived in the Senate, and I do say to FRANK, and he knows this, that as a result of his having a very short retirement, voluntarily, I was fortunate enough to be able to become the chairman of that committee twice. Had he been here, he would have been the chairman on those two occasions.

But no one, and I say it without any reservation, has a better environmental record in the history of our country than FRANK LAUTENBERG. He sponsored countless laws to reduce pollution; clean up Superfund sites. One of the real battles of the Senate in recent years was the battle he and the ranking member had—and the chairman, they went back and forth—as to what would happen regarding the Superfund in the Environment and Public Works Committee. He has followed that like no one else has ever followed it.

He has promoted recycling by legislation. He has done legislation to protect our drinking water. Very importantly, he has ensured the public's right to know about environmental hazards in our communities.

For me, personally, the legislative accolade that I wish to give him relates to what he did regarding smoking cigarettes. I have five children, and traveling back and forth to Nevada as we have done, one of my boys was terribly affected by cigarette smoke. They tried something where you could only smoke in certain parts of the airplane, but that didn't work. If you are allergic to cigarette smoke, that didn't work. And my boy, Key, suffered as a result of people smoking in those airplanes.

When FRANK LAUTENBERG took on this battle, people actually made fun of him—why would he take on the tobacco industry; and if he did, did he mind losing? Well, he lost a few battles, but he won the war, and my boy is extremely happy he did win that war. Today they do not even have ashtrays on commercial airlines anymore.

The list is longer than I can possibly enumerate of his legislative accomplishments, but one of the things that is not a legislative accomplishment that I so admire about FRANK LAUTENBERG is his sense of humor. There is a story he tells, and he tells a number of stories, and I would go around and ask him, would you tell your story again, and he would tell it just as good as the last time. The one reason I so admire his humor is he reminds me of Red Skelton, because even though he has retold those jokes many times, in my presence, he laughed harder each time at his own jokes.

Suffice to say, when the day has come, and it will come, when historians write about Senator FRANK LAUTENBERG, he will be hailed as a great legislator for the State of New Jersey, a legend in the Senate, and a foremost legislator of great repute standing up for the health, safety, and welfare of every single American, not just those from New Jersey.

His record-breaking vote is reason enough to honor him, but his tremendous record is an accomplishment that will endure for many generations to come. Congratulations, FRANK.

(Applause.)

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, 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, do hereby move to bring to a close debate on the Baucus tax amendment No. 1704 to H.R. 6, the Energy bill.

Max Baucus, Jay Rockefeller, Kent Conrad, Jeff Bingaman, John Kerry, Blanche L. Lincoln, Charles Schumer, Amy Klobuchar, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Ken Salazar, Daniel K. Akaka, Daniel K. Inouye,

Sheldon Whitehouse, Sherrod Brown, Harry Reid.

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 amendment No. 1704, offered by Mr. BAUCUS of Montana, to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON), are necessarily absent.

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

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted ''nay.''

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

The yeas and nays resulted—yeas 57, nays 36, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—57

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

NAYS—36

Alexander	Dole	Landrieu
Allard	Domenici	Lott
Bennett	Ensign	Martinez
Bond	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Gregg	Reid
Chambliss	Hagel	Shelby
Cochran	Hatch	Stevens
Corker	Hutchison	Sununu
Cornyn	Inhofe	Vitter
Craig	Isakson	Voinovich
DeMint	Kyl	Warner

NOT VOTING—6

Boxer	Coburn	McCain
Brownback	Johnson	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 36. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, if I could have the attention of Senators?

The PRESIDING OFFICER. The Senate will come to order.

HONORING SENATOR ROBERT C. BYRD ON HIS 18,000TH VOTE

Mr. REID. Mr. President, the man seated behind me, ROBERT BYRD, just voted for the 18,000th time, more than any other Senator in history.

Let me tell a couple of things that are important to me about my relationship with this unusually brilliant man.

I had returned from Nevada to Washington. I was a new Senator. I asked Senator BYRD what he had done that weekend—he was standing back here. He said: I have been studying the Roman Empire. I am reading, for the third time, Gibbon's ''The Decline and Fall of the Roman Empire.''

He said: What did you do? I was a little chagrined. I said: Well, I grabbed a little pocketbook out of my library at home. It was ''The Adventures of Robinson Crusoe.''

He looked—we all know Senator BYRD when he is thinking about something. He rolled his head back, and he looked up and he said:

Robinson Crusoe, let's see. How long was he on that island? Twenty-eight years, two months, two weeks, and five days.

I looked at him like: What are you talking about? I just read the book. I didn't know how long he had been there. So I went home that night and looked. Senator BYRD was right. Robinson Crusoe had been on that island 28 years, 2 months, 2 weeks, and 5 days. I bet he hadn't read the book in 45 or 50 years, but he remembered that.

All of us will remember how he disliked the line-item veto. He came to the Senate floor once a week for 10 weeks and gave a lecture on the evils of the line-item veto. But he did it in a unique way because it was all about the fall of the Roman Empire. His thesis was that the Roman Empire fell because the executive took power away from the legislative branch of government. He gave 10 lectures, every lecture lasting exactly 1 hour.

There is not a professor who teaches Roman history who could give the detailed lecture on the Roman Empire that Senator BYRD did, but he gave it. It was so good. At the University of Las Vegas they had a political science department, and they took those lectures and turned them into a course, a graduate course.

What was quite remarkable is he did it without a note. He just walked out here and gave his lecture. As we know, he referred to the Emperors and how long they were there and the battles that took place and the times they took place.

I said: Senator BYRD, tell me how you do that without a note.

He looked at me and said, ''I memorized what I was going to say.'' So he gave 10 hours of lectures, and every word of it he memorized.

I could tell stories about this man for a long time. Let me just tell one more. I was a fairly new Senator. Some of the Senators may be listening to this who went on this little trip we took to West Virginia. He invited the British parliamentarians to meet with us, a few Senators, in the hills of West Virginia. It was beautiful. They had bluegrass music there. It was a festive occasion for a relatively small number of British parliamentarians and Senators. He even sang.

I can still remember him singing: ''There's More Pretty Girls Than One.'' Senator BYRD sang that. But the music stopped, and he said: OK, if anybody hears anything that I have said that is wrong, I have given a little notebook and pencil. You write it down and we'll talk about it later.

He proceeded to tell us and the British parliamentarians about the reign of the British monarchs, starting from the beginning. Remember, he has no notes, he is just standing there, starting from the beginning. If it was necessary, he would spell the name of the monarch. Every one of them he gave the years they reigned. If it was something interesting that happened during their reign, he would tell us about it. It took him about 1 hour and 20 minutes to do this.

The British parliamentarians were dumbfounded. Here is this American Senator telling them far more than they knew about their own country.

This man has been such an inspiration to all of us, with his mind, this incredible mind. I just finished reading Walter Isakson's ''Einstein''—a wonderful book, 528 pages, that talks about this brilliant genius. I did not know and I did not have the opportunity to meet Albert Einstein, but I had the opportunity to meet this genius. He has an unparalleled knowledge of the Rules of the Senate. He has a reverence for this institution that is unsurpassed. One of the things that I think is so important is that he believes in the Constitution. I have here with me—the other one is worn out, but I have here, with a very nice inscription that I prize—I have it with me virtually every day—signed by the Senator from West Virginia, ROBERT BYRD.

These gifts he has been given by the Almighty bring to my mind words from Ralph Waldo Emerson in his ''Essays on Self-Reliance,'' which was 10,000 words long. Now, Senator BYRD, if he were familiar with this, would recite it. I cannot. I can't give you 10,000 words, but I am going to give you the last paragraph of this brilliant essay by Ralph Waldo Emerson, which I think talks about who this man is.

Use all that is called Fortune.

Most men gamble with her, and gain all, and lose all, as her wheel rolls.

But do thou leave as unlawful these winnings, and deal with Cause and Effect,

the chancellors of God. In the Will work and acquire, and thou hast chained the wheel of Chance, and shalt sit hereafter out of fear from her rotations.

A political victory, a rise of rents, the recovery of your sick, or the return of your absent friend, or some other favorable event raises your spirits, and you think good days are preparing for you.

Do not believe it. Nothing can bring you peace but yourself. Nothing can bring you peace but the triumph of principles.

So said Ralph Waldo Emerson. I congratulate the Senator from West Virginia, ROBERT BYRD, for accomplishing all he has done as a Member of the Senate.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, of all the many milestones along the way of the extraordinary career of Senator ROBERT BYRD—and, by the way, we have celebrated a few of those on the floor of the Senate since I have been here, as he achieves more and more distinction by setting more and more records about Senate service, I am always reminded that Senator BYRD said his greatest accomplishment was his extraordinary marriage to Erma for a longer period of time than many Americans live. I would suspect that if Senator BYRD were to list his most important achievement, it would be his incredible, successful marriage to his beloved Erma.

Mr. President, let me add, on behalf of those on this side of the aisle, our congratulations to the distinguished senior Senator from West Virginia.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the filing deadline be extended until 2 p.m. for second-degree amendments.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII 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, do hereby move to bring to a close debate on the Reid substitute amendment No. 1502 to Calendar No. 9, H.R. 6, the Energy bill.

Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

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 amendment No. 1502, offered by the Senator from Nevada, Mr. REID, to H.R. 6, a bill to reduce our Nation's dependence on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted ''nay.''

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

The yeas and nays resulted—yeas 61, nays 32, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—61

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Grassley	Reed
Bennett	Gregg	Reid
Biden	Harkin	Rockefeller
Bingaman	Inouye	Salazar
Brown	Kennedy	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Smith
Cardin	Kohl	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stevens
Clinton	Lieberman	Sununu
Coleman	Lincoln	Tester
Collins	Lugar	Thune
Conrad	Martinez	Warner
Corker	Menendez	Webb
Dodd	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

NAYS—32

Alexander	Dole	Levin
Allard	Ensign	Lott
Bond	Enzi	McCaskill
Bunning	Graham	McConnell
Burr	Hagel	Pryor
Chambliss	Hatch	Roberts
Cochran	Hutchison	Shelby
Cornyn	Inhofe	Stabenow
Craig	Isakson	Vitter
Crapo	Kyl	Voinovich
DeMint	Landrieu	

NOT VOTING—6

Boxer	Coburn	McCain
Brownback	Johnson	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, we are all partisans here, but I really do believe this vote we just took is going to change the complexion of the Senate. The American people are upset at us—Democrats and Republicans—because we are not getting things done. We have to get over that.

I so appreciate Democrats and Republicans doing what is good for the country on this vote. There are still things with this bill I do not particularly like. There are things my colleagues on the other side of the aisle do not like. But we have to start legislating. I really do say—and I repeat—I think this could be the beginning of our being able to legislate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The majority leader.

Mr. REID. Mr. President, I withdraw that suggestion so the distinguished Senator from West Virginia can be recognized.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Maryland, Ms. MIKULSKI, be allowed to follow the statement by Senator BYRD.

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

The Senator from West Virginia.

18,000TH ROLLCALL VOTE

Mr. BYRD. Mr. President, each Senator—every Senator—has a responsibility to vote. The people of West Virginia expect me to do the job they sent me here to do, and I am doing it. This 18,000th rollcall vote is a testament to their faith in me and to my work for them.

I love this Senate. I love it dearly. I love the Senate for its rules. I love the Senate for its precedents. I love the Senate for the difference it can make in people's lives.

The Senate was viewed by the Framers as a place where mature wisdom would reside. The Senate was intended to serve as a check on both the House of Representatives and the Executive. The longer terms, the older age requirements, the special functions delegated to the Senate regarding treaties, appointments, impeachment—all of these are indicative of the intent by the Framers to have the Senate be the stabilizer, the fence, the check on attempts at tyranny, and the calmer political passions. Partisanship was not viewed as necessary or constructive in that day in time so long ago, nor, may I say, is total devotion to partisanship constructive in this day in time or in any day in time.

I have served in this Chamber for nearly five decades—nearly 50 years. Times have changed. The world has changed. But our responsibilities, our duties, as Senators have not changed. We have a responsibility, a duty, to the people to make our country a better place. The people send us here to do a job. They do not send us here to score political points or to advance our personal agenda.

If I could have one wish as I cast this 18,000th vote, it could be that the Senate could put aside the political games, roll up our sleeves, and get back to

work for the great people of this great country of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, today, the Senate is trying to come up with an energy bill. I know Senators have been working very hard on all sides of the aisle to come up with consensus legislation we can support, and I really do support them. I wish to particularly call to the attention of the Senate the efforts of Senators Pryor and Levin and Stabenow to try to come up with a compromise on the CAFE. But we are now where we are. We are at a very important juncture in our history.

You know me. I am a blue-collar Senator. My heart and soul lies with the blue-collar American. I spent most of my life in a blue-collar neighborhood. When Bethlehem Steel went on strike, my dad gave those workers credit. When UAW was having a hard time, my father and mother tried to smooth the way by helping them in the grocery store. My career and my public service is one of deep commitment to the working people. So when automobile manufacturers told me they could not meet the increased CAFE standards, I listened. I listened year after year, and now I have listened for more than 20 years. When they told me they needed more time, I agreed. When they told me an increase in CAFE standards was unattainable with existing technology, I voted against the increase to give more time so we could come up with attainable and existing technology.

But 20 years have gone by since the last increase in fuel efficiency standards. I was here when we voted for those CAFE standards. Now, after 20 years, I firmly do believe it is time for a change—not any kind of change—a smart change, a feasible change, an affordable change. That is why I support the Energy bill that is before us. I support the framework that has been generally presented by Senator FEINSTEIN of California. I know that American automobile manufacturers and their workers are true patriots. They want what is best for our Nation. They have faced challenges before and they have met them and I believe they will face these challenges now. I believe they want to build vehicles that are safer and more energy efficient.

The time has now come to increase fuel efficiency standards. We need a national effort. We need a national standard. It is time for our automobile industry to make the changes because they need to be able to do that to help their own industry survive and also for the interest of the Nation.

I believe our world and our Nation is facing a crisis. When you look at the increased gas prices at the pump, it is hurting every single one of us. When you talk to families, you learn it now costs $90 to fill up a minivan. A commuter who has no other way to get to work than an automobile is now paying more to get to work than they are for their food bill in certain areas. As the Presiding Officer knows, small businesses need those vans to make those deliveries, whether they own a flower shop, whether they are a heating and air-conditioning guy, whether they are a plumber or whether they are the person delivering pharmaceuticals to nursing homes. In my own State right now, the watermen, those fishermen are out on the Chesapeake Bay trying to harvest ever-diminishing crabs with ever-increasing fuel prices.

It is time to conserve our energy resources and to deal with the crisis we are facing. We know that energy and gasoline and petroleum products are in limited supply and are going up. We know that America's dependence on foreign oil presents a very serious national security challenge.

I am on the Intelligence Committee, and I know what these transnational threats are. I know that energy independence is absolutely crucial to fighting the global war against terrorism. If we follow the money, we know that every time we are putting money into the tank, we are putting money into the pockets of the petro jihadists, those petro jihadists who are trying to undermine us everywhere around the world. They are undermining and attacking our troops in Iraq. They are funding Hezbollah so they can attack Israel; Hugo Chavez, shake, rattling, and rolling in Latin America. Do we want our money going to the petro jihadists who want to plot and destroy not only American lives but the American way of life? I don't want to support al-Qaida by buying more gasoline than I have to, but this is what Iran, Venezuela, and others are doing.

We need to reduce our dependence on foreign oil, and that is one of the most important ways we can as the public is by fighting the war against terrorism. There are 150,000 men and women fighting in Iraq today. The temperature is 110 degrees. We already have lost 14 more military. While we are doing that, though, there are 300 million of us who don't have to share in the sacrifice of the battle in Iraq, but we can share in that sacrifice if we embrace energy conservation and are serious about it. At the same time, we know there is a dangerous increase in the climate crisis that affects the life of our planet. It, too, is a national security issue because, make no mistake, the climate crisis will affect our food supply and will create a climate in which infectious disease will grow and natural disasters will increase.

What can we do about it? How can we sign up to have a safer America, a safer planet? Well, I believe the most sensible foundation of an energy plan must begin with conservation. We have to make better use of what we have in our homes, in our businesses, in our cars, and in our airplanes. We also need incentives for new renewable energy and energy-efficient technologies that we can use in our homes and in our businesses and an increase in fuel efficiency standards for our vehicles on the road and our vehicles in the air.

Now, in considering any fuel efficiency standard, otherwise known as CAFE, I come back to where I began: My heart and soul lies with the American worker, so I believe anything we do must preserve American jobs, but it also must achieve real savings in oil consumption. It also has to be realizable and achievable. That means a real technological ability to accomplish it. That means a reasonable lead time to adjust our production.

I also believe we have to create incentives to enable companies to achieve those goals. I don't believe in an industrial policy where we pick winners and losers, but if we are going to pick a winning energy policy, we have to provide some type of help to the industry to help them get where we need for them to go.

In the 1950s, when part of the world saw the Iron Curtain come down and they went into communism, many against their own will, such as Poland, Latvia, and Estonia, there was a whole other world that chose to go with what they called a Socialist tendency. We saw industrial democracies such as England, France, and Canada develop a national health system. We said: Oh, no, we are Americans. We don't want to go that way. We don't want to have a national health system. So we said to the private sector: Provide health care, provide pensions, and we will support that. So our American manufacturing base went to a defined benefit. They did provide health care. They did provide pensions. Now, they should not be penalized for it. Yet you look at the fact that our American manufacturers and our automobile industry itself does carry the legacy cost of health care; we asked them to do it and they did do it. General Motors provides more health care than the VA system. They provide more health care than some countries around the world. They have legacy costs to retirees. So if we are going to make the move in CAFE, we have to acknowledge that issue and how that impacts their competitiveness.

Let's put our thinking caps on. Let's not only help one industry. Maybe this is the time to motivate us to get serious about having universal health care and a real prescription drug benefit so we don't dump it on the private sector to do.

I also know, when we look at this in terms of preserving jobs, we need to also make sure that the technology is achievable, and I believe it is. I believe also there are certain waivers in this bill that help them achieve—that deal with the fact that if they cannot increase some of these standards, the mandates can be waived. But you don't get an energy policy by mandates alone. We can't mandate and regulate our way out of this.

I am going to vote to raise fuel efficiency standards, only because I am so convinced it is in our national security

interests. But I do not want to ignore the economic impact that this is going to have on the automobile industry. We can't just mandate and we can't just regulate. So I say to my colleagues, if we are going to go energy, then let's go to health care. If we are going to go energy, then let's fix the prescription drug benefit and don't talk about vetoes and filibusters. Let's now work in our national interests. Let's now work for our manufacturing base.

Out-of-control health care costs mean that companies are less able to be innovative and invest in technology. Our current President likes to talk a lot about relieving the tax burden, but to our business community, the cost of health care is a tax because we have not gotten serious about how to provide affordable health care, both to the people who want to buy it and businesses who want to provide it. So let's get rid of that health care tax on American business and come up with universal health care. Last year we made some progress in helping manufacturers meet their pension obligations, and we can do it in health care.

The time has come to raise the CAFE standards, but the time has come also to put our thinking caps on, to be an innovation society, and to come up with new ideas for efficiency, new technologies for energy efficiency, new composite materials to make cars lighter but keep them safe, and at the same time to seriously come to grips with health care.

This is not an easy vote for me. I am telling you, this is not an easy vote for me. I have always, for 20 years, stood with colleagues such as Senators Levin and Stabenow. I stand with them now. But I also know that if the American automobile industry is going to survive and that if we are going to deal with the petro jihadists, we need to get serious about fuel efficiency. Let's get serious about the legislation. Let's get serious about health care. Let's be serious about the American workers, and let's get the job done the people want us to do.

So today, I know we voted for cloture on the bill, but we have to continue to speak up on what we need to do to make us a safer country, but to keep a stronger economy, and for God's sake, could we start to be smarter about it.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to speak as if in morning business, the time to be charged to the time allotted for cloture. I will probably take up to 10 minutes.

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

EMPLOYEE FREE CHOICE ACT

Mr. LAUTENBERG. Mr. President, the first thing I want to do is take a minute to publicly thank the majority leader for the kindness he extended to me earlier when he announced the fact that I have cast the second-highest number of votes of any Senator from the State of New Jersey.

Mr. President, I am as surprised as anybody in this Chamber that this event took place and that kind of longevity has been extended to me by the people of New Jersey. I now enter the middle of my 23rd year in the Senate and I want to continue to serve. But that is a discussion for another time.

The majority leader was very generous in his comments about me. Coming from a person who has provided so much by way of leadership and contribution to the country as Harry Reid, it is a touching experience. We are busy, but Senator REID took time out of the business of the day to note the fact that I had achieved that record.

The biggest surprise of all is, for me, the fact that I have been in this Chamber as long as I have been. I spent 30 years building a company with a couple of colleagues.

That is the legend of America—what can happen even if you are born poor but you have some assistance. I wore the uniform of this country proudly during World War II. I was a beneficiary of the GI Bill of Rights. That is how they defined the educational opportunity that was given.

Mr. President, my surprise—my awe, if I may—was that I was able to go to Columbia University, a distinguished educational facility, which was something I never dreamed possible because of the humble roots that my family had. They gave me values—nothing of value but values. My parents' admonition throughout my life was to always be honest, always tell the truth, always work hard, and remember one thing, son: There are people as poor as we are. As difficult as it is at times, there are always people less fortunate.

My grandmother had a little bank in the house, which we shared with her many times, in which we would put small coins, to be used for—I cannot say charity but for others who were less fortunate.

So I stand in this Chamber at this moment, and I want to talk about something related to roots—to my roots. My father and my mother struggled to make a living. My father worked in the silk mills of Paterson, NJ, a textile city. Others like my dad and mother were brought to this country by their parents, hoping for an opportunity to make a living and to have some degree of opportunity.

My father worked in the silk mill with a dear friend of his who was later very active in union organization. My father made a plea to his foreman for a holiday off. It was an important religious holiday. He wasn't looking for any pay, Heaven forbid. He just wanted to have the time off for observance of the holiday. He and his very close friend asked the foreman if it would be all right if they took the day off for the observance of the holiday, which was the week following. The reply was very quick: Oh, sure, you can take the day off, but don't come back to work here anymore. With that, you can imagine the view of my father and his friend not being able to continue a job that was scarce and difficult to get. So they waited, hat in hand.

In those days, people would wear hats to work in common labor at a mill. They described that, hat in hand, the two of them nervously waited for the owner of the company to come by. They would not let them go into the owner's office. Heaven forbid, that is no place for people like you. But the owner was a kind, generous man. When he walked out, they stopped him and explained that they desperately wanted to take the holiday off, but they needed their jobs. The owner was a kind, sympathetic person, and he said: Take the time off, and you are going to be paid for that holiday.

That was the beginning days of union representation in this country—very active, very confrontational, very difficult, and sometimes violent. But my father saw and his friend saw that they had to have a better way to do things than stand hat in hand and beg for a day off. Fortunately, they found a kind man who listened and gave them the day off. But the experience was searing, and they never forgot that working people had to have representation.

Both of them then became active in union organization. Those were difficult days. We have all heard stories about employees who wanted some representation, wanted a voice in how they were paid, wanted a voice in what conditions were like.

My father worked in a mill. My father was a health faddist even in those days. He took very good care of himself. He was a man with muscles. He would go to the gym, and he would lift weights. He belonged to the local Y. He never smoked, was light on coffee, and no liquor. He died when he was 43 years old. He contracted cancer when he was 42. The cause was almost undeterminable, but they realized that there were materials they used when they worked with the silk to keep the silk brittle and to keep the machinery working that ultimately caused my father's cancer. His brother died at age 56 also from cancer. Their father died at age 52 also from cancer induced by the environment at the factory in which they worked.

The fact is that people who work in places like this should have a voice—and we see disparities, such as taking 10 years to raise the minimum wage.

It is time to give unions, to give working people a chance to have a voice in their work or their opportunity to take care of their families, or the opportunity, as my father said, to

hold your head high, be proud, be proud you are a worker, be proud you are contributing something to your country.

What we see now is distressing, which is why we are discussing freedom of choice for workers, to give them a chance have their voice heard without having to go through a hassle about whether they are organized. I have seen what happens. I ran a very big company. When I left the company, it had 16,000 employees. Today it has 40,000 employees, a company I started with 2 other poor kids from the neighborhood. We were always very conscious of our responsibility to our employees. That is why the company was so successful. It had the longest growth of any company in American history of 10 percent or more on the bottom line.

We had a case in New Jersey where a bus driver was fired for being a union supporter and giving testimony to the National Labor Relations Board. Even as we gather here, we see that employers are still using all kinds of tactics to harass, threaten, or fire workers who try to exercise their right to form a union. Ninety-two percent of employers make their employees sit through one-sided, anti-union presentations, according to a study by Cornell University.

The Cornell study also said that 78 percent of employers have supervisors hold repeated closed-door, one-on-one meetings with workers to intimidate them to oppose the union.

I don't think those kinds of tactics are appropriate. Decent jobs are ever more scarce in this country as we ship so many jobs abroad, as technology—and I come from the computer business; I know something about technology—as technology takes jobs away from people whose only skills are manual skills, and they need a way to make a living. You don't have to be a new immigrant to need a job where you use your hands, use your body, or use your strength to make a living. But these jobs are going further and further afield because of the technology.

We should not allow employers to prevent workers from having a greater voice in their workplace on issues of pay and benefits and working conditions.

We can improve this situation by passing the Employee Free Choice Act to protect workers and to protect their rights—again I use the expression—hold their heads high, know they can provide for their families, know they don't have to apologize to their kids for having to work as hard as so many do, two jobs in many cases.

The bill that is in front of us will let employees select a union if a majority signs cards saying they want representation. They don't want to take over the ownership of the company. They don't want to deprive senior executives from making their salaries or their benefits. When we see what is happening in America today, there is a frightening specter out there, and I talk as someone who came from the corporate boardroom. I can be accused of being a tree hugger because I care about the environment. I can be accused of other things. But I can't be accused of not understanding what it is like to run a business, a successful business.

If people want representation, when we see that there are people in this country making $1.8 billion for a single year's work, and many others earning $240 million or more. The salaries are adequate enough, as they said in an article in the New York Times a couple of weeks ago, that if you took the combined wages of people who made $240 million or more in the year, you could pay 80,000 school teachers in the city of New York for 3 years.

There are disparities, and what has to happen is that people who work for a living have to understand their work, their effort, their contribution to the country. We have Tom Brokaw here for lunch right now. He wrote a book, ''The Greatest Generation.'' What was it? It was working people who made the contribution. It was working people who on D–Day—I didn't arrive in Europe on D–Day; I arrived a little bit later—those who were there, those who were the heroes, those who saved their companions, working people. They are entitled to be heard.

Workers cannot be hassled or harassed to be kept from expressing their interests in a union. This bill says employees can select a union as soon as a majority signs a card saying they want representation. Current law allows for this majority signup, but only at the employer's discretion. The employer can instead demand an election and use that time before that election to scare workers away from joining a union.

The Employee Free Choice Act will protect and enhance the right of workers to join a union, and there is good reason for some to choose a union. As President Bush helps the wealthy get wealthier, helps the corporations develop ever more earnings, I see nothing wrong with that as long as there is a fairness, an equity. When a company such as ExxonMobil earns almost $40 billion in a year, and Americans pull up to the pump and very often they are giving away a significant part of their purchasing power at that gasoline pump, we have to be sure we don't totally demoralize the working people of this country.

Union wages can help low- and middle-wage workers earn their way to new opportunities and financial stability. Everybody knows it costs more to live these days. It costs more to send a kid to college. It costs more to get health care. It costs more for gasoline. It costs more for mortgages. It costs more for everything.

We have to make sure that the people who work for a living, who do the building, who do the lifting, are able to make a living.

When it comes to wages, union wages are almost 30 percent higher than nonunion wages, and union workers are almost twice as likely to have employer-sponsored health benefits.

In 2005, 1.3 million New Jersey residents were uninsured for health. That is 300,000 more residents than 5 years ago. Union membership can make a huge difference to them and their families. Hard-working Americans deserve these benefits. We need the Employee Free Choice Act so workers can express themselves without intimidation. They have to be certified if they make that kind of choice. But we also want employers to be accountable when they violate the law. This bill will strengthen penalties for employer violations of the National Labor Relations Act so that employers are deterred from breaking the law.

Workers deserve an atmosphere where they can choose a union without intimidation or coercion. They need a strong law to allow them to make their own choice without interference from management. The Employee Free Choice Act is that law. It will give employees a stronger voice in shaping the workplace and will help employees earn more money, benefits, and improve their futures.

I am proud to support this bill for New Jersey's and America's current union members and for those who want to unionize.

I urge my colleagues to support the bill. Permit people to make their choice and make it freely and not have to be worried about intimidation or harassment. If you want to join a union, simple: Fill out a card. Why should they be deprived from doing so for their future? I don't think they should be.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

HEROES OF CHARLESTON

Mr. GRAHAM. Madam President, my colleagues have been very kind to me in passing on their condolences from the people of their States regarding Charleston. I publicly acknowledge all the kindness they have shown to me and Senator DEMINT regarding the loss of the firefighters in South Carolina. It was a huge blow to the community of Charleston. Nine very brave souls lost their lives trying to protect their fellow citizens. Senator KENNEDY spoke very eloquently of the life of a firefighter. Senator DODD and so many people have offered their condolences.

There will be a memorial service tomorrow in Charleston. I will be going with other members of the delegation, and we will have a resolution before the Senate tomorrow honoring these heroes.

I learned, talking with Senators KENNEDY and KERRY, that there were six or seven firefighters lost in Worcester, MA, not that long ago. I have been told the Charleston fire was the largest loss of life among firefighters since 9/11.

Those who have been to Charleston, SC, know what a wonderful, beautiful community it is. It is one of the most open, welcoming communities in the country. To the families, we grieve with you. We can only imagine the pain you are going through. I hope you do realize you have so many people in your corner saying prayers for your well-being and deeply appreciative of the sacrifice your loved ones made.

It is human nature for most people to run away from fires. Only firemen run into them. Thank God people are willing to do that, go off and serve in the military, be policemen, EMTs, many of the other jobs that require self-preservation to take a backseat to the common good. Self-preservation is a strong instinct. I know parents would do anything for their children, and that is a very understandable emotion, taking care of your loved ones and your family. That probably trumps self-preservation—most of the time, anyway. Doing it for somebody you don't know makes you a hero. When you are willing to give your life, risk your life for someone you don't know, that is where the term ''hero'' applies.

To the families who have lost loved ones, I do hope you have some comfort knowing that what your loved one was doing was so important. In this case, there was a belief that a civilian was left in the warehouse unaccounted for, so the firemen went back in to look for this person. Unfortunately, the worst happened. The building collapsed on them, and there was a tremendous tragedy.

There are so many ways to thank firemen, and I am very inadequate in that regard.

Similar to most young kids, I thought being a fireman was about the top of the pyramid. It seemed like the neatest job in the world. But as you get older, you realize how dangerous it is. It is one of those occupations, such as being a policeman or other occupations—but particularly firemen—that every day is a real risk you take.

To the people of Charleston, SC: I know you are banded together. I know you are mourning together. You have the wishes of this body. All the Senators—Republicans and Democrats—very much have you in their prayers.

To the families: Tomorrow will be a difficult day. It will be a very touching day. It will be a day of remembrance and mourning. It will also be a day of celebration, celebrating the lives of those brave firefighters who represent the best of my State and the best of humanity.

I would like to end this statement with the understanding that there is nothing we can do to replace your loss. But we can and we will be there by your side as you move forward.

God bless.

I yield back the remainder of my time.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I make a point of order that the pending amendments are either nongermane or are drafted improperly and are out of order.

The PRESIDING OFFICER. Without objection, the majority leader may make a combined point of order against the pending amendments.

The point of order is sustained, and the amendments fall.

Mr. STEVENS. Mr. President, is the pending business the Reid substitute?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1792, AS MODIFIED

Mr. STEVENS. Mr. President, I ask unanimous consent that my amendment No. 1792 be called up and modified by amendment No. 1843.

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

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 1792, as modified.

The amendment is as follows:

On page 239, beginning with line 16, strike through line 5 on page 277 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty

on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the

Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which

shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall, establish and implement an action plan which takes into consideration the availability cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) Other terms.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

Mr. STEVENS. Mr. President, the fuel economy compromise that I filed yesterday, as now amended, is a step toward addressing our energy crisis. I thank my dear friend chairman INOUYE and his staff for working across the aisle to ensure a bipartisan measure. I support the notion articulated by the President in his State of the Union Address that we need to modernize the Nation's fuel economy program, and save a significant amount of fuel over the next decade. I believe the provision we now consider would effectuate that policy goal in a thoughtful and functional way.

Once again, our Nation stands at a crossroads in our history. The United States faces an energy crisis, but we find ourselves trapped in a vicious cycle which will only make its consequences more severe. While our Nation is blessed with enormous natural resource potential, inconsistent government policies discourage their exploration and development. As a direct result, the amount of oil imported each year is increasing, and our Federal lands, including those in my home State of Alaska, are being withdrawn from oil and gas development and exploration. These policies have been—and will continue to be detrimental to our national security and long-term environmental economic health. The time has come for those of us in Congress, as the custodians of the public trust, to make the difficult energy policy decisions that will serve to benefit future generations.

Those who advocate a one-approach-fixes-all solution are misleading the American public. The only way our Nation will achieve energy independence is through a combination of initiatives. Conservation, domestic production, and the development of alternative sources of energy are all parts of the broader solution. The end to our crisis lies in the balance between them, and the advancement of each will also reduce greenhouse gas emissions. One initiative without the others will simply not be enough to achieve our energy objective.

The fuel economy provisions of this bill would enhance conservation. The measure would remove the legal ambiguity that for years has inhibited the Secretary of Transportation from raising fuel economy standards for passenger cars, and mandate significant fuel economy increases for both passenger cars and light trucks.

By providing authority to increase standards for passenger vehicles, and challenging automobile makers to invest toward the achievement of a specific fuel economy target, this amendment would provide consumers with fuel savings at the pump, limit our Nation's dependence on foreign oil, and significantly reduce greenhouse gas emissions.

I am fully aware of the aggressiveness of the target standard set forth in this bill and the challenges involved with reaching the fuel economy standard for the domestic vehicle fleet. And I thank Chairman INOUYE for agreeing to allow regulatory flexibility in the event that the targets set forth by this legislation are not feasible. But the overall charge to the auto industry set forth in this measure is not unfamiliar to the industry during times of geopolitical instability. In fact, the CAFE program was born out of very similar circumstances in 1973, during the Arab oil embargo. At the time, our Nation recognized that it was in our national interest to reduce our dependence on foreign sources of oil by demanding better fuel economy from our automobiles. History has now repeated itself and a combination of events, including the aftermath of Hurricane Katrina and geopolitical unrest, has precipitated once again the need for difficult energy conservation determinations.

Mr. President, the terrorist attacks waged on this country on September 11, 2001, and the ongoing turmoil in the Middle East have brought into focus the need to reduce our dependence on all foreign oil. The United States imports almost 11 million barrels of crude oil every day, compared with only 5 million produced here at home. And more than 2 million imported barrels arrive from the Persian Gulf each day. Domestic consumption has increased since 1993 from 17 million to 21 million barrels per day. The savings achieved by increasing fuel economy standards for the entire domestic passenger vehicle fleet is an essential component of our comprehensive strategy to increase our energy independence and national security.

But any change to fuel economy standards requires the careful balance of many factors, including national security, consumer preference, domestic employment, as well as the need for powerful and durable vehicles in rural America, including my home State of Alaska. While the fuel economy provisions in this amendment would set aggressive goals, they would also provide the Secretary the authority to balance these market and national security considerations, and to make the appropriate and necessary fuel economy increases.

By significantly improving fuel economy in our passenger vehicle fleet, we will inherently reduce greenhouse gas emissions. While the cause of global climate change has yet to be fully determined, its speed and impacts are more evident in Alaska than anywhere in the country.

Many believe global climate change is attributable partly to manmade activities. Temperatures are rising in the Arctic region at more than twice the rate of the rest of the world, according to the 2004 Arctic Climate Impact Assessment, and many impacts in Alaska such as erosion and flooding exacerbated by climate change require immediate attention and planning of responses.

Mr. President, our Nation needs a new energy paradigm. The 21st century will be the proving ground for our commitment to achieve both energy independence and a clean, sustainable environment. The fuel economy provisions in the amendment address conservation and are intended as an aggressive first step of a more holistic energy policy.

The current energy crisis cannot be resolved through conservation alone, and we cannot suspend the law of supply and demand while we anticipate alternative technologies and energy sources. I remain steadfast in my belief that allowing for the development of our domestic resources, particularly in my State of Alaska, is an essential component of a successful energy policy.

While my colleagues in the past have narrowly defeated efforts to effectuate that calling, I will not give up on advancing the need for such production. The development of our domestic resources would generate billions of dollars for the Federal Government, which could aid in our quest for alternative sources of energy if we use this new revenue to invest in research efforts and infrastructure development.

Mr. President, I ask for action on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1792), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the managers of the bill, Senators BINGAMAN and DOMENICI, are now going to try to see if there are amendments that can be called up, so that a quorum call will be entered into. Hopefully, we can have other amendments in this matter as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that the sponsors of the amendment that has just been adopted be myself, Senator INOUYE, Senator FEINSTEIN, Senator LOTT, Senator KERRY, Senator CARPER, Senator HAGEL, Senator SNOWE, Senator DORGAN, Senator ALEXANDER, Senator CANTWELL, Senator CORKER, Senator DOLE, Senator CRAIG, and Senator SUNUNU, in that order.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, in this downtime, the managers are working. At this time, what we are trying to do is clear amendments. There are a number of amendments that have been filed, some of which are germane. We are working to see if we can clear amendments without a lot of determination at this time as to whether they are germane or not. Managers are working on this real hard and speaking to the individual Senators and staffs.

Senator DOMENICI has been notified of this situation. Senator CRAIG is here from the committee representing the minority at this time. We hope they can expedite the clearing of some of these amendments, and then we will make a determination after that to see if there are any other votes we have to have on some of these germane amendments.

Mr. CRAIG. Will the leader yield?

Mr. REID. I will be happy to yield.

Mr. CRAIG. Mr. President, on behalf of our colleagues, is it possible at this time for the leader to give us some timeframe as it relates to the packaging and possible activity this evening and into tomorrow?

Mr. REID. I thank the Senator from Idaho very much. I say to my dear friend from a neighboring State of Nevada, we are trying—and I have had a number of conversations this afternoon with the Republican leader—to see if we can expedite the time. It is very possible that we could move forward on this legislation and not have to work the weekend because a lot of the weekend would be spent just standing around.

If we can accomplish what we need to do without a lot of standing around time, we would be better off, and then we can move early next week to finish the debate on immigration. We have a limited number of items left to do. We have to finish the germane amendments. I have already indicated the managers are willing even to take a look at some nongermane amendments. We need to finish the germane amendments, and we have to have cloture on the bill if, in fact, that is required. Sometimes it isn't. Most of the time it isn't. I said that earlier. And then we would have final passage on the bill. Then we would have 20 minutes on card check. That is the time for the vote. There would be no debate on that. I have a strong suspicion that cloture will not be invoked on that legislation. Following that, we would move to immigration.

Mr. CRAIG. I thank the leader.

Mr. REID. One of the proposals, I say to my friend, was to start immigration on Monday and maybe some other odds and ends around here on this matter. The other proposal Senator MCCONNELL and I have talked about is starting everything Tuesday morning. We would arrive at the same end time. It would just be we wouldn't have to be in session with people standing around guarding to make sure somebody isn't going to do something when the quorum call is on. We could wind up at the same place and accomplish just as much. That doesn't take away how difficult it is going to be once we get on immigration.

There are meetings being held on that today and progress is even being made.

I suggest the absence of a quorum.

I withhold for a minute. We are going to be in a quorum call. If someone wants to give a speech for 10 minutes, recognizing they will speak as in morning business just for that 10-minute period, that would certainly be appropriate. But we are not going to do any

business on this bill until the managers give us some direction.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, my understanding is the floor is available for some discussion while we are waiting for the managers to work on amendments and perhaps clear amendments, and I wanted to take a few minutes along with my colleague Senator CRAIG to talk about some information in a piece of legislation we have previously introduced called the SAFE Energy Act, Security and Fuel Efficiency Energy Act.

That legislation represents legislation trying to reduce the oil intensity of the American economy. The calculation of where we are with respect to oil in this country is that we are dangerously dependent on foreign sources of oil, dangerously dependent on oil that comes from very troubled parts of the world—Saudi Arabia, Kuwait, Iraq, Venezuela, and more. That dependence now is over 60 percent. In other words, over 60 percent of the oil we need to run this country's economy comes from other parts of the world, much of it very troubled.

If, God forbid, tomorrow a terrorist were to interrupt the supply of oil coming to this country, our economy would be flat on its back. So how do we reduce the oil intensity in this country? Well, you do a lot of things. I mentioned that 60 percent plus of our oil comes from outside of our country. About 70 percent of the oil we use in this country is used in vehicles. So while 60 percent comes from other countries, 70 percent is running through a carburetor or fuel injector to make our vehicle fleet go, and we are in a hopeless pursuit of becoming less dependent on foreign sources of energy if we don't make our vehicle fleet more efficient.

So that is one. You have to make your vehicle fleet more efficient. We have just passed a piece of legislation that moves in that direction. But you need a lot of things: You need efficiency, you need conservation, you need renewable energy, you need additional production of energy; yes, even fossil fuels, but done in an environmentally acceptable way. So conservation.

We misuse, we waste, an enormous amount of energy in this country. The cheapest form of energy available to us is through conservation. There is no question about that. Efficiency. Almost everything we do in this country, from the time we get up in the morning until we go to bed at night, we are using all kinds of appliances that require energy. We flip on a switch and a light bulb turns on. We plug in a razor and shave and use electricity. We jump in the shower and that water is heated by electricity or perhaps natural gas. But the fact is everything we do can be made more efficient.

There are strange terms, such as SEER 13 standards for air conditioners. Some don't know what that means. I know it is kind of an arcane language, talking about SEER 13 standards, but it means much more efficient air conditioners. We fought for a long time about that and finally got a SEER 13 standard, and it is going to use much less electricity and be much more efficient.

So conservation, efficiency, renewables. The bill on the floor of the Senate is a significant piece of legislation dealing with renewable energy, solar energy, biomass, wind energy, and then the biofuels, including ethanol, biodiesel, and all of these issues that deal with renewable energy. That is another significant step toward being less dependent on foreign sources of oil. Conservation, efficiency, renewables.

But there is another piece that has received too little notice, in my judgment, too little notice on the floor of the Senate, and that is additional production. We are going to use additional coal. As chairman of the Energy and Water appropriations subcommittee that funds those energy accounts, we are going to use clean power and clean coal technology to, I hope one of these days, be able to have a coal-fired electric generating plant that is a zero-emission coal-fired electric generating plant. I believe we can get there through technology and better science. We have all these issues we are working on.

With respect to fossil fuel, coal, oil, and natural gas, we need to find additional ways to produce additional quantities of oil here as well. As I look at this issue, and my colleague Senator CRAIG and I have evaluated this issue, there are quantities of oil offshore—yes, in Alaska and on the west coast, in the gulf—and the largest quantity is in the Gulf of Mexico. We know we have passed some legislation in the last 2 years, within the last year and a half or so, opening up what is called lease 181. It was modified, through the work of the Senators from Florida and others, in a way that was acceptable to them.

We opened up a portion of the Gulf of Mexico for additional production. Senator CRAIG and I believe there are additional tracts and significant tracts that can be open for additional production of oil, oil and natural gas, and that such production can be done without destruction of our environment. That production can be done by expanding the supply, which must be part of the answer to addressing this energy problem we have.

The oil intensity in our country makes us dangerously dependent on foreign sources of oil, and so as we look at how we deal with that, we deal with it in a lot of ways, but one of those ways must, in my judgment, include some additional production with proper and certain environmental protections. That can be done. That should be done, in my judgment.

Now, Senator CRAIG and I understand that portion of the plan we introduced here in the Senate that deals with offshore production is controversial. We understand when you try to do something such as that, people come to the floor and put up a pretty vigorous fight. I might say the Presiding Officer, being from Florida, has been very active and very aggressive in protecting his State's interests, and very effective at protecting his State's interests. Both Senators from Florida have been active and involved in that. We understand that.

We also understand it is not likely at this point that we have the votes here in the Senate at this moment to expand the kind of production we wish to expand in the Gulf of Mexico, but that doesn't mean we shouldn't be discussing and considering how at some point in the future we access those significant additional quantities of oil and natural gas our country needs, and how we access them with the kind of certain protections for our economy and our environment that would be necessary to accompany that.

That is why Senator CRAIG and I introduced a piece of legislation that has this production side to it, and we feel it has not been much discussed on the floor of the Senate. Everything else has been—conservation, efficiency, renewables—all of which I support, all of which I am excited about, all of which I think advance this country's interest, but the production side has not been discussed in as significant a way as I believe it should. So I wanted to simply take this moment to say that the proposal offered by my colleague from Idaho and myself is one that believes that whether it is now or in the future, the construct of how we put together a comprehensive energy plan to reduce the dangerous dependence we have on foreign sources of oil must include some additional production, and the most likely place, with the greatest potential, if you look at all of the potential areas, is in the Gulf of Mexico.

Mr. President, I yield the floor so my colleague from Idaho can express himself as well.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank the Senator from North Dakota for a very succinct presentation about the reality of why we have spent the last couple of weeks debating energy in the Senate.

There is another reality check that I think most Americans fail to understand when it comes to why they are paying $3-plus at the pump, and that reality is that clearly demand in this country has outstripped supply by a significant amount. We have increasingly, since the 1950s, begun to have to

go elsewhere than just in and around our country to meet the hydrocarbon or the crude oil needs of our refiners and, ultimately, the gasoline needs of our consumers. As that dependency has grown on foreign sources of energy, I would argue that America became increasingly less secure.

Now, I am one who in the 1980s, and probably the early 1990s, thought it would be just production, production, and more production. I have changed. I have spent a lot of time looking at the energy equation of our country over the last couple of decades and said, no, you have to do a variety of different things.

Production is important. Our President said we are hooked on hydrocarbons. We are ''gasaholics,'' if you will. We are and we will be for an extended period of time. We have been there a long while. We have a multi, multibillion dollar infrastructure that supplies that energy out to the suburban access points, and you don't change those overnight. You don't change the technology that ultimately gets you there, but you do change. And America must change.

Some say you don't need anymore production, you can go to efficiency, you can go to new technology, and that alone will change the equation fast enough to save America's consumers and the economy.

I disagree with that. I think we are going to go there. In fact, the Senate by a voice vote a few moments ago passed a new efficiency standard for automobiles that I support. I am a Senator who has never supported that in the 27 years I have been in the Senate. So while I may be asking the Presiding Officer from Florida to change a little bit as it relates to the resources that are offshore Florida because I now know the technologies can bring those resources out without damaging the environment, here is a Senator who has changed also because I do believe that when you get to a fleet that burns less fuel, you are going to get to an America that needs less hydrocarbons over time.

That is why the Senator from North Dakota and I introduced legislation earlier this year that talked about conservation, and it talked about innovation, but it also talked about production and the reality of having to get more production out of our own resources instead of relying on one of the most unstable, riskiest areas of the world to gain that production.

If the world were at total peace today and the world's oil supplies were managed by companies and not countries, my guess is crude would not be at $60-plus a barrel. It would be at $40-plus a barrel and the American consumer would probably be paying a dollar less at the pump. But that is not reality. Reality is reflected at the pump and therein lies one of our greatest problems.

Earlier in the day, we had a great debate about a tax bill, to tax the oil companies by about $30 billion. Somehow that was going to change the equation; it was going to make the world a safer and better place. It was not going to change the price at the pump, not one dime. In fact it had the potential of taking it up.

Here is the reason why. It did not change this equation. What is this equation? These are the known reserves of oil on the globe. Here are the big boys, as we think of them—the big companies. Here is Exxon and here is the British Petroleum and here is Texaco and over here is Marathon.

You can hardly see them on the chart. They don't own the world's oil supply. They manage and own very little of it.

Who owns it? Hugo Chavez, Venezuela—who would love to jerk this country around by its tail—Saudi Arabia, Iran, Iraq. I have named some of the most unstable areas of the world. They own the oil today. We need it because we are dependent on it, because we have done very little about it. That is why the Senator from North Dakota and I said we have to go where the oil is in our country, and the oil is not onshore anymore. The oil is not onshore. It is offshore. We know it is, and we know there is a substantial supply of it. But we have allowed States to put on moratoria and establish a political environment that denies the Federal Government access to its own resources, so the taxpayers of Idaho are paying a higher price for gasoline, in part, because the State of California—the Senator from California is here, the State of Florida, and other States have said you can't drill off our shore. No. No. Even though in California, with the old leases, they are still drilling in the State waters—not drilling but producing—the ghost of Santa Barbara is long gone. There are some who still like to talk about it, but my guess is these young folks sitting around here tonight, who are our pages, don't even remember Santa Barbara or the oilspill that resulted from the catastrophe of a wellhead blowing off offshore years ago.

The reason you don't is because it doesn't happen anymore. The technology of today, the safety of today, the regulations of today have changed the equation.

The Senator from North Dakota talked about a compromise the Senator from Florida worked with us on this past year. This is lease sale 181, where there may be millions of barrels of oil and trillions of cubic feet of gas. We don't know. There is a pretty good idea it is there and it can be produced and pushed into the current infrastructure and America, for a moment in time, will be a little bit more energy secure.

What I am proposing and what many are talking about is what about this area? What about the rest of the eastern gulf? Ought we not be talking about that? Looking at it? Understanding what is there, if technology allows us to produce?

Here is where America's oil is being produced today, in the Gulf of Mexico. We are finding more and more out there as the technologies improve and as we can get deeper into the waters. That is reality. There are those who will give a lot of different arguments about why you should not do it. But I will argue you can do it and that the oil is there and America ought to know about it and they ought to be asking why we are not going there but, instead, why are we increasingly dependent upon foreign nations for our source of oil?

It is a reasonable question to ask. Right now, America has grown increasingly angry because of the price it is paying at the pump. People are not accustomed to using their disposable income for the price of energy as we know it today. That is not what we have done in an economy such as ours. But that is where we are today.

Here is what happens when we rely on other countries to produce our energy for us. We are at war with terrorism today around the globe. This is the French oil tanker off the coast of Yemen in October 6 of 2002, when an al-Qaida suicide boat hit it and set it afire. Here is the vulnerability of all of our oil moving on water. I suggest the ecological problems resulting from this are greater than from any drilling that could occur offshore America today because we expose ourselves to a high risk by the shipment of oil on our ocean surfaces around the world.

That is why I think it is important that we keep talking and allowing America to understand we are not without oil and not without oil reserves. The progressive and environmentally sound development of them over time will help us in this period of transition that will take several decades to move to flex-fueled cars—hydrogen cars, electric cars, all of the kinds of things we think America wants and that in public policy and incentivizing the marketplace we are moving America toward.

It will not happen overnight. In that period of time, while it is happening, America remains extremely vulnerable. Our economy is at risk. There is no question about it. What I have said is this picture demonstrates something that ought to be repeated and repeated again: The weapon of mass ''disruption'' in this country is an al-Qaida suicide boat hitting the side of an oil tanker, time and time again. That is the weapon of mass disruption. The high risk involved, the driving up of the oil prices, the movement of gas by $2 or $3 a gallon in this economy creates havoc everywhere. Certainly, in my State of Idaho it creates tremendous problems.

It is important that I and other Senators recognize that you do not conserve your way out of an energy crisis. You do not innovate your way out of an energy crisis. You do not produce your way out. You do all three.

I am going to continue to work while I am in the Senate to encourage this

Senate in public policy to do all three. I think it is in the best interests of America, our economy, and our national security that we do so. As an American today, I am not only frustrated, I am sometimes angered and embarrassed that we, through public policy, have allowed our country to become so dependent on other parts of the world.

Great nations should not allow that to happen, but we have. Then we make excuses all around us why we can't produce. Petropolitics is a fascinating thing. America gets it. The consumer understands it, and the consumer will grow increasingly angry when they understand that public policy doesn't allow the marketplace to do what it can do best in an environmentally sound way, to provide our country with the kind of energy it needs.

Again, as we debate this bill on the floor and finalize it, my guess is we will do a lot about conservation, we will do a lot about innovation, but we will do little to nothing about production. In the next 5 to 6 years, production is where it is. As we work on innovation, as we move technology from the laboratory to the street to commercial use, production still remains critically important.

I call upon my colleagues to stand up and be counted in all three of these areas. It is important for our country. It is important for our economy. Without question, it is important for our national security. The rest of the world should not tell America what its foreign policy is or will be based on their willingness or lack thereof to produce the oil supply our economy needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senate works in strange ways. I think there is no question about that. Some of us were upstairs holding a press conference on the fact that we had come together around a substitute amendment, and Senator KERRY, who had participated, came back up and said the amendment was agreed to.

For me, I began this in 1993, so it has been a very long time. Senator SNOWE and I have worked, first, for the SUV loophole closer and then for this ten-over-ten bill for 6 years now. So it was adopted by the Senate, and there are some people I would like to thank.

I would like to begin thanking Senator SNOWE, who has been the cosponsor of this legislation—10 miles improvement in mileage efficiency over 10 years—since we started; the chairman of the committee, Senator INOUYE; the ranking member, Senator STEVENS; Senator CARPER, who was so helpful all the way along; Senator DORGAN, who had one part of the legislation, who agreed to a change and came into the compromise; Senator KERRY, who worked very hard with Senator CANTWELL on the flex-fuel part of this; Senator LOTT, Senator CORKER; Senator KLOBUCHAR; and many others. You, Mr. President, we thank you for being a cosponsor of this compromise effort as well.

We have pushed the rock for so long I think it is hard to feel anything once the rock goes over the hill. But the amendment was adopted and it is in the base bill. For this, we are very grateful.

I would quickly like to say what this agreement does. It increases the fleetwide average fuel economy for all cars, SUVs, and light trucks by 10 miles per gallon over 10 years or from 25 miles per gallon to 35 miles per gallon by model year 2020.

Second, it requires the National Highway Traffic Safety Administration, which we call NHTSA, to establish an attribute-based system that sets mileage standards based on size, weight or type of vehicle. This is important because it creates a level playing field for all automobiles.

From 2011 to 2019, the National Highway Traffic Safety Administration must set fuel economy standards that are the maximum feasible and ratchet these standards up, making steady progress to meet the 35-miles-per-gallon fleetwide average by 2020. The fleetwide average must be met unless NHTSA determines, based on clear and convincing evidence, that a 35-mile-per-gallon fleetwide average would not be cost effective for the Nation.

From 2021 to 2030, NHTSA must set fuel economy standards that are the maximum feasible and ratchet even these standards up at a reasonable rate.

In addition, the agreement establishes a credit system that NHTSA would design, run, and operate. This would allow automakers to buy credits if you exceed the standard, and essentially sell those credits to those who cannot make the standards in a given year. So the credit trading program gives an automaker a financial incentive to exceed the standard.

It can bank its credits also for up to 5 years. That is insurance if it falls below the standard in a later year. If an automaker cannot meet the standard in a given year, it can purchase credits, use banked credits or borrow from projected surpluses in future years.

This provision was strongly recommended by the National Academy of Sciences in 2002. In part of the negotiation we negotiated with the two Senators from Michigan, both distinguished Senators, Ms. STABENOW and Mr. LEVIN. And I want to say this: There are no two Senators from any single State that I have seen fight harder for their State's industries than Senator STABENOW and Senator LEVIN. We could not reach an accommodation. Those of us who have watched this fight for CAFE standards and participated in it for the last 13 years, I have just found, for me, the automobile industry has never responded. They have fought everything we have proposed every time. When this happens, when an industry is not forthcoming and does not come to you and say: Look, I cannot support this, but I can support that, could you make some changes, just something—instead, it is a stone wall. It is: No, it does not work in this agreement, the arena, with those of us who feel strongly.

I come from a huge State. We have two nonattainment pollution areas, the central valley of California and the Los Angeles area. We are having a huge problem meeting the attainment standards. If we do not, it can stop everything dead.

Therefore, this, which reduces pollution, which reduces carbon dioxide, reduces global warming gases, and saves oil to the tune of 1.2 million barrels a day, is something that is going to happen when you try, try, try year after year and decade after decade.

I am very sorry we could not make an accommodation with these two Senators. But those of us who have worked on this felt so strongly that after all these years, 23 years, where Detroit has said: No, no, no, the time had come to say: Yes, yes, yes.

I, for one, want to help with leap-ahead technology. I, for one, want to help with financing, wherever I can, to make it possible. I believe I speak for all of the cosponsors of this bill. I believe we all want to help. So I hope the next step these Senators will take is to say: Here is a bill that we want to help on, that will provide the leap-ahead technology, and here is something that would help financially the American automakers meet these standards.

We who have worked on this, we who asked in the early 1990s—I was the one who asked for the National Academy of Sciences study. They took a period of years to do it. We have read it. I think those of us who have been at that for so long gave up any hope that we could work with the automakers. We do not believe this will stifle the American auto industry. We believe the technology is now available, we believe it is cost effective to use this technology. It is not just based on reducing weight; there are new materials, new engineering strategies, new types of engines that can be employed.

I want to summarize by saying with this amendment, 206 million metric tons of carbon dioxide will not be pumped into the air in 2020; between 345 million metric tons and 428 million metric tons by 2025. We estimate savings for consumers at the pump, at $3-a-gallon gasoline, to be $55.6 billion in 2020, and $93 billion to $116 billion by 2025. As I said, oil savings of 1.2 million barrels per day, or 438 million barrels per year in 2020, and between 2 and 2½ million barrels per day by 2025. That is about what we import from the Middle East.

I thank everybody who participated. There are some of those Senators on the floor. I want to particularly thank Senator CANTWELL for her efforts on flex fuel. She is extraordinarily knowledgeable. She is also determined. She

perseveres. Her amendment was added as a modification to the amendment that passed.

I thank Senator CARPER for his steadfast help. The Senator from Delaware has been there every step of the way, in every meeting.

Most of all, I thank the chairman of the Commerce Committee. What can I say about this chairman? Well, I can begin by saying how lucky we are to have you, DAN INOUYE. You run a fine committee. We are so grateful for your leadership in this matter. I do not believe it would have happened had you not, A, been chairman of the committee; B, been committed to this legislation; C, wanted us to come together and find a solution. You were so right, because we did come together, and the solution happened quicker than any of us might guess.

I also want to, if I might, thank your staff. David Strickland is a technological wizard on this. He also has the dedication. He is sitting here today. I know he has worked very long hours. But we are very grateful for his help.

Mr. Chairman, I say thank you very much.

I would be remiss if I did not thank my staff, particularly John Watts, who has been with us for some time, as my environmental counsel, and has worked on this issue; and Matthew Nelson, who is new to our staff, but came in and got his feet wet very fast. I am very grateful to both of them as well.

Mr. President, I ask unanimous consent to add Senator BILL NELSON as a cosponsor to this amendment.

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

Mrs. FEINSTEIN. I know others want to speak. This is one of the great days in the Senate. When you work on something for a long time, and you find yourself cut out year after year, you are determined you are going to persevere to find new ways to do it, and for Senator SNOWE and for me, it is a very special day. I thank everyone for making it possible for all of us in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. While Senator FEINSTEIN is still on the floor, I would tell her: In my life, as I have had a chance to meet great leaders in this country and in other places, other countries, in all walks of life, I have taken over the years to asking those leaders: To what do you attribute your success—whether they happen to be a leader in business or academia or government. More often than not they say to me, among other things, I work hard. They also say: I don't give up. I don't give up.

I say to my colleague Senator FEINSTEIN, to my colleague OLYMPIA SNOWE: You do not give up. And we are going to be a better country, a country less dependent on foreign oil because of those efforts, a country with a cleaner environment, a country and a world less threatened by global warming because of your efforts.

If we are smart, we will pull together and find ways to make sure this legislation, rather than being the death knell for the auto industry in this country, can be like a second wind and help to restore us to the kind of vigor we once enjoyed.

Thank you very much. Thank you for your kindness in giving so many other people credit. I echo Senator FEINSTEIN's comments with respect to our staffs, committee staff, and there are a bunch of them sitting back here. David and the first team are back here. I want to say you have done a remarkable job.

I have been in the Senate for 7 years. This is my first year on the Commerce Committee. I have never seen staff as helpful, Democratic and Republicans, like one team working together, and Beth Osborne, who works on my personal staff, continues to rave about the great support we get from the committee staff. I think they key off Senator INOUYE, our chairman, and Senator STEVENS, the senior Republican. It is a wonderful kind of relationship, the way this place ought to work. When it does, we get the kind of results I hope we are going to get with respect to fuel efficiency for our cars, trucks, and vans.

I believe it was Thomas Edison who said, and I am going to paraphrase Thomas Edison, that: Sometimes people miss opportunity. And they miss opportunity because it comes wearing overalls and looks a lot like work.

There is opportunity in the legislation we are prepared, I believe, to pass with respect to fuel efficiencies for our cars, trucks, and vans. I think there is an opportunity here for the U.S. domestic auto industry. We have to help make sure that opportunity is not missed.

We have all seen the Home Depot commercials where the folks from Home Depot say: You can do this; we can help. And with respect to meeting the goal of 35-miles-per-gallon fuel efficiency standards for cars and trucks by 2020, that is an aggressive goal. But for the auto industry, Ford, GM, and Chrysler, it is important for us to be there to help them to meet that goal. If you look closely at the legislation we are preparing to pass here in the next—maybe tonight, maybe in the next day or two—if you look at the legislation, there is a variety of ways where we do help. I will mention a few of those now, if I might.

One of those is the infusion of Federal dollars in research and development with respect to new battery technology. The coolest car I saw at the Detroit auto show in January of this year was a Chevrolet. It is called a Chevrolet Volt. It is a flex-fuel plug-in hybrid vehicle. The mileage it will get is probably close to 75, 80, 90 miles per gallon. You plug it in your garage at night, go out the next day, drive 40 miles or so on the battery, push on the brakes, and recharge the battery. But also it comes with an auxiliary battery unit. It can be biocell, it could be flex-fuel diesel, it could be flex-fuel ethanol powered, internal combustion engine, recharging the battery and getting this remarkable fuel economy from what I call an elegant solution.

That is the kind of creativity we have in this country; not just Chevrolet, not just Ford, not just Chrysler, but all of us together, working together. It is a wonderful concept, as that car is. It is not going to be a reality in 2010 or 2011 or 2012 if we don't have the next generation lithium ion battery to be able to plug in the garage at night and provide the kind of charge to carry us 30, 40 miles the next day, plug it in at work, and on and on.

We have an opportunity, I think we have an obligation as the Federal Government, to make sure tax dollars are appropriately spent. Fifty million dollars a year at least for the next 5 years goes to help fund the technologies so that vehicle and other flex-fuel plug-in hybrid vehicles can be built and get us, if not ahead of the rest of the world, at least at the starting line with them as we begin this next part of the race, the competitive race for market share in the world.

One way we can help within the Federal Government is through our R&D investment. A second way we can help is by using our Federal purchasing power to commercialize these new technologies as they come to market. We do that in this legislation in one way, by calling for the development of major steps toward a game plan as early as 2009 for the Federal Government to use its purchasing power to buy new technology, highly energy-efficient vehicles.

In the underlying language of this bill, it actually says that 70 percent, up to 70 percent of the vehicles that GSA, General Services Administration, purchases on the civilian side for the Federal Government have to be highly energy efficient, next-generation kind of technology—70 percent.

In a week or two we are going to take up legislation on the reauthorization of the Defense bill. If we are smart, we will put a similar kind of requirement in there for the defense side of our Government to do what we are preparing to do in this legislation for the civilian side of our Government in terms of purchasing power, to say to the Department of Defense, when they go to the marketplace and they are buying cars, trucks, and vans, and they buy a lot of them, to make sure that early in the next decade maybe 70 percent of what we are purchasing on the defense side is these new technology energy-efficient, low-emission vehicles.

That is a smart thing to do. That is the second thing we can do, use the Federal Government's purchasing power to commercialize new technologies.

The third thing we can do is make sure our tax policy marries up with the goals we are setting for more highly energy-efficient, low-emission vehicles.

In 2005, we passed legislation that said when people buy hybrid-powered vehicles, they can earn a tax credit from about $300 to up to $3,500. That tax credit brings down the cost of the energy-efficient hybrid vehicles and encourages people to buy them. Unfortunately, most of the hybrids people are buying these days happen to be built in other countries. That is going to change very soon, as GM product comes on the market. Chrysler product comes on the market early next year, and we will have the opportunity to buy not just hybrid vehicles built in other countries but a lot of hybrids built here. We have a Tax Code that is set to infuse and encourage American consumers to buy those vehicles as soon as they hit the road.

There is also a provision in the 2005 Energy bill that incentivizes consumers to buy low-emission, highly efficient diesel-powered vehicles. The full effect of that will not be felt until 2009. But Chrysler, in a partnership with DaimlerChrysler, is beginning to bring to the roads a highly energy-efficient, far lower emission diesel that increases performance by 40 percent or more in terms of fuel efficiency. It reduces the emission of bad stuff, including CO_2, into the air. Beginning in 2009, when emissions really go down on diesel, the tax policy is there to incentivize folks to buy those vehicles. That is a smart thing to do.

The fourth area we tried to work into this legislation—and we need to do more—deals with the kind of infrastructure we have for folks who buy fuel cell-powered vehicles in this decade and the next. We don't have a hybrid highway. It is not as if you can take your fuel cell vehicle and go to the corner gas station and fill up, even in this city or its neighboring States. We in the Federal Government have an obligation, particularly if we want to encourage people to get into fuel cell-powered vehicles, hydrogen-powered vehicles, to make sure the infrastructure is there so people can fill up. The same is true with biodiesel, ethanol. It is no good for us to have vehicles run on biodiesel or ethanol if there is no place to fill up. We tried, in the context of this legislation, to fix that problem.

I am sure our present Presiding Officer remembers when we were trying to get folks to buy unleaded cars powered by unleaded gas. Finally, we said: Every gas station has to have at least one pump where you can get unleaded gas. We made it a mandate. Today it is hard to find a gas pump that has leaded gas. But it took a while to do that. We need a similar kind of approach with respect to biofuels and ethanol, not that they would supplant completely the petroleum products—that is not going to happen any time soon—but to make sure people have the fuel to meet the kinds of needs of their vehicles.

Those are four things we can do in the context of this legislation. We are going to find ways to do more. The best way to do that is to ask the auto industry: How can we help? We want you to meet these goals. We realize you think they are maybe difficult to achieve, some would say impossible to achieve. I don't think so.

This is the United States of America. This is the Nation which invented cars. This is the Nation which invented airplanes. This is the Nation which invented televisions and CD players. This is the Nation which invented the Internet, computers. This is the Nation which unleashed the power of the atom. This is the Nation which put a man on the Moon, did it in less than 10 years, when we said we were going to do it. This is the United States of America. We are creative, hard working. We are smart. If we are really smart, we will find a way to make this new approach to fuel efficiency for our cars, trucks, and vans work; to make it work for the domestic auto companies as well as for others who come to our shores; to make it work for the shareholders and for their employees; and, most importantly, to make it work for our Nation so that we will have reduced our dependence on foreign oil, reduced the amount of harmful emissions put into the air, and made this country a little better place to live.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I congratulate Senator FEINSTEIN for her quest over a number of years and thank all of our colleagues on the Commerce Committee, Members and staff, for bringing this possibility about. It came about as a result of the other side not having the votes. All they had to get was 41 votes. Fortunately, that did not occur. It allowed us to come together and massage the bill a little bit more with these amendments. Thus, we get the end result.

This Senator has filed an amendment for 40 miles per gallon. It simply wasn't practical. We weren't going to have the votes for that because we were trying hard enough to get the votes for 35 miles a gallon in 13 years, in 2020, and then with the compromises that were made, instead of thereafter being at a 4-percent increase in miles per gallon per year, which would compound, leaving it to NHTSA, with the criteria of what is practically feasible. That is a reasonable compromise.

Then totally apart from that, on a separate issue, flex-fuel vehicles, wherever we can encourage that, it is certainly to our advantage because the more we can have a fuel that is something other than derived from oil, the better off we are. If we have the vehicles that use E85, then the question is, Do we have the gas stations that have the ethanol distributed to them in order to get E85? We have to start working on that. As a matter of fact, in my State of Florida, we have one company that is seriously thinking about ethanol plants all over the State so that it could then have the ability to get the ethanol distributed to the gas stations.

While the chairman of the Commerce Committee is here, I wanted to say, in handing out all of these congratulations, under his leadership, under his tutoring, under his mentoring, and under his encouragement, he has allowed the committee to come forth with this work product that is a signal achievement. Now if we can get the Energy bill passed on final passage and then if we can survive the process, if the House can pass an energy bill, in conference committee, then, of course, if we can survive not having a veto by the President, this is all doable now because we are where we are thanks to the leadership of the chairman of the Commerce Committee.

I wanted to make another comment on another subject in response to my colleagues, Senator DORGAN and Senator CRAIG from Idaho. Senator CRAIG puts up a chart there as if all the oil in the United States is in the Gulf of Mexico off of Florida. That is not what the geology says. To the contrary, over the last 50 years where they have drilled, they have come up with a number of dry holes.

That was why last year this Senator was willing to compromise for those who wanted a lease sale called 181 that basically had boiled down to about 2 million acres, to be able to expand that to 8.3 million acres but to keep it away from the coastline of Florida, where we happen to have a $50 billion-a-year tourism industry that depends on pristine beaches, but equally as important, that kept it away from the military mission line, which is the edge of the largest testing and training area in the world for our military. It is there where we are doing significant testing of weapons systems and new sophisticated technology, often with live ordnance. Over and over, the Secretary of Defense has issued letters and said: You can't drill in this area because oil rigs are incompatible with live fire and testing of live ordnance on new weapons systems.

Senator CRAIG in his comments would have us believe the answer is drill, drill, drill. By his chart, he was suggesting drilling off the coast of Florida. That simply is not true. It is interesting that he said that at the very time in which we are on this Energy bill through which we are now doing something about lessening the consumption of oil by the amendment we just adopted, an amendment that goes to the very heart of where we consume most of our oil, and that is in the transportation sector. Where in transportation is it most consumed? It is in our personal vehicles. Thus, we are doing something about that tonight.

I wanted to add these comments while we are still on the Energy bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

EMPLOYEE FREE CHOICE ACT

Mr. WEBB. Mr. President, I rise in support of the Employee Free Choice Act, S. 1041. This bill was introduced by our esteemed colleague, Senator KENNEDY, along with myself and 45 other Members of the Senate.

This bill takes the long overdue step of returning to workers a measure of negotiating power and ensuring that workers have a free choice and fair chance to form a union. Everyone needs an agent, and for too long workers have not had an agent in the Congress or, in many cases, in the workplace.

The bargain this country has promised workers—that if you work hard, you will get ahead—is broken. Hardworking Americans are losing ground. Real wages are lower today than in 1973, despite the fact that productivity has risen over 80 percent. The benefits of rising productivity are going to the richest members of our society. CEO compensation today is 420 times what it is for our workers. Medical costs have skyrocketed. Good manufacturing jobs are being sent overseas. Many workers are squeezed between the impact of corporate outsourcing on the one hand and wage-depressing effects of immigration on the other. In Virginia, real median hourly wages fell by 3.6 percent just in the past 2 years. Hundreds of thousands of Virginians, just like millions of Americans, have no health insurance.

As I heard so often during my campaign for the Senate last year and what I continue to hear since I took office, our workers are under tremendous pressure. Only 38 percent of the public says their families are getting ahead financially, and less than one-third believes the next generation of Americans is going to be better off than this generation.

Our unions have historically provided a ladder for workers to get ahead. According to a national survey by Peter Hart Research, 60 million Americans report, right now, they would join a union if they could. The Bureau of Labor Statistics reports that workers who belong to unions earn 30 percent more than their nonunion counterparts and are 63 percent more likely to have employer-provided health care.

Unfortunately, many workers who try to form unions in this country are being blocked by employers. In an analysis of union organizing drives in Chicago, the University of Illinois found that 30 percent of employers tended to fire prounion workers, that 82 percent of employers hired consultants to fight union organization drives, and that 78 percent of employers required supervisors to deliver antiunion messages to their workers. Union membership in this country is now at an alltime low, just comprising 12 percent of our workforce.

The ability to form a union should not require heroic efforts. Yet American workers all too often face employer coercion and run the risk of losing their livelihoods simply because they want to organize their workplace in accordance with existing law. Hardworking Americans should have the freedom to make their own choice about whether to join a union, and they should be able to make that choice freely and fairly. The best opportunity for hard-working Americans to get ahead is to join their coworkers and negotiate in one way or another for better wages and benefits.

We can help workers improve their bargaining position. The National Labor Relations Act already permits workers to form unions through majority signup. In fact, more workers join unions through majority signup than through National Labor Relations Board elections. Employees of Cingular Wireless joined the Communications Workers of America following a majority signup that was supported by the company.

This bill makes the much needed change of allowing workers to form unions by majority signup where employers oppose the union. This bill also levels the playing field for workers by strengthening penalties against employers that coerce or intimidate employees. The fundamental sense of fairness that runs so deep in our Nation's character demands that we take this step on behalf of our working men and women.

Let us measure our success in the Senate by the number of hard-working Americans we bring back to the table, the number of families with health care, the number of workers with pensions and fair wages, and the number of children who are able to go to college. Passing the Employee Free Choice Act puts us on the road to achieving this type of success.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise tonight because we are on the precipice of passing new energy legislation—new energy legislation that will point our country in a new direction, on an energy strategy that is about cleaner, renewable alternative fuel, and, yes, on research and development, on many other ways that will help us, as Americans, be energy leaders again.

It is exciting to be here tonight on the Senate floor as new legislation is being adopted that does change the direction in ways my colleagues have been fighting for many years and many of the staff who are behind me have been fighting for much of their legislative careers on the Hill. But we are here tonight because Senator REID, early this year, asked six different committees to come up with energy legislation and point our country in a new direction. He asked each of those committees to put those proposals on the Senate floor by passing them out in a bipartisan fashion, and those committees have done so.

Now, while we have not gotten all those packages together, we do have a proposal before us that would save the United States 20 percent on the oil consumption of today. That is a great goal. It does it in two fundamental ways: by making sure we produce alternative fuel—and what is before us tonight is 36 billion gallons of alternative fuel, mostly done by advanced technologies of cellulosic that will be a much bigger reduction of CO_2 emissions than corn-based ethanol, and that is a huge direction change—and the amendment of the Senator from California to make sure we have fuel-efficient cars.

For the first time in decades, we are passing legislation that will allow Americans to get more out of a tank of gas. In fact, with this new standard for fuel efficiency, Americans, when they fill up their tank, will be able to go anywhere from 100 to 150 more miles on that tank of gas when these fuel efficiency standards are fully implemented.

Because we are also including a flex-fuel provision, we are giving Americans a chance to have their automobiles run on two different fuel choices: fossil fuel or new advanced green renewable fuels that will be a great reduction of CO_2 and carbon emissions and will help in the reduction of demand for gasoline and thereby help lower the price of gasoline. This is exactly what America wants us to do in a new energy direction.

We should also emphasize that the underlying bill tonight also has protections for consumers on price gouging and to make sure the Federal Trade Commission stops any manipulative practices. It also has a provision that the Federal Government do its job as one of the leading energy consumers in America. It says they have to use 30 percent less electricity and 20 percent less fuel.

Now, while I would like to see the provisions the Finance Committee passed that literally take the incentives which have been given to the fossil fuel industry in the past—take those and apply those to renewable technologies—we will have to wait another day for that battle to occur.

I certainly join my colleagues in wanting to see more of our electricity grid supplied with green energy technology, to incentivize solar, to incentivize wind. I believe this is one of the best ways we can keep our electricity costs down in the future. Right now, we are too dependent on natural gas, for which we have seen a 70-percent increase in the last several years. Natural gas, which is also used in fertilizer as a product, is putting pressure on our electricity grid prices. We do not want to be just dependent on natural gas and coal for electricity generation.

So coming back to this renewable standard and getting more of our national grid to rely on clean energy is very important to help consumers keep down price in the future. But those two provisions, we will have to come back to. We were not able to reach agreement on those.

But in this landmark legislation, we are going to give Americans more for their tank of gas by passing fuel efficiency and passing the opportunity to fill up their gas tank with something other than fossil fuel. Driving down the price of fossil fuel is a great accomplishment. We would not have gotten here if it was not for the chairman of the Commerce Committee and the ranking member, Senators INOUYE and STEVENS, who worked very hard to make sure this was bipartisan legislation, as did Senator SNOWE, working with Senator FEINSTEIN, making sure this legislation made it the full way through the process.

While this is only the Senate taking action tonight, we are clearly turning our country in a new direction. This is a greener energy bill than the Senate has passed before but rightly so because the 2005 bill did set us on a course of making sure we were investing in alternatives. The fact that we were putting a downpayment on those alternatives has led to job creation, not just in my State, Washington State, but throughout the country. But it is time for us to accelerate that, to bring job opportunities to Americans across the country, by making sure these new technologies are implemented. We are well poised to do that tonight.

I hope my colleagues understand the significance of this new energy direction. I thank all of the chairs of the various committees who have worked hard on a bipartisan basis—the Finance Committee, the EPW Committee, the Energy Committee, the Commerce Committee, and even the Homeland Security Committee—in making sure our Federal Government is more energy efficient. This is a great time for us to continue the bipartisan effort in working not just across the aisle but working with the House of Representatives in making sure this energy legislation passes as soon as possible.

Again, I applaud the great work of my colleague, Senator FEINSTEIN, for her perseverance over at least 10 years in trying to close the loopholes that have existed in CAFE, the car efficiency standards, by making sure the loopholes for SUVs were closed. Even though she did not win that battle, she persevered tonight to make sure this new efficiency standard, applied across the Nation, can bring real savings to American consumers.

I thank the Presiding Officer, and I yield the floor.

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

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

CRISIS IN DARFUR

Mr. DURBIN. Mr. President, for the last several months, I have come to the floor on a weekly—a regular basis—to remind my colleagues about the crisis in Darfur. I would like to highlight two recent developments. Last week, the regime in Sudan finally agreed, after months of international pressure, to accept a joint African Union-United Nations peacekeeping force for the Darfur region.

If my colleagues will recall, this is a region where our Government has declared a genocide. We know at least 200,000 people, maybe 400,000 people, have been brutally murdered, over 1 million have been displaced, and the killing and displacement, the raping and the pillaging continues.

For years after the declaration of this genocide, many people around the world have lamented this tragic state of affairs, but so little has been done. We have tried through the United Nations to send a peacekeeping force to protect innocent people from the jingaweit militia force that is killing on a wanton basis, but we have been unsuccessful. There has been resistance from the Sudanese Government in Khartoum. Unfortunately, a lot of lip service has been made, but very little attention has been paid to resolving this issue.

Last week the Sudanese said they would accept a joint African Union-United Nations peacekeeping force for that region. Well, the Government of Sudan has agreed to allow 17,000 to 19,000 troops. That is a good sign, or at least good words.

Let's not forget the Sudanese regime has agreed to similar plans in the past, only to renege on its promises and allow the suffering and killing to continue. It is critical at this moment in time that the Bush administration and our allies continue to pressure the Sudanese to take actions beyond their words. Darfur has been on the agenda for the European Union summit this week, and the Chinese Government made positive statements as well. I encourage the Bush administration to keep pressuring all of our allies and the United Nations to act.

Next week there is a prime opportunity. Secretary of State Rice has just announced plans to attend an international meeting in France that will focus on the crisis in Darfur. Representatives from the Chinese Government and other places have committed to join her. I urge the Bush administration to use this opportunity to ensure that the global community continues to act on this crisis and to fully support the rapid and full deployment of U.N. forces to Darfur. Only a unified message from the international community will succeed in convincing the Sudanese Government to meet its obligations. Only then will the crisis begin to come to an end. This crisis must end immediately.

I have said on this floor many times that as a young college student, I found it hard to understand how the Holocaust could occur and people would know of it and not try to stop it. Now I understand. This genocide in Darfur was declared by our Government years ago and little or nothing has been done.

Last week, the United Nations World Food Programme did launch a highly complex operation to try to bring in emergency food supplies to the over 2,600 refugees from Darfur who recently crossed into the remote northeast corner of the Central African Republic. The Director of the World Food Programme and the Central African Republic, Jean-Charles Dei, said the following:

> These people are in one of the least accessible regions in the world, but they need help now. This is just the latest example of how the conflict in Darfur has a destabilizing effect across the region.

It is certainly positive that food is on the way to these starving refugees, but the need for this airlift is symbolic of how bad the crisis has become and how destabilizing the situation is becoming for the whole region.

The United States and civilized nations around the world who acknowledge this genocide and this humanitarian disaster must act.

What can we do in the Senate? As a start, we can pass the Sudan Disclosure and Enforcement Act. I introduced it 2 weeks ago with bipartisan support, and after consultation with the Bush administration. The act provides the administration and all Americans with more resources and information so that we can use our investments as individuals and as institutions to strike a nonviolent blow for peace in Darfur. It creates real financial consequences for those companies that bear some complicity in the bloodshed by supporting the murderous Sudanese regime of Khartoum. Most important, it requires members of the administration and the relevant congressional committees to meet in about 3 months' time to reassess the steps that are being taken to end the crisis and decide what we should do beyond them.

To repeat what the bill does for the benefit of my colleagues who are considering supporting it, here is a summary.

First, it expresses the sense of the Congress that the international community should continue to bring pressure against the Government of Sudan to convince that region that the world will not allow this crisis to continue.

Second, it authorizes greater resources for the Office of Foreign Assets Control within the Department of Treasury to strengthen its capabilities of tracking Sudanese economic activity and pursuing sanctions violations.

Third, it requires more detailed SEC disclosures by U.S.-listed companies that operate in the Sudanese petroleum sector so that investors can make informed decisions regarding divestment from these companies.

I might add that during the course of researching this issue, I learned that my own company that I have had my family mutual fund investments with

for 20 years sadly was one of the largest—it was a company with one of the largest holdings in Petrochina, the Chinese oil company whose parent company does the most business in Sudan. I contacted this major company, asked them if they were going to change their policy, and they said no. I then removed my investments from that company. I am in the process of making sure they are all transferred to another company. It is a small thing, and it probably won't make a big difference to anyone, but I feel better that at least I am trying to do a small part—and I hope others will too—to ask important questions, whether your brokerage house, your mutual fund has holdings in Petrochina, which is this Chinese oil company whose parent is the major oil company in Sudan whose revenues support this Government.

Fourth, this bill dramatically increases civil and criminal penalties for violating American economic sanctions to create a true deterrent against transacting with barred Sudanese companies.

Fifth, it requires the administration to report on the effectiveness of current sanctions and recommend additional steps to Congress to end the crisis.

I look forward to working with Chairman CHRIS DODD of Connecticut, the chairman of the Banking Committee, to send this to the President for his signature.

I will repeat again what President Bush said in April:

You who have survived evil know that the only way to defeat it is to look it in the face and not back down. It is evil we are now seeing in Sudan—

President Bush said—

and we're not going to back down.

I completely agree with President Bush's remarks. The African Union and the United Nations forces should be on the way soon, but we still must do more. Every Member of Congress and everyone interested in doing something meaningful to end this genocide must take action and not allow this to continue.

The President once said he didn't want the moral burden of this genocide on his conscience, on his watch. The President's watch is coming to a close. It is time for those of conscience and those who care not only in our Government, but around the world, to act to spare those who are victims of this genocide in Darfur.

I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. SNOWE. Mr. President. I rise today to speak on the successful adoption, moments ago, of the Stevens Amendment, which I have cosponsored. Its incorporation into the underlying bill clears the way for passage of the most significant fuel efficiency legislation the Senate has seriously considered in decades. If this legislation is eventually adopted by the full Congress, it will be the first time since 1975 that effective fuel efficiency legislation will have been enacted.

First of all, I want to thank my good friend and colleague, Senator DIANNE FEINSTEIN, for her unrivaled leadership on the issue of fuel economy standards. We have worked together for 6 years to bolster CAFÉ standards and her commitment and passion for implementing critical and long-overdue changes has only grown. Our efforts have culminated this year in the introduction of the Ten in Ten Fuel Economy Act, which is the key component of the underlying energy bill that currently sits before the Senate. All of us in this fight can be deeply appreciative of her voice and her tireless advocacy.

I also want to express my deepest appreciation to Senator TED STEVENS, the author of this amendment, who has shown strong resolve on this issue by working to forge a compromise in the face of obstacles that often seemed insurmountable. I likewise want to thank and commend he chairman of the Commerce Committee, Senator INOUYE, who has been instrumental both as an original cosponsor of the ''Ten in Ten'' bill and in deftly shepherding this bill through his committee and on the floor. Both gentlemen have again demonstrated that compromise is possible in this body and, without their bridge building, this day would not have been possible.

Likewise, I want to recognize the principled leadership of Senators LOTT, CARPER, ALEXANDER, DORGAN, KERRY, CANTWELL, KLOBUCHAR, CRAIG, all of whom have been critical in arriving at the consensus fuel efficiency legislation which we have before us today.

The Senate now stands at a landmark moment. Thirty-two years have passed since Congress last took action on fuel economy standards, dating all the way back to 1975. It has been an entire generation since we said that—as a Nation—we can and must do better when it comes to saving fuel, saving money at the pump, and saving our environment.

We have a lot of catching up to do. From 1985—the last time fuel economy standards were administratively increased for passenger vehicles—not by Congress, mind you, but administratively—oil imports have increased substantially from 4.3 million barrels a day to 13.8 million barrels a day, while our efficiency standards have virtually been stagnant. Indeed, over the past 25 years, fuel economy standards in the ''light truck'' category have only increased by a measly 4.7 miles per gallon—that's an average of two-tenths of a gallon improvement every year.

Let me repeat that—it's taken a quarter of a century to wring a grand total of an additional 4.7 miles per gallon out of light trucks—which currently include SUVs—for a current average of just 22.2 mpg. Meanwhile, think about this—in that same period of time since 1982, we have gone from land-lines to cell phones, from record players to CDs to Ipods, from big mainframe computers to minuscule handhelds, from encyclopedias to the Internet. So are we really to believe that over the next 10 years we can't manage an average of 10 additional miles per gallon of gasoline across America's entire fleet of passenger vehicles?

Indeed, as a Nation built on innovation, built on the ''can-do'' spirit, we ought to be asking ourselves exactly how it is we couldn't have done better already—never mind questioning if we can do better in the future.

That's why Senator FEINSTEIN and I introduced legislation 6 years ago to close the SUV loophole, whereby SUVs were exempt from increased fuel efficiency requirements because they were classified as light trucks. It's also the reason we introduced this year a bipartisan measure to raise the average fuel economy standards for all vehicles, including SUVs, from a combined 25 miles per gallon to 35 miles per gallon by model year 2020.

As I will explain more in-depth, this legislation was carefully crafted to reflect not what we wish we could achieve, but what we know we can actually achieve. And I'm pleased that mandate was embraced and passed in the Senate Commerce Committee; now, it is vital that this provision in the underlying bill be preserved.

Now, we have heard mischaracterizations of this measure—there have been omissions when it comes to describing this bill from those who oppose this measure—so let me just begin by stating plainly what this bill will do. Let me repeat, it requires that the average fuel economy standard for all vehicles under 8,500 pounds reach 35 miles per gallon by model year 2020. This bill has no such requirement for vehicles over 8,500 pounds.

With respect to those vehicles, we allow the Secretary of EPA and Energy to determine an appropriate fuel efficiency improvement program. Again, there are no specific mandates for vehicles over 8,500 pounds—just a direction that the standards are set at the maximum feasible level—we assign no numerical goal.

Furthermore, we preserve the separate standard for fuel efficiency or the existing light truck category until 2011—recognizing that our manufacturers already have these vehicles in the works for the next three model years and it would be impossible, as a practical matter, for them to reengineer those vehicles at this juncture.

After 2011, there will no longer be separate categories for light trucks and passenger vehicles, as the legislation switches to a fleet-wide standard based

on vehicle attributes such as weight, as I just described. The world has already adopted this system because it is the most efficient framework. In fact, Taiwan, Japan, China, and South Korea have all established an attribute-based system that is either based on size of the engine or the weight of the vehicle. Now, the U.S. Congress must expand the framework of our attribute-based system to a structure that does not distinguish between passenger cars and light trucks but that does create an efficient and logical system.

And let me emphasize, this is a change that automakers themselves have sought, because it provides them greater flexibility and choices across product lines to achieve the overall goal of a fleet-wide fuel efficiency standard.

And let me elaborate on that point. Not only will manufacturers no longer have to contend with specific CAFÉ targets for specific vehicle segments, they won't even have to meet a specific target for their specific company. So how do we achieve the goal? That will be up to NHTSA to determine—not Congress—which is yet another change that the auto industry has sought.

In other words, the industry has asked that the arbitrary and artificial lines between vehicle categories be eliminated; this bill does so. Even the alternative amendment filed by my friend and colleague, the junior Senator from Arkansas, also incorporates our ''attribute-based'' approach precisely because that's what the industry is seeking. The industry has also asked that the experts—and not Congress—determine specifically how fuel economy standards are met, and by placing those decisions in the hands of NHTSA this bill does so on that score as well.

The bottom line is, our bill provides our car companies with the flexibility they require. It doesn't place a mandate on vehicles over 8,500 pounds. It absolutely will not mean the end of light trucks. That is a red herring, Mr. President, and as I will detail in a few moments, the experts tell us that an additional 10 miles per gallon in 10 years over the entire American fleet of passenger vehicles is achievable.

Of course, there are some who argue that Congress shouldn't even be in the business of setting these fuel economy requirements. Well, first of all, let's look back at what happened the last time Congress became involved.

In the wake of the 1973 oil crisis, Congress delivered a long-term significant increase in CAFÉ standards, which the New York Times has labeled as the most successful energy-saving measure this country has ever seen. The congressional challenge in 1975 worked to reduce our Nation's demand for energy. Does anyone seriously believe that the fuel economy for America's vehicles would have improved by 40 percent from 1978 to 1985—just a seven year period—if Congress hadn't stepped in? And just imagine where we'd be today if our energy independence efforts hadn't been dormant for the past 22 years.

Moreover, there should be no question of the critical national security component to reducing our dependence on foreign oil. Every day, we import 2.1 million barrels of oil from the Persian Gulf. Every day, our rising gas prices shift billions of dollars from the American consumer to authoritarian governments in some of the most volatile regions of the world. Reflecting the critical involvement of energy security in our national security, an organization called the Energy Security Leadership Council has formed in an effort to advance a fundamental shift of our national energy policy.

The Energy Security Leadership Council is a nonpartisan organization that aims to build bipartisan support for policies to reduce our Nation's dependence on foreign oil and improve our energy security. The Council is cochaired by Frederick W. Smith, chairman, president, and CEO of FedEx Corporation, and Retired General P.X. Kelley, the 8th Commandant of the U.S. Marine Corps. The Membership consists of generals, admirals, and a former Secretary of the Navy. These are prominent, experienced, and highly credible leaders who understand the consequences of a reliance of foreign oil. The Energy Security Leadership Council has recommended for increasing fuel economy standards, and has endorsed this bill before us. They understand that our Nation must finally curtail our energy demand from these volatile regions.

Mr. Smith testified just last week before the Senate Small Business Committee on the impact of rising gas prices. Noting that most oil shipments pass through a handful of maritime chokepoints such as the Suez Canal and the Strait of Hormuz, Mr. Smith observed that ''a mere 4 percent shortfall in global daily oil supplies could push the price of oil to more than $120 per barrel.'' What's the solution? According to the Energy Security Leadership Council, it is the bill before us today. Mr. Smith testified that ''the Senate has made great strides . . . through bipartisan support for'' the Ten-in-Ten bill. Mr. Smith further applauded our bill's use of an attribute-based system, noting that ''[t]his focus on attributes will also ensure that Americans will still be able to purchase different types of vehicles that cater to different transportation needs.'' He concluded, ''This is truly path-breaking legislation that merits broad support.''

Similarly, General Kelly has recently articulated, ''Current events only serve to confirm the unacceptable security risks created by our extraordinary level of oil dependence. Significantly, reducing the projected growth in U.S. oil consumption must become a compelling national priority.'' We ought to heed General Kelly's assessment and protect American security. I ask my colleagues, since when should Congress excuse itself from issues of vital national security?

As the 2002 National Academy of Sciences report stated, the trade-offs on these vital matters ''rightly reside with elected officials''. Furthermore, they also conclude that it is ''appropriate for the Federal Government to ensure fuel economy levels beyond those expected to result from market forces alone.'' So we ought to get beyond the question of the proper role for Congress in this debate. We have an indispensable and undeniable role to play.

Now, there are some who are concerned that we will inadvertently limit consumer choice, and let me say emphatically that we address those concerns.

From 1978 to 1985 vehicles did not disappear from the road and during that period we witnessed a 40 percent increase in fuel economy. In fact, I would argue the American consumer finally had the opportunity to purchase the more fuel efficient cars they wish they had years earlier.

But most importantly, let me reiterate this bill before the Senate does not mandate a certain fuel economy for any specific type of vehicle. Rather, it ensures that all of America's vehicles improve, in the aggregate, to the 35 mile per gallon standard while leaving the specifics on how to attain that requirement to the experts at the Department of Transportation and, specifically, the National Highway and Traffic Safety Administration. As a result, the engineers and economists at NHTSA are empowered to ensure that we accomplish the oil savings in the most efficient mechanism. And what does this mean for consumer choice?

Because the bill doesn't mandate particular fuel economy targets for any specific category of passenger vehicle, there is greater flexibility in how the 35 mpg mandate can be reached. For example, the Secretary of Transportation may decide that pick-up trucks can't realistically achieve any substantial gains, but other segments have that capacity. Manufacturers will have greater latitude in how they contribute to the attainment of the overall target of 35 mpg. So this bill will not remove any vehicles from the road, but it will abate the sting at the pump.

Our approach in this bill also addresses another concern we share—that increased fuel efficiency doesn't translate to unaffordable sticker prices on America's new vehicles. Figuring in the cost-savings based on $1.50 per gallon of gas, the 2002 NAS study outlined that any initial cost in additional technology that saves gasoline would be recovered over the life of the vehicle.

Of course, with fuel costs now more than double that amount, it's logical to assume the savings on fuel costs of more efficient vehicles will be even greater. In fact, even at $2.00 per gallon, the net consumer savings would be $20 billion in 2020. In short, as the Congressional Research Service summarizes the NAS report, it ''concluded

that it was possible to achieve more than a 40 percent improvement in light truck and SUV fuel economy over a 10 to 15 year period at costs that would be recoverable over the lifetime of ownership.''

If there's any doubt about the importance of this, just take a look at the example of the impact of fuel economy—or the current lack thereof—on Pottle Transportation, based in Bangor, ME.

Owner Barry Pottle stated this past year that their fuel economy has drifted from between 4 miles per gallon to 7 miles per gallon in the 25 years that he has led his company. I have a chart which indicates the gallons of consumption over a year for one vehicle and the corresponding cost as a result of current diesel prices. The aggregate cost over a year just for an increase of 2 miles per gallon is a staggering $20,000 for each truck. This bill will finally consider these heavy trucks in the fuel economy framework for the very first time in history. As indicated from Pottle Transportation, it is perfectly clear that these fuel economy increases will result in substantial dividends for America's small businesses.

The fact is that the current system does not provide fuel efficient vehicles on the market for large commercial and heavy duty trucks greater than 8,500 pounds. Just last week before the Senate Small Business Committee, Janet Myhre of Chuckals a company that distributes office products, stated that ''fuel cost impact each and every transaction that our organization manages and is the third largest expense item on our financial statement.''

Ms. Myhre was then asked if the company had considered switching to more efficient vehicles or alternative vehicles for their delivery trucks to minimize fuel costs. Ms. Myhre responded that Chuckals had investigated the market and found that there were ''no commercial options'' available for these vehicles. The market has not provided companies with the options of utilizing fuel efficient vehicles and for the sake of our Nation's small businesses, this Congress must begin to increase standards for vehicles over 8,500 pounds.

Still others have argued that this bill would place our domestic automobile manufacturers at an unacceptable disadvantage, but that is simply not the case it would be regrettable to view this debate in terms of fuel efficiency versus the future of our auto industry. When did energy independence and the strength of our domestic companies become mutually exclusive?

For those who say our proposal is unrealistic and unreachable, the National Academy of Sciences reported 5 years ago that it is feasible to reach a 40 percent increase in fuel economy in 15 years—and that is with existing technology. Relatively simple improvements such as hybrid technologies, variable valve engines, high strength steel and aluminum, and continuously variable transmissions are all advancements the experts say could be implemented now.

So do we really want to argue we don't have the technological wherewithal to make our vehicles travel more miles per gallon? Is it really the American Way to say, ''We can't do that?'' To the contrary, we should have already witnessed progress in these areas. If we had, perhaps our auto makers would be in better financial shape today. In fact, I certainly wish it were an American automaker who had recently announced surpassing the one million mark in sales of hybrids. In fact, in 2006, Toyota's Prius was the company's third best-selling passenger car. So someone out there must want to buy more efficient vehicles. Talk about providing consumer choice, if anything consumers will have more choices for more cost-effective cars and SUVs and light trucks.

Indeed, there are auto company business models that have demonstrated that consumers value fuel economy. In testimony before the House Energy and Commerce's Subcommittee on Energy and Air Quality on March 14 of this year, Toyota's North American president, James Press, remarked, ''2007 marks the 10th year of the Prius, our first hybrid. I am happy to say the introduction of Prius was a sound business decision.''

Furthermore, let me reiterate, we do not mandate any fuel economy increase for any specific model or any specific car company. Rather, we crafted the legislation so that the entirety of America's passenger fleet—cars, light trucks, and SUVs—must increase from an average of 25.2 miles per gallon now to an average of 35 miles per gallon by the year 2020. What we don't mandate is how exactly we get there.

Right now, each company is required to meet a corporate average fuel economy. Currently those standards are 22.2 miles per gallon for light trucks and 27.5 for passenger vehicles. However, the problem with fuel economy standards does not reside in one company; it exists throughout the entire transportation sector. As a result, we initiated a fleet-wide solution rather than a piece-meal, company-by-company approach. In fact, the corporate average fuel economy standard actually ceases to exist under this bill; rather, it focuses results for the entire industry—a fleet wide average as opposed to a corporate average. This is a much broader and more flexible framework that will help domestic automakers.

Indeed, some opponents have maintained that any legislation must not be ''discriminatory against our companies,'' and that the ''numbers should be set. . .by experts who understand what can and cannot be done from a technology standpoint.'' Well, we couldn't agree more—and, once again, this is exactly what our initiative accomplishes by leaving the details to the experts at NHTSA.

Our bill ensures that NHTSA will establish a mathematical function that alters fuel economy requirements based on attributes, like weight. Because I agree that companies that focus on larger vehicles should not be unfairly punished, we have provided maximum latitude to preserve our domestic manufacturers, foster consumer choice, and improve fuel economy.

The bottom line is, this measure navigates the narrow waters between doing less than we should, and more than we realistically can. In contrast, the amendment advanced by opponents of this legislation would only raise standards to an estimated fleetwide average of 30.6 by 2020. Furthermore, their proposal retains rigid categories for cars and light trucks and assigns different efficiency targets for each—36 miles per gallon by 2022 for cars, and 30 miles per gallon by 2025 for trucks. But if you calculate for the entire U.S. fleet overall, accounting for the number of vehicles in each category estimated to be on the road at that time, you arrive at 30.6 miles per gallon by 2020 under this amendment.

In other words, the proposal advanced by my colleague from Arkansas is a 5 mpg increase in 10 years, while our proposal is 10 miles per gallon in 10 years. And at the end of the day, the amendment would save, at best, merely 400,000 barrels of oil a day in 2020—accounting for just 3 percent of our daily import of oil—a mere drop in the bucket. So the ramifications between the proposals are significant, with ours saving 1.3 million barrels each day by 2020. Furthermore, in roughly 2023 this bill will save 2.1 million barrels of oil each day—the equivalent to what we are currently importing from the Persian Gulf.

Mr. President. This is clearly not a time for timidity. The current gas prices in Presque Isle, ME, right now is $3.13; in Arkansas, $2.99; in North Dakota, $3.14. These prices have and are continuing to raise transportation costs and the price of goods and services. Lower-income families and small businesses are financially strained beyond their capacity. It's been estimated that every time oil prices increase 10 percent, 150,000 Americans lose their job.

And the critical relevance to our environment is unambiguous, with the Intergovernmental Panel on Climate Change report this year dispelling any doubt about the reality of human induced climate change, and the reality that while the U.S. represents 4.6 percent of the world's population, we emit 23 percent of the planet's CO_2. Our legislation would remove 358 million metric tons of global warming emissions in 2025 alone. This is nearly the same amount that India's entire economy current emits. As the Washington Post stated just yesterday in advocating for this bill, ''There's a climate crisis brewing, and the transportation sector, which accounts for 33 percent of global warming pollution, must do its part to combat.''

Mr. President, shouldn't we be leaving a better legacy than that?

Shouldn't we be striving to challenge and harness the innovative and entrepreneurial spirit that built America to the greatest extent possible, rather than settling for less? Just look at where our Nation has come with cell phones. This technological revolution has occurred, while our fuel economy standards have stagnated. We can do better. The underlying bill does do better while providing an achievable solution.

I applaud today's result and look forward to continuing to push for full adoption of this legislation into law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. OBAMA. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. OBAMA. Mr. President, I rise to speak about the compromise amendment that has been offered by Senator STEVENS. I appreciate the hard work and the long hours expended by the proponents of this amendment to craft an approach that bridges the significant differences on this issue. I commend all who were involved for their good work, their diligent work.

This amendment is a good start, and I intend to support it. I also believe we can and should do more to improve the fuel efficiency of our cars and our trucks. With this bill, we have a great opportunity to finally end a 20-year stalemate and accomplish something that will benefit all of us—require our cars to go further on a tank of gas. This is the moment. The window is open, and I believe a bold approach is needed to achieve a major reduction in our Nation's dependence on foreign oil and the emission of greenhouse gases. A bold approach is what made all of the difference almost three decades ago when Congress first established the Corporate Average Fuel Economy, or CAFE, program. At the time, auto executives protested, much as they protest today, saying there is no way to increase fuel economy without making cars smaller. One company predicted Americans would all be driving subcompact cars as a result of CAFE. Anyone can see today that some of our SUVs are the size of about three or four subcompacts put together.

The fact is, CAFE worked. It nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 miles per gallon in 1985. The increase in fuel economy saves us almost 3 million barrels of oil per day and prevents the emission of over 1 million tons of carbon dioxide per day.

But our oil dependence has only gotten worse, and that is why we need a major improvement in fuel economy standards. Americans are now paying more than $3 a gallon for gas. We are importing 60 percent of our oil, much of it from the Middle East. Osama bin Laden has identified this dependence as a weakness, urging his supporters to ''focus your operations on oil, especially in Iraq and the gulf area, since this will cause [the Americans] to die off.''

The environmental effects of our oil dependence are also severe. The oil used in transportation accounts for a third of our Nation's emissions of greenhouse gases. Just in the last few months, we heard from a panel of top climate change experts from around the world that global warming is a certainty and that most of the temperature increase is likely due to rising greenhouse gas concentrations.

All this, and yet the CAFE standards have not changed in 20 years. This deadlock deepens our dependence on foreign oil and impedes our efforts to address global climate change. Since 1985, efforts to raise the CAFE standards have been blocked by opponents who argued Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in a sacrifice of safety.

I am confident we could achieve higher fuel efficiency standards, and we could do this in a cost-effective manner without sacrificing safety. According to a recent report by the International Council on Clean Transportation, technologies exist today that can improve light-duty vehicle fuel economy by up to 50 percent over the next 10 years without any sacrifice in safety, through improvements in engines, transmissions, aerodynamics, and tires. Fuel savings would be more than enough to cover the cost of these improvements when gas is at $3 per gallon.

Last year, I first joined with Senators LUGAR, BIDEN, SMITH, BINGAMAN, HARKIN, COLEMAN, and DURBIN to introduce the Fuel Economy Reform Act. This bill set a new course by establishing regular, continual, and incremental progress on fuel economy standards, targeting a 4-percent annual increase but preserving some flexibility for the National Highway Traffic Safety Administration to determine how to meet those targets.

I also believe we should look for ways to help automakers meet higher CAFE standards. The Health Care for Hybrids Act that I introduced is an example of how we can offer constructive assistance. This bill would establish a voluntary program in which automakers could choose to receive Federal financial assistance toward their retiree health care costs in return for investing the savings into developing fuel-efficient vehicles. This proposal could jump-start the industry's efforts to develop new technology, improve the competitiveness of U.S. automakers in the growing market for hybrid vehicles, and help auto workers to get the health care they have been promised.

Today's agreement makes long overdue progress on weaning America off our dependence on foreign oil and fighting climate change. It is an important step forward but bolder action will be necessary if we want to solve the dual problem facing our country.

I will support this bill and this increase in fuel efficiency standards.

Again, I commend all those who have worked so diligently to move this amendment forward. I do have to say, though, that I regret we have missed an opportunity to do more today. I will continue to work in the months to come to see if we can make some further progress on this front.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EMPLOYEE FREE CHOICE ACT

Mrs. CLINTON. Mr. President, I come to the floor on two very important issues, issues that really do go to the heart of the kind of economy and future that our Nation will have. One is the Employee Free Choice Act, which we will be voting on in the next day or two, and the other is the very important Energy bill that we have been debating.

With respect to the Employee Free Choice Act, for me, this is about preserving, supporting, and growing the American middle class. The middle class is the backbone of the American economy, and our unions are the backbone of the American middle class. It is time we passed into law the Employee Free Choice Act to give unions a level playing field so they can organize for fair wages, safe working conditions, and the hard-won rights and responsibilities that American workers demand and deserve.

This is a moment of profound challenge for our country. There is a deep sense of concern that I have certainly heard and listened to as I have traveled throughout America. Americans know they cannot win in the global economy unless the middle class wins, but there is a feeling that some people are betting against the American middle class. Some people have assumed that in a global economy one of the changes that will have to be made is that the middle class will have to shrink; that inequity is inevitable; that globalization is a harsh phenomenon that we have to accept. Well, I do not, and our families are right to be concerned.

In 2005 all income gains went to the top 10 percent of households. The vast majority of people—the other 90 percent—saw their incomes decline. Health care costs are up, gas prices are

up, the cost of college is up, and for 6 straight years worker productivity, which means how hard people work—because American workers are the hardest working people in the world—has gone up. But wages have either been stagnant or falling. 2005 was the first year since the Great Depression that average personal savings were negative for a whole year. There is a sense that we are losing something in America; that basic bargain that allowed our country to succeed: if you work hard, you and your family can reach the middle class. You can have that American dream.

So it is not surprising that we are seeing the weakening of the American middle class at the same time we see unions under assault. In the early years of the National Labor Relations Act, the majority sign-up procedure was the presumptively valid way in which employees could choose a union. Over the years, however, culminating in the 1960s, a number of decisions shifted us to a new regime, a regime where employers can choose to require their employees to vote for unions through a one-sided election process, dominated by employers, in order to secure collective bargaining rights. Some employers even began to make efforts to push unions out of the workplace.

Just consider these comparative facts: In the 1950s, companies illegally fired or punished during organizing campaigns, or they otherwise violated National Labor Relations Act rights, fewer than 1,000 employees. The number increased to 6,000 workers in 1969. And now, today, it is 31,000 workers who have been illegally fired or otherwise punished for wanting to exercise a fundamental right, one that we believe people should be able to exercise not only here in our country but around the world. As the number of labor violations have increased, we have seen it become harder and harder for workers to organize.

In 1956, unions represented 35 percent of the private workforce. The number today is only 7 percent. Our middle class, which unions helped to build in the 1930s, the 1940s, the 1950s, and the 1960s is suffering as a result. Studies show that the decline in union membership has been responsible for at least 20 percent of the rise in income inequality over the last three decades. I think it is probably much more than that, but that is what we can quantify.

It is time, therefore, that we modernize labor laws that are stacked against working people and stacked against their right to unionize. Right now, employers have unlimited access to employees in one-sided union representation elections. Employers are given every opportunity to dissuade workers in mandatory one-to-one meetings. They can delay votes for years. There are no fines or penalties or sanctions if an employer illegally fires or discriminates against a worker for collective bargaining.

At most, the worker is reinstated with backpay, an award that is, on average, so small that many employers regard it as a cost of doing business. Finally, 32 percent of workers who choose to unionize, still do not have a contract after a year of making that choice.

The system is broken. It is not only our collective bargaining and unionization system, it is our economy as it affects our middle class. Our country needs reforms that will bring balance to our labor laws, and our workers need the opportunity to unite with their coworkers to obtain the protections and benefits of America's labor movement.

Union wages are 20 percent higher than nonunion wages. Union members are almost twice as likely to be covered by health insurance and to participate in employer-provided retirement plans.

Unions improve safety conditions. For example, deaths in nonunion mines are almost twice as likely as deaths in mines where the workers are union members.

Unions certainly provide opportunities for women and minorities. Women in unions earn an extra $179 per week. African Americans in unions earn an extra $187 per week. Latinos in unions earn an extra $217 per week. Nonunion employees benefit from the efforts of the unions to seek benefits and protections. That is why it is so important we pass the Employee Free Choice Act.

It is long past time to enact real financial penalties against those employers who illegally fire or retaliate against workers during an organizing campaign. It is long past time to allow employees to decide if they want to use majority sign-up to organize.

Finally, it is long past time to allow either employers or employees to request mediation if they are unable to negotiate a contract after 90 days of collective bargaining.

These changes will finally give employers an incentive to bargain in good faith and to avoid situations where years, and even decades, can pass without a bargaining agreement.

I believe in the basic bargain. I believe that unions help keep that bargain for America's working people. I hope this Congress will uphold its end of that basic bargain; that this Congress will pass the Employee Free Choice Act; that the Senate will join the House, which has done so, to give employees the real, fair chance to garner the protections and benefits of unions and to give unions the opportunity to help bring workers into the middle class.

That is part of the equation; to respect and protect the rights of those in the workplace and to give them the opportunity to unionize. The other part of the equation is to have good jobs, good jobs with rising incomes. We need a source of new, good jobs in America. That is why this Energy bill is so important. Much of the debate about the Energy bill has been, rightly so, about the need to reduce our dependence on foreign oil—which I agree with 100 percent; the need to begin, finally, to address seriously global warming—which I think is way overdue.

But there has not been enough talk about why this Energy bill is critical to the economy of the United States in the way it will help to create millions of new jobs. As the Presiding Officer knows, he and I offered an amendment, which we are pleased the managers accepted, to provide incentives for training and equipping and preparing the workforce to do what are called green-collar jobs. These are jobs that can't be outsourced, by and large. If we finally get serious—and I hope we will get back to visit some of the financial incentives that need to be in this bill that unfortunately we were unable to include—we will begin to join other countries that have gotten smart about this.

Germany gets a lot of its electricity now generated by solar—you know, panels on the roofs of residences and offices. The last time I checked, Germany was not a tropical climate, but they have taken advantage of government-incentives to move the market toward using solar.

Denmark is also moving toward more wind energy. The United Kingdom, which went into Kyoto when our country left it, has created tens of thousands of new jobs weatherizing homes, installing new energy technology such as solar, such as wind. We could do this many times over. We believe we could create millions of new, good-paying jobs for hard-working Americans.

Every so often we have to regenerate our job creation in America. During the 1990s, we had a lot of new jobs that were related to telecom and information technology. We saw the creation of 22 million new jobs between 1993 and 2001. We saw more people lifted out of poverty than at any time in our country's history. We saw shared prosperity—not what we are seeing today, where the bulk of the benefits go to a very small sliver of us.

This Energy bill is about jobs, it is about creating new, good-paying jobs for hard-working Americans. What I am looking at when I think of the Employee Free Choice Act and when I think of this Energy bill is how we get back into balance, how we get back to where the economy works for everybody, where the market is not stacked against those who are not already privileged, where unions can once again be a vehicle for people moving into and staying in the middle class and, comparably, where we can have a new source of jobs.

We also have to recognize how we have to look at the jobs that are already in the economy and how the Energy bill will affect them. I am hopeful we will think seriously about lifting the health care costs off a lot of our labor-intensive, energy-intensive, capital-intensive industries in America, such as the automobile industry, because laboring under the costs of

health care is an uncompetitive position for them in the global economy.

There is a lot to be done. I wish to be sure that as we look at the economy and begin to try to get it back into that balance that works best for America, that we vote for the Employee Free Choice Act, which is a way of giving employees the choice to have a better life for themselves and their families. There is a lot to be done in our country. I am very optimistic we can begin tackling our challenges. But so much of what we have to do to create the framework for our people to have that better future has to come from this Chamber.

Let's look at the future together. Let's make decisions that will give the tools to our people to show they are the best workers and the most competitive and productive people in the world, to unleash that dynamism in the American economy, and to demonstrate clearly that we stand with the American middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in this body we are on the brink of something that is momentous, and that is significant energy legislation to reduce our dependence on foreign fuels. The bill before us will break new ground. We will have fuel efficiency standards increased for the first time since 1975. This is the result of compromise, of principled compromise that advances the cause of reducing our dependence on foreign fuel.

Last year I introduced the BOLD act, Breaking Our Long-term Dependence. That was perhaps the most comprehensive energy legislation introduced in this body all last year. It had many provisions, many provisions to encourage further development of ethanol and biodiesel and wind energy and solar energy—all the renewables. But more than that, it had provisions to expand domestic production of oil and gas in a responsible way; also providing clean coal incentives because, after all, over 50 percent of our electricity in this country comes from coal. That is not going to fundamentally change anytime soon. So we have to take measures to increase the environmentally friendly aspects of coal usage and to improve our ability to produce and use that resource in a clean way.

While I am delighted we are on the brink of passing something significant and the beginning of something that could be much bigger, I am very disappointed the provisions that passed the Senate Finance Committee on an overwhelming bipartisan vote did not get the 60 votes required to advance. Those provisions would have also taken us in a new direction, and they contained many of the provisions contained in the BOLD Act that I introduced last year.

Those provisions shifted our incentives away from fossil fuels because, with the high price of fossil fuels, incentives aren't required there. Instead, we took money that had previously gone to fossil fuels and shifted the funds to renewables and conservation—again, in a vote that passed on a bipartisan basis, a very strong vote out of the Senate Finance Committee.

Let me say there are some who have argued it costs too much money to have those incentives for renewables and for conservation. It is true, that bill costs $28.6 billion over the next 10 years—$28.6 billion over the next 10 years. But we are going to spend, over that same period, $3,000 billion on imported oil. In fact, that is probably a low-side estimate because last year alone we spent over $270 billion importing foreign oil, much of it from the least stable parts of the world.

Yes, $28 billion is a lot of money over 10 years. But $3,000 billion on imported oil dwarfs it. It is over 100 times as much. Isn't it a good investment to spend 1 percent of what we are going to spend importing foreign oil to develop our own resources in this country? How much better would it be for a President of the United States, instead of depending on the Middle East, to be able to look to the Midwest of this country to help grow our way out of this crisis by using ethanol and biodiesel? Instead of sending $270 billion to places that are unfavorable to us, to spend $270 billion right here in America—how different would our country look if that money, instead of going abroad, was staying at home?

No one should think we are not going to have another possibility on the legislation that came out of the Finance Committee. There will be another opportunity. We will have a chance in the House of Representatives, in the conference committee, to add back those provisions that passed on a strong majority vote, not only in the Finance Committee but on the floor of the Senate.

We didn't have a supermajority, we didn't have the 60 votes. We had 57. Of course the leader changed his vote to be on the prevailing side so he could move to reconsider. We are missing another Senator because of a family obligation and, of course, we are missing our colleague, Senator JOHNSON, because of his illness. But Senator JOHNSON will be back, and the Senator who was missing because of a family obligation will be back. And Senator REID will switch his vote. Then we will have the 60 votes necessary.

No one should be under any illusion that we are not going to take this opportunity to strengthen our country and to reduce our dependence on foreign oil because we will have that additional opportunity and the votes will be here and we will have a comprehensive energy package to take to the Nation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

Mr. DOMENICI. Mr. President, I wonder, while the Senator is still standing, if I could ask him a question. I was standing someplace where I caught an echo on your last 2 or 3 minutes. Could you maybe repeat it, because it hit my ear wrong. I did not quite get it. What did you talk about when it went to the House and came back and what?

Mr. CONRAD. What I am saying is there will be another opportunity to vote on the package that came out of the Finance Committee.

Mr. DOMENICI. When is that? When you come back from the House?

Mr. CONRAD. When we come back from conference committee.

Mr. DOMENICI. The same people who voted here will vote again then, will they not? Are you expecting some Senators to leave in the meantime from this side?

Mr. CONRAD. No. It is unfortunate the Senator did not hear my remarks. I made it very clear in the remarks what I think will happen. We were missing one Senator because of a family obligation, missing another Senator because of illness. Senator REID, of course, changed his vote to be on the prevailing side. That will provide the 60 votes required.

Mr. DOMENICI. I see.

Mr. CONRAD. I think with the passage of time, I say to my colleague and friend, we will have more votes as people think about the consequences of the failure to get a stronger package; that there is time now to work out an agreement to add votes.

Mr. DOMENICI. I see. Well, it would be good if you would add to that there might be a little opportunity to work together on that, too, you know. If you get a few people a little anxious, you might find you could not get cloture again. That could happen.

Mr. CONRAD. It could. I prefer to be an optimist. I prefer to think of the extraordinary vote we had out of the Finance Committee, a bipartisan vote, very strong, and the fact that we have more than a majority here with votes missing. Those votes are going to come back.

Mr. DOMENICI. Yes.

Mr. CONRAD. I hope. I believe before this year is out, we will have a chance to have a more comprehensive package than the one we will be able to move on this floor in the next several days. I believe it will be a package that will enjoy strong bipartisan support, just as the package did that came out of the Finance Committee.

Mr. DOMENICI. Well, you are inviting some of us not to approve anything tonight, to have another cloture, and you have nothing going to conference.

Mr. CONRAD. Well, that would be a tragedy for the Nation, and those who

would engage in that tactic, I think, would pay the consequences.

Mr. DOMENICI. Senator, you know, you and I have been here long enough that we go through these tragedies every now and then. But they get worked out. Then as long as you do not try to defy reality—there were a lot of people who didn't want this to happen; a lot of people did. That is the Senate. Now we will see.

Mr. CONRAD. That is the great thing about our country. Some people do not want to advance on the question of reducing our dependence; some want to stay stuck where we have been; others want to move forward. I believe those who want to move forward are ultimately going to prevail.

Mr. DOMENICI. So do I.

Mr. CONRAD. That is a good thing for this country. I welcome this debate, because I think the American people think it is long overdue that we make this advance, and it is to the credit of this body that we are prepared to move forward tonight.

Mr. DOMENICI. Well, there is no doubt in my mind we are going to move ahead. We have had some terrific movement ahead in the past 3½, 4 years. Some of us who are questioning how you think it is going to happen have been part of that over the last couple of years. We are not—nobody is going to sit here and say: There is one way, only one group of Senators knows how to do this. We did our share in this pretty good bill you voted for a couple of years ago. Had we implemented the provisions of that with financing that went with it, we would already be a long way toward the development of both supply and conservation; supply of the type you want, and supply of the type some others want. We would already have that going. Instead, we do not, because we haven't financed it. We should have. You were with us on the financing. It should have happened.

Mr. CONRAD. I say to my colleague and my friend, I was proud to support that bill. I was proud of the leadership shown by the Senator from New Mexico on that legislation. I am proud of the leadership shown by the Senators from New Mexico on this bill. I just think, at the end of the day, we are going to have even stronger legislation before we complete our work this year. That was the point I was making in my earlier remarks. Look, we all know the genius of this body is that there are those who agree and those who disagree; those who favor, those who oppose. Tonight we can celebrate together. We are making progress. That is important for the country, but more needs to be done.

I don't think any Senator would leave here tonight saying this legislation alone is all we can do. We can do more this year, and we should.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Wyoming.

Mr. CRAIG. Mr. President, I oftentimes laugh. It is either Iowa, or Ohio, or Idaho. The other side of that equation with the late Craig Thomas, I am Larry Craig, Craig Thomas. His wife is Susan, my wife is Suzanne. It was not at all unusual that sometimes we would get mixed up. People would come to my office looking for Craig Thomas, and would find out they needed to be on the other side of a mountain range and out across a rather wide expanse of land toward Casper, Wyoming, instead of Boise, Idaho.

But I understand. Thank you very much, Mr. President.

I will be brief. We are very close, I believe, toward the final passage of an energy bill that many of us have spent a good deal of time with.

I want to thank a few folks who have spent a lot more time with this issue than I or than the principals on it. Cory McDaniel on my staff, legislative LA for energy, who has spent a great deal of time over the last good many months as we have fashioned the SAFE Act, as we have fashioned a clean portfolio standard versus a renewable portfolio standard, I thank Cory for that effort.

I also thank Frank Macciarola, the minority staff director, and Bob Simon, the majority staff director. We worked closely with them as we have worked our way through this issue. Sam Fowler, counsel for the majority, and Judy Pensabene, minority counsel, have all been very helpful.

I have worked closely with Senator DORGAN and his staff. Franz Wuerfmannsdobler and Nate Hill on his staff have been very helpful; also Colin Jones, a fellow from the National Lab in Idaho on my staff, and Darren Parker, a research assistant, have been extremely helpful. A couple of interns, J.C. Dunkelberger and Brian Riga, have been very helpful throughout all of this effort.

I think those of us who have been in the Senate a long time know this work gets done certainly by us in some instances but by our staff in most instances. They spend a lot of time, they develop a level of expertise in working with us on some of these issues.

I thank these men and woman for their assistance in a complicated process. I hope we can finish and produce a work product that will come back to us in a reasonable form that many of us can support.

I am frustrated we are potentially moving a bill out of the Senate that does not have any production. It is all about the future and the outyears. I do not think America worries about the outyears when they go to a pump and pay $3 and 10 or 15 or 20 cents a gallon. They worry about tomorrow and next year and the next year. That is what I think all of us have voiced in this debate.

Somehow it is not right anymore to drill holes in the ground and pull out oil and refine it. I do believe that still fits into the equation and will for several decades to come, as we move to flex fuel, as we move to hybrids, as we move to hydrogen, as we move to electricity, as we are, and as we will continue to, and we must.

But in the meantime, it is a reality that this Nation has to continue to produce. As loudly as I and some on the other side have spoken about it, the Senate collectively does not want to seem to go there anymore. My guess is the American consumer, tragically enough, is going to pay the price. I hope that ultimately we do get some more production built into this legislation or other public policy as we move down the road because it is the reality of where we are. While we work our way away from it and take this great economy and start shifting it and moving it around to new economies in the field of energy, it takes a great deal of investment that the private sector will make, and it takes the kinds of incentives, and it takes a substantial amount of time that I do not think is as reflected in this policy as I would hope, and as I have hoped it would be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come to the floor to speak tonight as we get close to the point hopefully of passing an energy bill here in the Senate.

I first acknowledge the leadership of both Senator BINGAMAN and Senator DOMENICI. When we look at where we are today on energy, much of it started, the bipartisan cooperation, between Senator BINGAMAN and Senator DOMENICI, in the passage of the 2005 Energy Policy Act. I know there have been critics of that act, but it was a creation that was put out in a bipartisan fashion, a significant step forward on energy.

This legislation that came out of the Energy Committee, which is included in the bill which we are about to vote on, in large part is a very good step forward in terms of trying to address the goals we had in that particular legislation.

I also congratulate both Senator STEVENS and Senator INOUYE. I think when you think about the people who have made such a mark, an imprint on the Senate today and on our country, two of our national heroes are TED STEVENS and DAN INOUYE. I never get tired of hearing the story of Senator INOUYE and his service to our country. Every time I see him and I remember his great contribution and sacrifice to our country, I remember those are the greatest of the greatest generation, and certainly both Senator STEVENS and Senator INOUYE embody that greatness.

I also thank the chairman and ranking member of the Finance Committee for their great work. As a member of the Finance Committee, we worked very hard to come up with legislation that would help us move forward in dealing with the reality of getting energy independence.

While I am disappointed that part of the package is not included as we move

forward toward final passage here, it nonetheless represented the best of our thinking about how we could invest in this new imperative of America, and gets us to a new energy future for the 21st century.

I also thank the rest of my colleagues who were involved in some of the discussions that have been underway today. Let my say that from my point of view, there is no more important issue we must deal with here in Washington, here in the Congress, than the issue of energy.

If we look at the big issues of our time in the 21st century, I think in my mind there are three issues we have to deal with. We have to deal with the issue of foreign relations and how we put the world back together again and restore America's greatness in the world.

We also need to make sure we embark on a new clean energy future for the 21st century.

We also need to deal with other issues that are very difficult, the enormous challenge that we face with the health care in America today. That issue is bankrupting America's families and America's businesses day by day. So how we move forward with those three issues is very important.

But tonight we are at the doorstep of taking a significant step forward on one of those huge issues; that is, the issue of energy and moving forward to establishing a clean energy future.

Now, when I often talk about energy, I think back to what happened in the early 1970s and through the 1970s with both President Nixon and President Jimmy Carter, where President Nixon declared the need for us to be energy independent, and coined that term.

Then following him, President Carter spoke about energy independence as being something that was the moral equivalent of war. Well, the fact is that in those days the driver for those statements and the coining of that term came from the economic volatility that was caused by the formation of OPEC and their ability to be able to influence the world markets on oil.

I think today we have three inescapable forces that drive us to look at the clean energy future as the imperative of the 21st century. Those inescapable forces are, first and foremost, our national security. When we see what is happening in the Middle East with Hezbollah and in Lebanon with Hamas in the Gaza, you know that terrorist organizations such as those are being funded by the very oil that is being consumed by the free world.

So for us to become energy independent is our way of making sure we are not held hostage to those kinds of organizations, to the oil barons and sheiks of this world. It is an imperative we do that from a national security point of view.

Secondly, I think it is now beyond argument in our world today that the issue of global warming is here, and we will have some debate that will come on down the road with respect to how we address the issue of global warming here in America and across the world.

It is inescapable that we must do something about global warming if we are to save civilization for our children and grandchildren and save this planet we have been given the humble privilege of inhabiting. That is an inescapable force that will drive us to a clean energy future in the 21st century.

Last is the economic opportunity and dealing with the economic volatility that happens when you are hostage to someone who controls supplies such as OPEC can today. The economic opportunity is one that you already see happening throughout our great Nation.

In my State of Colorado, where 2 years ago, before passage of the 2005 act, there was really nothing going on in terms of renewable energy, we have totally turned that around. We have now ethanol plants in places such as Fort Morgan and Yuma. We have a number of other ethanol plants springing up in Windsor and Devon, down in the southern part of the State, places which were part of the forgotten rural America which had been hanging on by a shoestring just to keep their communities alive. There is a new breath of activity, a new breath of hope and opportunity and optimism in rural America, in large part because we believe we can grow our way to energy independence.

I believe strongly we are headed in the right track with the legislation that has been put forward. I am hopeful that we will move forward and conclude our effort on this energy legislation tonight.

I want to go back for a minute and reflect upon the legislation that came out of the Energy Committee which was led in a remarkable fashion by Senator BINGAMAN, with the support of Senator DOMENICI. It was a bipartisan effort that focused on three major issues, all of which are included in the underlying legislation.

The first of those was moving forward with alternative fuels. If you think about what we have done with the renewable fuels standard, we will be quintupling the amount of energy we create from biofuels. We will be opening a new chapter with cellulosic ethanol that will make the biofuels targets a reality.

Secondly, the efficiency measures are important to make sure we stop wasting the energy we consume. When we look at what the experts tell us, from the Department of Energy, the National Renewable Energy Lab, we know we waste 60 percent of the energy that is consumed in America today. Therefore, the lowest hanging fruit for all of us is to move forward with efficiency measures. We are doing that in the part of the legislation that was created in the Energy Committee. We also are doing it very much with the CAFE standards, the fuel efficiency standards that were negotiated today with the leadership of Senators STEVENS and INOUYE, Senator FEINSTEIN, and many others who were involved. That will help us achieve the oil savings targets and goals we have set forth in this legislation.

Finally, we take some movement forward in terms of dealing with the issue of carbon by making sure that we are dealing with carbon sequestration mapping in the United States and that we develop the way forward in terms of how we sequester carbon. There has been debate about coal. Not everybody agrees on how we ought to move forward with respect to coal. I believe it is important that we look at coal as a possible resource because it currently generates about 50 percent of our electricity today and it is the most abundant resource we have in this country. We have enough coal resources for the next 200 years of energy for America's use. Coal is to the United States what oil is to Saudi Arabia. So it is important that we not turn a blind eye and say we are a nation that is not going to look at all at coal.

Some of the new technologies we have with respect to IGCC—the creation of electricity in a way that can help us with the hybrid plug-ins—will open a whole new chapter today and build on the 2005 act. That will all be very important. Carbon sequestration needs to be a part of the equation. We know there are formations throughout this country where, in fact, we can sequester carbon. The technology is not all that complex. The enhanced oil recovery efforts and the technology we have with EOR is technology that has been used in the oilfields for decades. We know there are formations out there where we can, in fact, store carbon. So we can find ways of utilizing this abundant fuel we have in the United States to help us fuel the energy needs of the country.

In addition to the many Members who have worked on making this a possibility—and I hope we do get the 60 votes we need—there have been a lot of people on many staffs on both the majority side and the minority side who have worked to make this happen. I thank each and every one of them for getting us to the point we are today. I know the countless hours and nights and days they have spent working on this issue. Without them, we would not be where we are tonight.

I thank the people in my office who have been working hard on this legislation for a long time, both in the Energy Committee and in the Finance Committee. I say thank you to Steve Black, who has been an enormous player on the energy issue, in 2005 as well as today; Matt Lee-Ashley, Suzanne Wells in my office, Grant Leslie, and Sam Mitchell, who have done an enormous job pulling all of this together.

This is a major step we are about ready to take. I look forward to being a part of the celebration when we get this all done, hopefully in the not too distant future before we go into the wee hours of tomorrow morning.

EFFICIENCY TITLE

Mrs. LINCOLN. Mr. President, I applaud the efforts of the Energy Committee, its chairman and ranking member, in crafting this bill. However, I have concerns about some aspects of the efficiency title specifically as they relate to regional standards for heating and cooling products and the possibility of more than one energy standard such as SEER or EER being applied to these products. I sincerely hope that we can work on resolving these issues following the passage of this legislation.

Mr. BINGAMAN. I am happy to work with my colleague from Arkansas to improve this bill, and will work with her on this issue following the passage of this legislation.

Mrs. LINCOLN. I appreciate the chairman's good-faith commitment to work with us on this issue. I raised these concerns when this bill was being discussed in the Energy Committee, and I continue to have reservations about how the language, as written, can be implemented.

RPS

Mr. BINGAMAN. Mr. President, I would ask the majority leader, through the President, if he is in agreement with me on a matter of some importance. I offered an amendment last week to require that 15 percent of the electricity sold in the Nation come from renewable energy resources by the year 2020. We have not been able to get an agreement to have a vote on this amendment, or on other forms of it that might have provided more flexibility to States in meeting the goals of the amendment. We would have been agreeable to accepting a supermajority threshold for passage of the amendment. We still could not reach agreement. That implies, to me, that opponents of the measure believe that 60 or more Senators support the amendment. I believe that they may be correct in assuming so.

This amendment would have been as significant an amendment as we could have added to the bill. Such a standard would increase the generation of renewables in the Nation from something over 2 percent to a much greater share of our generation supply. We have tried again and again to provide, in law, mechanisms to allow renewable energy technologies to take the place in the market that they deserve. The Senate has passed similar amendments three times. This provision would result in cleaner electricity generation, be the source of extensive creation of new jobs, enhance our energy security, lower the price of natural gas, and could even result in lower electricity prices.

Given the importance of this provision of the Nation, and the clear, strong support for it in the Senate, I would ask if it is the intention of the majority leader, should we conclude business on the Energy Bill without passing it, to seek another vehicle for the passage of the renewable electricity standard?

Mr. REID. Mr. President, I would answer the chairman of the Energy Committee, who has done great work in managing this complicated energy bill, that I agree with him as to the importance of this amendment to the Nation, and on the broad support that it enjoys in the Senate.

There is little that we could do in the electricity sector that would bring more benefits—in terms of consumer savings, reducing natural gas demand, and slowing the growth of greenhouse gas emissions. We have sought in this bill to broaden the range of energy resources that we depend on for motor fuels to include renewable resources. We must do the same for our electricity supply. I share his strong belief that enactment of a national renewable electricity standard is critical for the Nation's efforts to become more energy independent and to reduce the risks of global warming, as well as create new jobs in the clean energy industry. I promise to work with him to see that proposal gets fair consideration, a vote and, if at all possible, enacted into law this Congress.

Mr. LAUTENBERG. Mr. President, right now, people are at gas stations across America, filling up cars and trucks to get to work, take their kids to school, and run their errands.

In May of 2002, a gallon of gas cost $1.40. Today that same gallon of gas costs $3.22. In just 5 years, the price of gas has more than doubled.

Gas isn't the only energy cost that has spiked in the last 5 years. In New Jersey, individuals, families, and businesses are paying 25 percent more for electricity than they were just 5 years ago. These high prices are hurting our families—families whose budgets are already stretched thin.

We also know that our energy policies are hurting our environment. The emissions from our cars and trucks, electric utilities, and factories are causing global warming—a fact recently verified by a United Nations Panel on Climate Change. The energy bill before us marks the first serious attempt in years to address our energy crisis.

First, it takes a measured but appropriate approach to improving CAFE standards governing the fuel efficiency of our cars and trucks. Right now, Japan leads the world in fuel efficiency. Many of their cars and trucks get more than 40 miles per gallon. The United States is far behind. Our passenger cars have been stuck at CAFE standards of 27.5 miles per gallon since 1990—and our light trucks get just 21.6 miles per gallon. We must do better, and with this bill, we will.

Our energy bill calls for increasing fuel efficiency to 35 miles per gallon by the year 2020. As we improve our fuel efficiency, we decrease both the amount of gas Americans have to pay for and the greenhouse gases our cars emit. But despite what many think, greenhouse gases don't only come from cars and trucks. Buildings have a significant impact on the environment and on the health of every American—accounting for nearly 40 percent of America's greenhouse gases. The Federal Government is the largest owner and renter of buildings in the Nation and is one of the largest emitters of greenhouse gases in the world.

In addition, poorly designed schools can cause the air inside to be unhealthy. This poor air quality increases childhood asthma.

More than 67 percent of schools have a design problem that contributes to asthma. For those reasons, I introduced the High Performance Green Buildings Act, which is now included in the Energy bill. This legislation focuses on making our Federal buildings ''green'' and improving the environmental and health impacts of our schools. I worked with our former colleague, Senator Jeffords, on this bill in the past—and the language now in the Energy bill represents a collaborative effort between myself, Senator BOXER, and Senators SNOWE and WARNER.

In comparison to standard buildings, the average green building has better air quality, uses 30 percent less energy, and results in nearly 40 percent fewer emissions. Green buildings also have smaller electric bills, which saves owners and tenants on their bottom lines.

The Federal Government must lead by example and achieve those results for its buildings. Accordingly, my green buildings bill will direct the General Services Administration to use a green building certification that all Federal buildings should achieve. It also provides grants and voluntary guidelines for schools to lessen their environmental impacts—and improve the health of the students, teachers, and staff inside them.

Finally, the bill calls for demonstration projects to show the public that green buildings are environmentally sound, benefit people's health, and are both cost-effective and practical.

The States are doing their part. New Jersey and 21 other States have already signed bills similar to my legislation. Many private companies are doing their part as well. For example, Bank of America is building a new highrise office tower in Manhattan—a building that will be entirely green. It is time for the Federal Government to do its part.

We need a solution to our energy problems: one that protects the American pocketbook, improves our CAFE standards, reduces our dependence on foreign oil, and promotes green building. This energy bill will be an important step forward toward achieving these goals.st

AMENDMENT NO. 1792

Mr. INOUYE. Mr. President, I rise in support of amendment No. 1792, filed by Senators STEVENS, SNOWE, ALEXANDER, and CARPER, and cosponsored by Senators FEINSTEIN and KERRY, among others. This bipartisan compromise reflects the input of Members, industry,

and consumers, and is good policy for our Nation.

I particularly wish to congratulate Senator DIANNE FEINSTEIN for her dedicated efforts over the years to update our Nation's fuel economy standards. The success of the amendment today is a tribute to her tenacious and skilled advocacy.

At every step of the legislative process following the introduction of S. 357, the Ten in Ten Fuel Economy Act, by Senators FEINSTEIN and OLYMPIA SNOWE, the authors and cosponsors of S. 357 and members of the Senate Commerce Committee have worked together in a bipartisan manner to address the concerns of the automotive industry. In particular, this group worked hard to ensure that automakers will not face a significant burden when meeting the first improvements to fuel economy standards in more than 30 years.

I am pleased that Members from both sides of the aisle continued to work together to produce the amendment adopted today. While addressing a number of the concerns raised by automakers regarding the Feinstein-Snowe Ten in Ten Fuel Economy Act as reported by the Commerce Committee, the amendment preserves the core goals and fuel savings of Ten in Ten.

The amendment directs the Secretary of Transportation to increase fuel economy for automobiles to 35 miles per gallon by 2020, as in Ten in Ten. But in the years that follow from 2021 to 2030, the Secretary shall increase fuel economy at a maximum feasible rate instead of at a pace of 4 percent per annum.

If we have a breakthrough in battery technology, then 4 percent per year may well be too low. If there are unforeseen problems, 4 percent may be too high. The amendment will allow the Secretary to set an appropriate standard in the future.

The Kerry-Cantwell second degree amendment to the Stevens-Carper-Feinstein-Snowe-Kerry amendment also directs the Secretary to establish and implement an action plan to ensure that 50 percent of the vehicles for sale in 2015 are alternative fuel automobiles. We must encourage manufacturers to improve their fleets' fuel economy by exploring new technologies and producing alternative fuel vehicles. I commend Senators KERRY and CANTWELL for developing this compromise amendment that addresses this important goal.

By adopting the bipartisan compromise amendment and H.R. 6 as amended, we will place the country on a path toward reducing our Nation's dependence on foreign oil, protecting the environment, and helping consumers deal with rising gas prices.

Finally, I wish to express my appreciation for the excellent efforts of the dedicated staff on the Senate Commerce Committee including David Strickland, Alex Hoehn-Saric, Ken Nahigian, Mia Petrini, and Jason Bomberg.

Mr. DODD. Mr. President, I rise today to speak on the pending energy bill and the future of energy in the U.S. I commend Chairman BINGAMAN for crafting this compromise bill and bringing it before the full Senate for consideration. Like many of us, he recognizes that the energy crisis we face will be long-term and life-altering, and that we must enlist all Americans, and the cooperation of governments worldwide, to solve it.

Let's be honest. We have only gotten to this critical point because we have put off for too long momentous energy decisions. In fact, the main answer to our energy dilemma from the party across the aisle while they were in power in Congress was the 2005 energy bill, a scandalous mix of billions in drilling subsidies and other giveaways to big oil companies which even some of them admitted were unnecessary. That effort was doomed from the start: While we consume 25 percent of the world's oil, we only hold 3 percent of its reserves—so we can't, we never could, drill our way out of the problem. The results of that bill in the last 2 years haven't been surprising: skyrocketing oil and gas prices; no slackening of demand; increased U.S. dependence on foreign oil; underfunding of renewable energy initiatives; and slashed conservation funding. This bill takes us in a much better direction, with progressive new policies. And that is critical. If we are to address honestly the threat posed by America's addiction to carbon-based fossil fuels, and especially imported oil, it is long past time to move in a better direction, and to make some difficult choices.

We have known for a long time about the three-fold threat—to our national security, our economic vitality, and our environmental health—posed by our over-reliance on foreign oil. To our national security, because we now import about 60 percent of our oil from some of the most politically unstable regions of the world, governed by authoritarian regimes, some serving as breeding grounds for terror. To our economic vitality, through high gasoline prices, rising home heating costs, and electricity price spikes which strain family budgets, burden businesses, and make our Nation less competitive. To our environmental health, due to smog, climate change, increased asthma risks, cancer and other diseases caused or exacerbated by pollution. We continue on this path to our peril. A better way forward is to embark now on a course of dramatic change in our energy policies, including setting clear long-term goals and enforceable benchmarks; backing our rhetoric on conservation, renewable energy and other initiatives with real funding; scaling back wasteful oil industry subsidies, and including all Americans in energy conservation efforts. If we do it right, Middle East imports will decline and vital U.S. interests will be made less vulnerable; our air will be cleaner; new jobs in the renewable sector will be created, our rural communities will be revitalized through energy innovation, and our relationships with allies and overall position in the world will be strengthened.

Our over-reliance on foreign oil, especially from the Middle East, makes us vulnerable to price spikes, supply disruptions, and market uncertainty. We also, sadly, pay for the privilege of propping up authoritarian regimes that use oil reserves to bolster their own power, insulate themselves from demands for political and economic liberalization, and protect themselves from the need to improve their human rights records—what NYT columnist Tom Friedman calls ''petro-authoritarianism.'' This is why the government of Iran can suppress its own people; it's why Russia can crush Chechnya and intimidate its neighbors; it's why China, a major owner of Sudan's main oil consortium, can continue to block effective U.N. action on Darfur. We are effectively financing them to do it through our oil purchases.

And we have been doing this for decades. I was first elected to Congress in 1974, in the wake of an energy crisis prompted by an OPEC oil embargo. It was a summer of gas lines and shortages, of steps large and small taken to address the problem. And now here we are, fighting another uphill battle to enact a good energy bill, which contains an important set of incremental steps to address these problems. I would like us to go much farther than this bill does. But at least with its passage we would finally be headed in the right direction.

I think almost everyone in this Chamber would agree that the future of energy in this country, to the maximum extent possible, should be clean, green, domestic, and renewable. We know that our dependence on foreign oil leaves us vulnerable, increases our trade deficit, and creates volatility in energy prices and hardships for American consumers and businesses. We know that emissions from fossil-fuel fired powerplants cause unnecessary illnesses and deaths. And we know that our emissions of greenhouse gases are causing global climate change, which is leading to higher sea levels, melting glaciers, shifting ecosystems, and ocean acidification.

Our national energy policy must be retooled to address those threats directly, and to encourage the development and deployment of technologies that will encourage the use of clean, domestic, renewable energy. This bill, modest as it is, does that, I applaud Senators STEVENS, INOUYE, FEINSTEIN, and others for crafting a compromise on fuel economy standards, though we must recognize that it is a compromise: the new fuel economy standards contained in this bill do not do enough to achieve the full potential of current technologies to increase fuel efficiency. Even so, setting the CAFE target at 35 miles per gallon by 2020, is

an important advance for a Congress that has not managed to increase standards at all for over 20 years. There was no increase in fuel economy standards to blame for the decline in American auto manufacturers' market share from 73 percent in 1986 to 55 percent in 2006; the future strength or weakness of those manufacturers will depend far more on the extent to which they transform themselves by taking advantage of new green vehicle technologies in the coming years. The same arguments we have heard for many years—that the technology is unavailable to enable these higher standards, that they will make cars less safe, that we will hurt our own manufacturers—are the ones made in the late 1970's; they are no more true now than they were then.

We have spent much of this debate on a few contentious issues, but there are many significant provisions in the bill that have not been as widely discussed, including creating research and demonstration programs for carbon capture and sequestration, substantially increasing appliance efficiency standards, and making the Federal Government a leader in the use of renewable energy and green construction. Moreover, this legislation puts the Senate on record in our support of engagement with other countries, especially those in the Western Hemisphere, to better coordinate energy security and assure diverse and reliable energy supplies. While it is not perfect, it is a step in the right direction.

Mr. President, let me say a final word about the elephant in the room, which we have scarcely acknowledged thus far in this debate about energy policy: climate change. Climate and energy policy are inextricable—any energy policy we adopt will have an enormous impact on the climate. I recognize that this body is not yet ready to adopt a comprehensive measure to substantially limit emissions of greenhouse gases, or to take the bold step of imposing some form of a comprehensive corporate carbon tax. If we were honest with the American people, that is the kind of bold step we would take to help resolve our energy dilemma.

The truth is that, on energy and climate issues, Americans are ahead of their political leaders. They understand the serious, long-term cumulative threat climate change poses to their children and grandchildren; they're willing to make tough choices to address it. They understand that cleaner energy is possible; they know that fuel-efficient vehicles and appliances are within reach—but they're worried that American manufacturers are falling behind. Americans overwhelmingly support the development of alternative energy, higher mileage standards, hybrid vehicles, and incentives to produce and install more energy efficient appliances. They see the potential for savings generated by energy-efficient technologies, both for their families and for a more efficient, more effective use of their tax dollars by government. And they want change. They understand that the threats of climate change are not geographically remote or far off in time; they are real and urgent. I hope that the day when we can take up and pass tough new controls on carbon dioxide and other greenhouse gases arrives soon. But however we address emissions and efficiency, conservation, bio-fuels, fuel economy, and other important provisions, I urge my colleagues to support this bill, and to start us on the road towards a future of clean, domestic, and renewable energy.

Mr. LEVIN. Mr. President, I regret that I cannot support the Energy bill that we are voting on tonight. I will vote against cloture on the bill and against final passage. There are many good provisions of this bill—particularly in the areas of energy efficiency and renewable fuels—but at its core, the bill contains CAFE provisions that will needlessly harm the American auto industry.

I believe we had a real opportunity to make significant strides in improving fuel economy and reducing our dependence on foreign oil, and doing it in a sensible way that would support American manufacturing and American workers. Instead, the bill before the Senate tonight has chosen the path that is most likely to harm our workers by combining trucks with cars for new standards that are overly aggressive and unachievable and may have a particularly harmful effect on those manufacturers who produce a high percentage of light trucks and produce small cars in America.

America has lost 3 million manufacturing jobs since 2001, over 200,000 jobs in the automotive sector. Our companies face enormous competition in the global marketplace without support from the U.S. Government. Our companies are not competing against companies overseas they are competing against other governments that strongly support their manufacturing sectors with currency manipulation and trade barriers against our products. American companies must compete against those who are protected from import competition by their government, have cheap labor costs, do not pay health insurance and legacy costs, or do not have to meet our strict environmental standards. Our manufacturers can compete with anyone on a level playing field but right now that field is tilted against them.

Tonight, we are choosing to follow a path that will continue that uneven playing field for our manufacturers through our own regulatory process—no other countries would do that to its companies. The proponents of these provisions—a combined car-truck standard of 35 miles per gallon by 2020 claim that these standards will be easy to meet with new advanced technology and suggest that these fuel economy numbers are supported by the National Academy of Sciences. But that is simply not true. In fact, the National Academy of Sciences, in its 2002 report that is frequently cited, specifically stated that the conclusions it drew about technologies should not be interpreted as fuel economy recommendations.

There was a better way. An amendment sponsored by Senator PRYOR that I cosponsored, along with Senators BOND, VOINOVICH, STABENOW and MCCASKILL, offered that alternative approach. Our amendment would have taken bold steps forward to improve fuel economy, reduce our dependence on foreign oil, and protect the environment. We did that in our amendment by establishing aggressive, yet achievable, new and different fuel economy standards for cars and light trucks and by setting clear interim milestones for reaching these new standards.

Our amendment would have required a thirty-percent increase in fuel economy standards for cars by 2022 and a thirty-five-percent increase in standards for trucks by 2025, and our amendment would have provided certainty that these standards will be met. It also would have provided the predictability needed by our auto companies to plan ahead and utilize new advanced technology to the maximum extent possible. Our amendment would have provided the National Highway Traffic Safety Administration, NHTSA—the agency that would set these standards—tools necessary to establish the standards in a sensible way that would have ensured the standards would be at the maximum feasible level, even if that level proved to be higher than the number included in this amendment. To ensure that the technology would be available to meet these standards, our amendment also would have provided a significant new infusion of Federal dollars to support advanced technology research, development, and demonstration programs across a wide spectrum of technologies—from advanced batteries and lightweight materials to advanced clean diesel, hybrids, plug-in hybrids, and fuel cells. Our amendment also would have put more advanced technology out on the road immediately by requiring each auto manufacturer to make a certain percentage of their new vehicles either flexible fuel vehicles or advanced technology vehicles—increasing to 50 percent of their fleets by 2015.

To be sure, meeting the new fuel economy standards under our amendment would have been a stretch and a challenge for all of our country's auto manufacturers—both our traditional American manufacturers, who built the foundation of the auto industry in this country, as well as manufacturers such as Toyota, Mazda, and Mitsubishi. But it would not have pushed our companies to the breaking point, as I fear the provisions of this legislation will do.

So I cannot support this bill tonight, and I regret that we did not take a different path. I was encouraged that the Commerce Committee leaders were

willing to take some of our suggestions and make some improvements in their bill. Through our negotiations, we received a few significant concessions. Specifically, the standards in the final bill are for the industry as a whole and not standards to be met company by company, ending a procedure which has discriminated against the domestic industry. The bill also makes clear that NHTSA is required to set standards according to an attribute based system that will look at the different attributes of cars and trucks, and make clear that the fuel economy standards after 2020 will be set at the maximum feasible level rather than requiring an arbitrary and unrealistic increase of four percent annually and was true with the Commerce Committee bill.

I believe that we can reduce our dependence on oil, reduce our greenhouse gas emissions, and improve the overall fuel economy of our vehicles on the road while supporting our American manufacturers in the global market place. To do that, we need a major public-private partnership and major investments in leap-ahead energy technologies, including advanced technology vehicles. We need a huge infusion of resources and a commitment from both the private sector and the Federal government to support efforts to reach these important goals. At a minimum, we cannot have our government act in ways that will unfairly disadvantage our American manufacturers against their global competitors.

Mr. SALAZAR. Mr. President, I rise today to urge my colleagues to support the improvements to vehicle efficiency that are included in H.R. 6. It is time for us to make reasonable, achievable, and meaningful increases to the corporate average fuel economy standards.

In the past 2 weeks I have spoken repeatedly about the national security, economic security, and environmental security implications of the energy debate that we are holding. The converging and growing risks of our overdependence on foreign oil are well understood among Americans, who see the impacts of our failed energy policy on a daily basis.

At the gas station, consumers see prices spike at OPEC's whim or with the threat of supply disruptions in countries like Venezuela or Nigeria. In their businesses, Americans feel the pain of soaring oil prices—fuel prices for farmers are so high that some do not know if they will be able to complete the harvest in the fall. And in their land, air, and natural surroundings, Americans are beginning to understand the impacts that global warming could have over the coming decades.

This week we have already made significant progress in our quest to reduce our dependence on foreign oil. Not only is the underlying bill an important step forward, but we have passed several amendments that strengthen the foundations of a new, clean energy economy for the United States.

So far we have increased the oil savings targets in this bill by 50 percent, so that by 2016, we are saving as much oil as we are currently importing from the Middle East. We have passed provisions from the DRIVE Act that will bring high-efficiency vehicles, such as plug-in hybrids, to consumers. And we set a goal of producing 25 percent of our energy from renewable sources by 2025. These are important improvements that will accelerate the pace at which we are moving toward energy independence.

Today, though, I want to talk more specifically about a provision of this bill that has been a point of intense debate for some time. Vehicle efficiency standards in this country have been stagnant for too long. Although our vehicle manufacturers have made impressive improvements to the safety, strength, and power of our vehicles, the average fuel economy of new cars and trucks was actually lower in 2006 than it was 20 years ago. Passenger cars sold in the U.S. only get around 27.5 miles per gallon on average.

The result? American consumers and businesses are suffering disproportionately from $3-a-gasoline. $50 and $80 visits to the gas station are now the norm, and transportation costs are taking a growing slice out of family budgets.

People who live in rural areas are hit the hardest by low fuel-efficiency standards. They drive around 15 percent more miles than people who live in cities, they rarely have the choice of using public transit, and they use work vehicles, like pickups, that get fewer miles to the gallon. As a result, gas bills in rural households have risen almost $1,300 in the past 5 years.

The question of how to improve vehicle efficiency standards is not an easy one, and is not to be taken lightly. But today the path forward is clearer than it has been in some time. Not only is the need for improved efficiency evident, but we have the technological know-how to make these changes to our vehicle-fleet in a safe and cost-effective manner.

The bill before us raises the CAFE standards for cars and light trucks to 35 mpg by 2020. This is a reasonable and appropriate goal for efficiency. The bill also gives manufacturers tremendous flexibility to meet the standards. The National Highway Traffic Safety Administration, NHTSA, will have the ability to set a national fleet-wide average fuel economy standard of 35 mpg by 2020 that will be tailored to the weight, size, type of use and towing capabilities of each car type. Under this flexible system, the standards for light trucks will likely be significantly lower than the standards for passenger cars, and standards will vary for passenger cars: smaller cars will have higher standards than larger cars.

The bill also includes an important exemption for work-trucks between 8,500 and 10,000 pounds—these are the trucks that are essential to the daily operations of farmers, ranchers, and small business owners.

The CAFÉ standards in this bill are achievable by incorporating a group of modest, proven conventional technologies into vehicles. The technologies would add about $1,100 to the price of an average vehicle in 2019, an investment that would be recovered in less than 3 years of driving, assuming that gasoline costs $2.00 per gallon. Over the lifetime of the vehicle the owner would save a total of more than $3,600 in gasoline costs.

And the technologies are only getting better. Our national labs and universities are making breakthroughs in research that will allow us to make even greater advances in fuel efficiency. At the Colorado School of Mines, for example, researchers are developing a way to cast metal alloy composite materials for high strength, lightweight vehicle parts. This technology will reduce the weight of vehicle components by as much as 60 percent without compromising vehicle performance, cost, or safety.

While I am a champion for the responsible development of our domestic energy supplies and I firmly believe that we need to make smart investments in a renewable energy economy, improving efficiency is the cheapest, cleanest and quickest way for us to extend our energy supplies, get a handle on rising gas prices, and reduce our dependence on foreign oil.

I am proud of the responsible, bipartisan approach we have taken to improving vehicle standards. I want to again thank Senator BINGAMAN and Senator DOMENICI for their leadership on this bill and I look forward to passing it as soon as possible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. First of all, Mr. President, the distinguished Republican leader and I apologize to everyone.

However, I ask unanimous consent that at 11 p.m. tonight the substitute amendment be agreed to; the bill be read a third time, and the Senate vote on cloture on H.R. 6; that if cloture is invoked, the Senate vote immediately on passage of the bill with the preceding all occurring without any intervening action or debate; further, that the cloture vote on the motion to proceed to H.R. 800 occur at 11:30 a.m. on Tuesday, June 26; that if cloture is invoked, the motion be agreed to and the Senate vote immediately on cloture on the motion to proceed to S. 1639, the immigration bill; that if cloture is invoked, the motion be agreed to; and further that if cloture is invoked on S. 1639, it be in order upon the disposition of all postcloture debate time there be

20 minutes equally divided for debate only on a motion to waive the Budget Act in response to a budget point of order against the bill made by Senator JEFF SESSIONS or his designee; further, that on Wednesday, if the Senate is considering the immigration bill, Senator SESSIONS be recognized for debate only for up to 2 hours.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I would just like a few minutes to look at the language.

Mr. REID. I renew my consent request.

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

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

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

Mr. REID. Mr. President, I have spoken to my colleagues on the other side of the aisle, and they are concerned about some ability to get in conference the cloture motion; that is, the tax aspects of the Energy bill that was defeated. It is not part of this matter we are working on now. As I told my friend, the distinguished Republican leader, if he could figure out a way to do it, he should let me know. I want everyone to cool their jets. The Republican leader and I have had a pretty good agreement on matters that pass this body, as to what goes to conference.

Now, we have preconferenced—we don't need to run through the things we have preconferenced, but I think the Republican leader will tell everyone here that I have been on the level with him, and I intend to be on this matter. So if anyone is concerned about some trick to put this energy tax package in the bill in conference, they need to tell me how to do it because I don't know how. It takes three cloture votes for me to get to conference. I have been through that. They are procedural votes. Although I wish I had the magic wand to tell a lot of you how to vote on the procedural votes, I haven't been too successful so far.

So everyone just relax on that issue. I don't know what more I can say. I have told the Republican leader personally about that. That is how I feel.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, what I assume my good friend, the majority leader, is talking about is that there are three filibusterable motions prior to going to conference. What he is suggesting here is, in fact, the case, which is that rather than simply going to conference without any discussion of what might come out of conference, the matter could be discussed in some detail before we go to conference. I know that is what my good friend, the majority leader, was talking about.

Our concern, of course, was that Senator CONRAD said, right here on the floor of the Senate tonight—I won't read it word for word, but these are direct quotes from the floor of the Senate tonight—that was the game plan, to simply put the tax component, which was defeated earlier today, back in the measure. That created a considerable amount of angst on this side of the aisle for obvious reasons. There was substantial opposition to this massive tax increase which would have been added to the bill.

So we will have a lengthy discussion before going to conference. Let me just say, as one of the States that does not find much to applaud in the bill in any event, there are ample reasons for voting against cloture. I certainly am going to vote against cloture and would hope that a number of our colleagues, sufficient to deny cloture, would have a similar vote.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I say to my friend the Republican leader, I hope we would proceed on the basis—I gave a little speech here earlier today, after cloture was invoked, talking about a new day having arrived. I hope people would vote the way they have in the past on this issue earlier today. It would be a real bad day for this Congress now, after the progress we have made, not to pass this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 1639; 1677; 1798; 1698; 1568, AS MODIFIED; 1569; 1597, AS MODIFIED; 1624; 1764, AS MODIFIED; 1799; 1602; 1660; 1513, AS MODIFIED; 1683; 1729, AS MODIFIED; 1675; 1687, AS MODIFIED; 1688; 1689; 1525, AS MODIFIED; 1567, AS MODIFIED; 1717; 1710; 1759, AS MODIFIED; 1797, AS MODIFIED; 1702; 1706, AS MODIFIED; 1595, AS MODIFIED; 1676, AS MODIFIED; 1679, AS MODIFIED; 1615, AS MODIFIED; 1520, AS MODIFIED; 1700, AS MODIFIED; AND 1724, EN BLOC

Mr. BINGAMAN. Mr. President, I ask unanimous consent that it be in order to consider en bloc the list of cleared amendments at the desk that have been approved by Senator DOMENICI and his staff and myself and my staff, that they be considered and agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc.

Mr. DOMENICI. Mr. President, we have reviewed the amendments and cleared them on our side. We have no objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1639

(Purpose: To make certain technical edits to title III)

On page 180, line 7, insert ''and storage'' before ''of carbon''.

On page 180, line 11, strike ''the compression'' and insert ''advanced compression''.

On page 180, line 18, strike ''and''.

Beginning on page 180, strike line 19 and all that follows through page 181, line 9, and insert the following:

''(v) research and development of new and improved technologies for—

''(I) carbon use, including recycling and reuse of carbon dioxide; and

''(II) the containment of carbon dioxide in the form of solid materials or products derived from a gasification technology that does not involve geologic containment or injection; and

''(vi) research and development of new and improved technologies for oxygen separation from air.

On page 181, line 10, strike ''(3)'' and insert ''(2)''.

On page 182, line 2, strike ''and''.

On page182, line 4, strike the period and insert ''; and''.

On page 182, between lines 4 and 5, insert the following:

''(vii) coal-bed methane recovery.

On page 183, line 8, strike ''(4)'' and insert ''(3)''.

On page 183, line 12, insert ''involving at least 1,000,000 tons of carbon dioxide per year'' after ''tests''.

On page 183, line 14, insert ''collect and'' before ''validate''.

On page 184, line 1, strike ''(5)'' and insert ''(4)''.

On page 184, line 7, strike ''(6)'' and insert ''(5)''.

On page 184, line 11, strike ''(7)'' and insert ''(6)''.

On page 186, strike lines 18 through 20 and insert the following:

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department of Energy.

On page 189, strike lines 14 through 18 and insert the following:

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

On page 190, line 25, strike ''or''.

On page 191, line 2, strike the period and insert ''; or''.

On page 191, between lines 2 and 3, insert the following:

(G) manufacture biofuels.

On page 191, strike lines 10 through 15 and insert the following:

(2) SCOPE OF AWARD.—An award under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide;

(B) provides for the cost of transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

On page 192, line 7, insert ''carbon dioxide by volume'' after ''95 percent''.

AMENDMENT NO. 1677

On page 7, line 11, insert ''(including landfill gas and sewage waste treatment gas)'' after ''biogas''.

On page 7, strike lines 13 through 16 and insert the following:

biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

On page 9, line 13, strike '', boiler fuel,''.

On page 9, line 20, strike '', boiler,''.

On page 10, lines 17 and 18, strike ''motor vehicle fuel, home heating oil, and boiler fuel'' and insert ''motor vehicle fuel and home heating oil''.

On page 11, line 11, strike ''built'' and insert ''that commence operations''.

On page 44, lines 4 and 5, strike ''local biorefineries'' and insert ''local biorefineries, including by portable processing equipment''.

On page 44, lines 13 and 14, strike ''local biorefineries'' and insert ''local biorefineries, including by portable processing equipment''.

On page 47, strike lines 9 through 15 and insert the following:

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

AMENDMENT NO. 1798

Beginning on page 79, strike line 8 and all that follows through page 80, line 4, and insert the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause; or

''(II) as part of a consensus agreement under section 325(hh); and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.''.

Beginning on page 87, strike line 16 and all that follows through page 90, line 25, and insert the following:

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

''(5) DIRECT FINAL RULES.—

''(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

''(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

''(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall—

''(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

''(ii) publish a response to each comment so received.

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

''(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting ''section 325(p)(5),'' after ''The provisions of''.

Beginning on page 91, strike line 20 and all that follows through page 95, line 25, and insert the following:

(b) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

''(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

''(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.''; and

(3) in paragraph (4) (as so designated), by striking ''(4) An'' and inserting the following:

''(4) APPLICATION OF AMENDMENT.—An''.

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking ''(6)(A)(i)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—

''(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

''(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.''.

Beginning on page 96, strike line 22 and all that follows through page 98, line 13, and insert the following:

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(H) LABELING REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

''(I) televisions;

''(II) personal computers;

''(III) cable or satellite set-top boxes;

''(IV) stand-alone digital video recorder boxes; and

''(V) personal computer monitors.

''(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

''(I) identifies adequate non-Department of Energy testing procedures for those products; and

''(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

''(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

''(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

''(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

''(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

''(I) is not technologically or economically feasible; or

''(II) is not likely to assist consumers in making purchasing decisions.''; and

(2) by adding at the end the following:

''(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.''.

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

''(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(H) or (6) of subsection (a).''.

On page 157, line 5, strike ''and if'' and insert the following: ''the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and''.

On page 106, line 23, strike ''2012'' and insert ''2015''.

On page 106, line 24, strike ''2012'' and insert ''2015''.

On page 107, line 3, strike ''2012'' and insert ''2015''.

On page 147, line 20, strike ''from a public utility service''.

On page 166, line 15, insert '', Indian tribal,'' after ''State''.

On page 166, line 18, insert ''of Indian tribes or'' after ''activities''.

On page 166, line 21, insert '', Indian tribes,'' after ''States''.

On page 167, line 12, insert '', INDIAN TRIBES,'' after ''STATES''.

On page 167, line 17, strike ''70'' and insert ''68''.

On page 167, line 18, strike ''and''.

On page 167, line 19, strike ''30'' and insert ''28''.

On page 167, line 19, strike the period and insert ''; and''.

On page 167, between lines 19 and 20, insert the following:

''(iii) 4 percent to Indian tribes.

On page 169, between lines 11 and 12, insert the following:

''(D) DISTRIBUTION TO INDIAN TRIBES.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

''(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

On page 170, line 1, strike ''(B)(ii) or (C)(ii)'' and insert ''(B)(ii), (C)(ii), or (D)(ii)''.

On page 170, lines 10 and 11, strike ''(B)(ii) or (C)(ii)'' and insert ''(B)(ii), (C)(ii), or (D)(ii)''.

On page 171, line 7, insert ''tribal,'' after ''State,''.

On page 171, line 20, insert '', Indian tribes,'' after ''States''.

On page 171, line 24, insert ''Indian tribe,'' after ''State,''.

AMENDMENT NO. 1698

(Purpose: To modify the definition of renewable biomass)

In section 102(4), strike subparagraph (A) and insert the following:

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

AMENDMENT NO. 1568, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term ''planned refinery outage'' means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term ''planned refinery outage'' does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term ''refined petroleum product'' means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term ''refinery'' means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on planned refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a planned refinery outage may nationally or regionally affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any planned refinery outage that the Administrator determines may nationally or regionally affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a planned refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

AMENDMENT NO. 1569

(Purpose: To provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals)

At the appropriate place, insert the following:

SEC. _____. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

''(I)(aa) to remove at least 99 percent of sulfur dioxide; or

''(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;''.

AMENDMENT NO. 1597, AS MODIFIED

On page 22, strike lines 1 through 17.

Beginning on page 56, line 17, strike through line 4 of page 59.

On page 277, between lines 5 and 6, insert the following:

SEC. ———. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation and the Secretary of Energy shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes required by section 111;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether inadequate competition exists within and between modes of transportation for the transportation of domestically-produced renewable fuel and, if such inadequate competition exists, whether such inadequate competition leads to an unfair price for the transportation of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(K) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study conducted under subsection (a).

AMENDMENT NO. 1624

(Purpose: To expand the scope of the applied research program on energy storage systems to include flow batteries)

On page 127, line 5, insert ''(including flow batteries)'' after ''batteries''.

AMENDMENT NO. 1764, AS MODIFIED

At the end of title II, add the following:

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 281. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—In this subtitle, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) EXCLUSION.—Except as provided in subsection (a)(3), the term ''marine and hydrokinetic renewable energy'' does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 282. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 283. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (e), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) COORDINATION.—Prior to carrying out any activity under this section in waters subject to the juridiction of the United States, the Secretary shall identify, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of such activity and measures to minimize or prevent adverse impacts.

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

AMENDMENT NO. 1799

(Purpose: To reduce emissions of carbon dioxide from the Capitol power plant)

On page 192, after line 21, add the following:

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading ''PUBLIC BUILDINGS'', under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR''—

(1) by striking ''ninety thousand dollars:'' and inserting ''$90,000.''; and

(2) by striking ''*Provided*, That hereafter the'' and all that follows through the end of the proviso and inserting the following:

''(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the 'Capitol power plant', and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

''(b) CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(B) CARBON DIOXIDE ENERGY EFFICIENCY.—The term 'carbon dioxide energy efficiency', with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

''(C) PROGRAM.—The term 'program' means the competitive grant demonstration program established under paragraph (2)(B).

''(2) ESTABLISHMENT OF PROGRAM.—

''(A) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

''(i) the availability of carbon capture technologies;

''(ii) energy conservation and carbon reduction strategies; and

''(iii) security of operations at the Capitol power plant.

''(B) COMPETITIVE GRANT PROGRAM.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

''(3) REQUIREMENTS.—

''(A) PROVISION OF GRANTS.—

''(i) IN GENERAL.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

''(ii) FACTORS FOR CONSIDERATION.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

''(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

''(II) the carbon dioxide energy efficiency of the proposed project; and

''(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

''(B) REQUIREMENTS FOR ENTITIES.—An entity that receives a grant under the program shall—

''(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

''(I) by not less than 3 other facilities (including a coal-fired power plant); and

''(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

''(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

''(C) CONSISTENCY WITH CAPITOL POWER PLANT MODIFICATIONS.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

''(4) INCENTIVE.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

''(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

''(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

''(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

''(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.''.

AMENDMENT NO. 1602

(Purpose: To provide transitional assistance for farmers who plant dedicated energy crops for a local cellulosic refinery)

At the appropriate place, insert the following:

SEC. _____. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term ''cellulosic crop'' means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term ''cellulosic refiner'' means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term ''cellulosic refinery'' means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term ''qualified cellulosic crop'' means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

AMENDMENT NO. 1660

(Purpose: To modify sections to provide for the use of geothermal heat pumps)

Strike sections 402 through 404 and insert the following:

SEC. 402. COST-EFFECTIVE AND GEOTHERMAL HEAT PUMP TECHNOLOGY ACCELERATION PROGRAM.

(a) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of General Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices and geothermal heat pumps at GSA facilities.

(2) REQUIREMENTS.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related and geothermal heat pump-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii); and

(C) establish methods to track the success of Federal departments and agencies with respect to that goal.

(c) ACCELERATED USE OF TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations, a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies by not later than the date that is 5 years after the date of enactment of this Act.

(d) GSA FACILITY TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices and geothermal heat pump technologies is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) with respect to cost-effective technologies and practices—

(i) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(ii) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in clause (i);

(B) includes an estimate of the funds necessary to carry out this section;

(C) describes the status of the implementation of cost-effective technologies and practices and geothermal heat pump technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies or geothermal heat pump technologies;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices and geothermal heat pump technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and geothermal heat pump technologies; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices and geothermal heat pump technologies and practices;

(G)(i) with respect to geothermal heat pump technologies, achieves substantial operational cost savings through the application of the technologies; and

(ii) with respect to cost-effective technologies and practices, achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

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

SEC. 403. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 404. DEFINITIONS.

In this subtitle:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term ''cost-effective lighting technology'' means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term ''cost-effective lighting technology'' includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term ''cost-effective technologies and practices'' means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term ''operational cost savings'' means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 403(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices or geothermal heat pumps by not later than—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term ''operational cost savings'' includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term ''operational cost savings'' does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GEOTHERMAL HEAT PUMP.—The term ''geothermal heat pump'' means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(5) GSA FACILITY.—

(A) IN GENERAL.—The term ''GSA facility'' means any building, structure, or facility, in

whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term ''GSA facility'' includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of ''GSA facility'' under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

AMENDMENT NO. 1513, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

''(h) ADMINISTRATION.—

''(1) PERSONNEL APPOINTMENTS.—

''(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

''(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(2) COMPENSATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

''(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(C) APPLICABILITY OF SECTION 5941.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

''(3) TEMPORARY SERVICES.—

''(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

''(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule.

''(4) FEES, CHARGES, AND COMMISSIONS.—

''(A) IN GENERAL.—The Federal Coordinator shall have the authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), except that the authority shall be with respect to the duties of the Federal Coordinator, as delineated in the Alaska Natural Gas Pipeline Act (15 U.S.C. 720 et seq.), as amended.

''(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

''(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.''.

AMENDMENT NO. 1683

(Purpose: To implement the Convention on Supplementary Compensation for Nuclear Damage)

At the end of title VII, add the following:

SEC. 7___. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(J) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would

make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any

other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

AMENDMENT NO. 1729, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. OFFSHORE RENEWABLE ENERGY.

(a) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by inserting after ''Secretary of the Department in which the Coast Guard is operating'' the following: '', the Secretary of Commerce,'';

(2) by striking paragraph (3) and inserting the following:

''(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

''(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

''(B) the lease, easement, or right-of-way—

''(i) is for the placement and operation of a meteorological or marine data collection facility; and

''(ii) has a term of not more than 5 years; or

''(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists.''; and

(3) by adding at the end the following:

''(11) CLARIFICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Federal Energy Regulatory Commission shall not have authority to approve or license a wave or current energy project on the Outer Continental Shelf under part I of the Federal Power Act (16 U.S.C. 792 et seq.)

''(B) TRANSMISSION OF POWER.—Subparagraph (A) shall not affect any authority of the Commission with respect to the transmission of power generated from a project described in subparagraph (A).''.

(b) CONSIDERATION OF CERTAIN REQUESTS FOR AUTHORIZATION.—In considering a request for authorization of a project pending before the Commission on the Outer Continental Shelf as of the date of enactment of this Act, the Secretary of the Interior shall rely, to the maximum extent practicable, on the materials submitted to the Commission before that date.

(c) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section requires the resubmission of any document that was previously submitted, or the reauthorization of any action that was previously authorized, with respect to a project on the Outer Continental Shelf for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

AMENDMENT NO. 1675

(Purpose: To provide for a study on the effect of laws limiting the siting of privately owned electric distribution wires on the development of combined heat and power facilities)

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

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

AMENDMENT NO. 1687, AS MODIFIED

(Purpose: To express the sense of Congress that the Department of Energy should be the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States)

On page 293, line 6, insert the following:

(4) the Department of Energy should be designated as the lead United States Government agency in charge of formulating and coordinating the national energy security policy of the United States, and in furtherance of these goals, there should be established within the Department of Energy an Assistant Secretary of Energy for Energy Security whose responsibilities should include—

(A) directing the development of the national energy security strategy of the United States;

(B) coordinating the national energy security policy of the United States with the Department of Defense, the Department of State, and the National Security Council, as appropriate, to address the impact of, and integrate national security and foreign policy on, the national energy security policy of the United States;

(C) monitoring international and domestic energy developments to gauge their impact on the national energy security policy of the United States and implementing changes in such policy as necessary to maintain the national security and energy security of the United States;

(D) identifying foreign sources of energy critical to the national energy security of the United States and developing strategies in conjunction with the Department of State for ensuring United States access to critical foreign energy resources;

(E) developing strategies for reducing United States dependence on foreign sources of energy, including demand reduction, efficiency improvement, and development of alternative and new sources of domestic energy; and

(F) developing strategies in conjunction with the Department of State for working with major international producers and consumers, including China, Russia, the European Union, and Africa, to minimize politicization of global energy resources while ensuring access through global energy markets.

AMENDMENT NO. 1688

(Purpose: To require the President to submit to Congress an annual national energy security strategy report)

On page 313, strike lines 20 and 21 and insert the following:

SEC. 707. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital

to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 708. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

AMENDMENT NO. 1689

(Purpose: To amend the National Security Act of 1947 to add the Secretary of Energy to the National Security Council in recognition of the role energy and energy security issues play in the United States national security)

After section 706, insert the following:

SEC. 707. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) the Secretary of Energy;''.

AMENDMENT NO. 1525, AS MODIFIED

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

SEC. 269. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) (as amended by section 266) is amended—

(1) in clause (i)(III), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) if life-cycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new or substantially modified Federal building be met through the installation and use of solar hot water heaters.''.

AMENDMENT NO. 1567, AS MODIFIED

On page 133, between lines 9 and 10, insert the following:

SEC. 246. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term ''advanced insulation'' means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term ''covered refrigeration unit'' means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; and

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out under this subsection.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 911(b) of Public Law 109–58, the Energy Policy Act of 2005, such sums shall be allocated to carry out this program.

AMENDMENT NO. 1717

(Purpose: To require the Secretary of the Interior, acting through the Director of the Minerals Management Service, to conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf)

On page 59, after line 21, add the following:

SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

AMENDMENT NO. 1710

(Purpose: To clarify the purposes of the energy and environmental block grant program)

On page 166, strike lines 17 through 19, and insert the following:

''(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government in an environmentally sustainable way that, to the maximum extent practicable, maximizes benefits for local and regional communities;

AMENDMENT NO. 1759, AS MODIFIED

On page 192, after line 21, add the following:

SEC. 305. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term ''adaptation strategy'' means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term ''assessment'' means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term ''covered greenhouse gas'' means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term ''native plant species'' means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) FEDERAL LAND.—The term ''Federal land'' means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and

Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(7) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term ''terrestrial ecosystem'' means any ecological and surficial geological system on Federal land.

(B) INCLUSIONS.—The term ''terrestrial ecosystem'' includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) Federal forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the ''Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2005''; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

AMENDMENT NO. 1797, AS MODIFIED

On page 141, after line 23, add the following:

SEC. 255. SMART GRID SYSTEM REPORT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the ''Secretary''), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak: load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the ''Initiative'') composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel gas emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the ''Commission''), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to consider voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable state and federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111 (d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

''(i) total costs;

''(ii) cost-effectiveness;

''(iii) improved reliability;

''(iv) security;

''(v) system performance; and

''(vi) societal benefit.

''(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

''(e) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

''(17) SMART GRID CONSUMER INFORMATION.—

AMENDMENT NO. 1702

(Purpose: To authorize loans for renewable energy systems and energy efficiency projects under the Express Loan Program of the Small Busines Administration)

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

SEC. 269. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'biomass'—

''(aa) means any organic material that is available on a renewable or recurring basis, including—

''(AA) agricultural crops;

''(BB) trees grown for energy production;

''(CC) wood waste and wood residues;

''(DD) plants (including aquatic plants and grasses);

''(EE) residues;

''(FF) fibers;

''(GG) animal wastes and other waste materials; and

''(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

''(bb) does not include—

''(AA) paper that is commonly recycled; or

''(BB) unsegregated solid waste;

''(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(III) the term 'renewable energy system' means a system of energy derived from—

''(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

''(ii) LOANS.—Loans may be made under the 'Express Loan Program' for the purpose of—

''(I) purchasing a renewable energy system; or

''(II) an energy efficiency project for an existing business.''.

AMENDMENT NO. 1706, AS MODIFIED

(Purpose: To establish a small business energy efficiency program, and for other purposes)

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

SEC. 269. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''association'' means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term ''disability'' has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term ''electric utility'' has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(5) the term ''on-bill financing'' means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 636);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(8) the term ''telecommuting'' means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute; and

(9) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PLAN.—Not later than 90 days after the date of enactment of this Act, the Administrator shall publish a detailed plan regarding how the Administrator will—

(A) assist small business concerns in becoming more energy efficient; and

(B) build on the Energy Star for Small Business Program of the Department of Energy and the Environmental Protection Agency.

(3) ASSISTANT ADMINISTRATOR FOR SMALL BUSINESS ENERGY POLICY.—

(A) IN GENERAL.—There is in the Administration an Assistant Administrator for Small Business Energy Policy, who shall be appointed by, and report to, the Administrator.

(B) DUTIES.—The Assistant Administrator for Small Business Energy Policy shall—

(i) oversee and administer the requirements under this subsection and section 337(d) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)); and

(ii) promote energy efficiency efforts for small business concerns and reduce energy costs of small business concerns.

(4) REPORTS.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the progress of the Administrator in encouraging small business concerns to become more energy efficient, including data on the rate of use of the Small Business Energy Clearinghouse established under section 337(d)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6307(d)(4)).

(c) SMALL BUSINESS ENERGY EFFICIENCY.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Pilot Program (in this subsection referred to as the ''Efficiency Pilot Program'') to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Pilot Program, the Administrator

shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish; and

(v) act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements.

(B) REPORTS.—Each small business development center participating in the Efficiency Pilot Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Pilot Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Pilot Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Pilot Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Pilot Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Pilot Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—

(A) GROUPINGS.—

(i) SELECTION OF PROGRAMS.—The Administrator shall select the small business development center programs of 2 States from each of the groupings of States described in clauses (ii) through (xi) to participate in the pilot program established under this subsection.

(ii) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(iii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iv) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(v) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(vi) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vii) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(viii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(ix) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(x) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(xi) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Pilot Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Pilot Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Pilot Program, initiate an evaluation of that pilot program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Pilot Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—The Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated from such sums as are already authorized under section 21 of the Small Business Act to carry out this subsection—

(i) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(ii) $5,000,000 for each of the 3 fiscal years following the fiscal year described in clause (i).

(B) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the Efficiency Pilot Program only with amounts appropriated in advance specifically to carry out this subsection.

(10) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Pilot Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—In accordance with this subsection, the Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees (in this subsection referred to as the ''Telecommuting Pilot Program'').

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

''(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section to SBIR and STTR solicitations by Federal agencies, the Administrator shall—

''(A) ensure that such agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

''(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

''(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal agencies and departments in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this section.

''(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this section.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'biomass'—

''(i) means any organic material that is available on a renewable or recurring basis, including—

''(I) agricultural crops;

''(II) trees grown for energy production;

''(III) wood waste and wood residues;

''(IV) plants (including aquatic plants and grasses);

''(V) residues;

''(VI) fibers;

''(VII) animal wastes and other waste materials; and

''(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

''(ii) does not include—

''(I) paper that is commonly recycled; or

''(II) unsegregated solid waste;

''(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

''(C) the term 'renewable energy system' means a system of energy derived from—

''(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

''(ii) hydrogen derived from biomass or water using an energy source described in clause (i).''.

AMENDMENT NO. 1595, AS MODIFIED

On page 122, between lines 19 and 20, insert the following:

(e) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under this section, the Secretary shall use not less than 30 percent of the amount to provide awards to covered firms or consortia led by a covered firm.

AMENDMENT NO. 1676, AS MODIFIED

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

SEC. 26__. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the ''Program''), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) shall apply to a project carried out under this subsection.

(i) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should ensure that small businesses engaged in renewable manufacturing be considered for loan guarantees authorized under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

AMENDMENT NO. 1679, AS MODIFIED

On page 26, strike lines 19 through 21 and insert the following:

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

AMENDMENT NO. 1615, AS MODIFIED

At the end of title III, insert the following:

SEC. 305. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleo-climate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of such sums previously authorized, there is authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2014, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required under this section.

AMENDMENT NO. 1520, AS MODIFIED

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

SEC. 255. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

SEC. 256. ENERGY POLICY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the ''National Commission on Energy Independence'' (referred to in this section as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

AMENDMENT NO. 1700, AS MODIFIED

At the end of subtitle B of title I, add the following:

SEC. 13__. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term ''fuel emission baseline'' means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 122, there are authorized to be appropriated to carry out this section—

(1) $45,000,000 for fiscal year 2009;

(2) $50,000,000 for fiscal year 2010;

(3) $55,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $65,000,000 for fiscal year 2013.

AMENDMENT NO. 1724

(Purpose: To modify the deadline by which the President is required to approve or disapprove a certain State petition)

On page 21, line 17, strike ''90'' and insert ''30''.

The PRESIDING OFFICER. Under the previous order, amendment No. 1502, as amended, is agreed to.

The amendment (No. 1502), as amended, was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

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

Jeff Bingaman, Barbara Boxer, Patty Murray, John Kerry, Robert Menendez, Kent Conrad, Pat Leahy, Russell Feingold, Jack Reed, Christopher Dodd, Ken Salazar, Joe Biden, Frank R. Lautenberg, Daniel K. Inouye, Dianne Feinstein, Jay Rockefeller, Byron L. Dorgan.

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 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

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

The yeas and nays resulted—yeas 62, nays 32, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—62

Akaka	Ensign	Nelson (FL)
Alexander	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Biden	Graham	Reed
Bingaman	Grassley	Reid
Brown	Gregg	Rockefeller
Byrd	Harkin	Salazar
Cantwell	Inouye	Sanders
Cardin	Kennedy	Schumer
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Clinton	Kohl	Specter
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Lieberman	Tester
Corker	Lincoln	Thune
Craig	Lugar	Warner
Crapo	Menendez	Webb
Dodd	Mikulski	Whitehouse
Dorgan	Murkowski	Wyden
Durbin	Murray	

NAYS—32

Allard	Domenici	Martinez
Bayh	Enzi	McCaskill
Bennett	Hagel	McConnell
Bond	Hatch	Pryor
Bunning	Hutchison	Roberts
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Cochran	Kyl	Stabenow
Cornyn	Landrieu	Vitter
DeMint	Levin	Voinovich
Dole	Lott	

NOT VOTING—5

Boxer	Coburn	McCain
Brownback	Johnson	

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the question is, Shall the bill pass?

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

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

The result was announced—yeas 65, nays 27, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—65

Akaka	Durbin	Nelson (NE)
Alexander	Ensign	Obama
Baucus	Feingold	Pryor
Bayh	Feinstein	Reed
Biden	Grassley	Reid
Bingaman	Gregg	Rockefeller
Brown	Harkin	Salazar
Byrd	Inouye	Sanders
Cantwell	Kennedy	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Smith
Casey	Kohl	Snowe
Clinton	Lautenberg	Specter
Coleman	Leahy	Stevens
Collins	Lieberman	Sununu
Conrad	Lincoln	Tester
Corker	Lugar	Thune
Craig	Menendez	Warner
Crapo	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Domenici	Murray	Wyden
Dorgan	Nelson (FL)	

NAYS—27

Allard	Enzi	Levin
Bennett	Graham	Lott
Bunning	Hagel	Martinez
Burr	Hatch	McCaskill
Chambliss	Hutchison	McConnell
Cochran	Inhofe	Roberts
Cornyn	Isakson	Stabenow
DeMint	Kyl	Vitter
Dole	Landrieu	Voinovich

NOT VOTING—7

Bond	Coburn	Shelby
Boxer	Johnson	
Brownback	McCain	

The bill (H.R. 6), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Ms. KLOBUCHAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, due to a family obligation, Senator BOXER was unable to attend today's session. Had she been present for the vote to invoke cloture on the Baucus energy tax package, she would have cast a vote of ''aye''. She would have also cast a vote of ''aye'' on the motion to invoke cloture on the Reid substitute, cloture on the underlying bill, and on final passage of H.R. 6.

MORNING BUSINESS

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

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

HEAD START REAUTHORIZATION

Mr. REID. Mr. President, I am pleased to speak today about the passage of H.R. 1429, the Head Start for School Readiness Act. This bipartisan legislation reauthorizes the Head Start program, something the Congress has not done since 2003.

In 1965, President Lyndon Johnson launched a summer program for low-income children and their families, and called it Project Head Start. The program's mission was simple: prepare low-income, preschool-aged children for success in school. Today, Head Start serves children and their families in urban and rural areas across the United States. And, since its inception, more than 20 million children and families have benefited from the Head Start program.

Nevada's eight centers range from a Head Start and Early Head Start Center in rural Ely, to larger, more urban centers in Reno, to a Tribal Head Start center in Gardnerville. Each of these programs is unique and, with the input and involvement of parents and families, help meet the needs of the communities they serve.

Head Start currently provides comprehensive early education and health services to almost one million low-income preschool children to help them prepare for and succeed in school. Unfortunately, this is only a fraction of the number of children that could benefit from Head Start services. In my own state of Nevada, there are just under 10,000 3- and 4-year-olds that are eligible for Head Start programs. But, last year, only about 27 percent of those eligible were able to participate.

The bill that we have passed will allow many of these children in Nevada and across the Nation to get the early childhood services that they need, by expanding access and eligibility for low-income children and families.

The legislation also makes a number of other important changes to the Head Start program. It focuses on developing the skills that children will need to enter school ready to learn by aligning Head Start standards and services with state child care and preschool programs and local public schools, and requiring new research-based standards and assessments.

And, to ensure that Head Start programs are effective, the bill requires greater accountability through improved monitoring and recompetition for poor performing Head Start centers. Finally, this bill strengthens the Head Start workforce by setting new education and training goals for Head Start teachers and curriculum specialists.

With proven and lasting results, Head Start is a wise investment in our future. I applaud the good work of the HELP Committee, and thank Senators KENNEDY, ENZI, DODD, and ALEXANDER for their efforts on behalf of low-income children across the Nation.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. DURBIN. Mr. President, I want to join Senator REID, and all of my colleagues, in congratulating Senator ROBERT BYRD on reaching yet another historic milestone in his lifetime of public service.

To have the privilege of casting even one vote in the U.S. Senate is an honor. To cast 18,000 votes in this Senate is a legend.

It is a feat that has never been achieved before, and very likely never will be again.

His 18,000 votes in this Senate are more than a singular statistic. They are yet another measure of ROBERT C. BYRD'S lifetime of devotion to his state, our Nation, this institution, and to the U.S. Constitution.

Senator BYRD is, of course, a great student of history—and the author of the definitive work on the history of the U.S. Senate. In fact, one could say that ROBERT C. BYRD is Senate history.

Think about this: In addition to being the only Senator ever to cast 18,000 votes, Senator BYRD is also the first U.S. Senator ever to cast 15,000 votes.

Senator BYRD has served with—not under, with—11 Presidents.

He has served as majority leader and held more leadership positions than any Senator in history.

To help put the length of his service in perspective, consider a few facts: When Senator BYRD cast his first vote in the Senate—on January 8, 1959 his colleagues included Senators John Kennedy and Lyndon Johnson. Vice President Richard Nixon was the presiding officer. Hawaii was not yet a state. And a state-of-the-art computer would have taken up half of the space of this Chamber and had roughly the same amount of computing power as a Palm Pilot.

Today, Senator BYRD is a hero among bloggers and so many others because of his unyielding dedication to our Constitution and his obvious love of our Nation and the principles for which it stands.

He is the unrivaled expert on Senate rules.

He has been a candidate for election 12 times—9 times as a candidate for the U.S. Senate and 3 times as a candidate for the U.S. House. He won every time.

And he has become perhaps the most popular political figure in West Virginia history. He was named West Virginian of the Century by the residents of his home State.

It is an honor to serve with this giant of Senate history, and to share with him this milestone. Again, I commend him and congratulate him.

Mr. ROCKEFELLER. Mr. President. I stand today to honor my dear friend and colleague, Senator ROBERT C. BYRD.

Few of us can truly hold claim to the title of living legend—but ROBERT C. BYRD can. This afternoon he cast his 18,000th vote. A remarkable record that reflects his years of dedicated, passionate and heartfelt service to the people of West Virginia and the Republic he so loves.

Eighteen thousand is an impressive number. But what is more impressive is the change that those votes had on America. He voted to strengthen Social Security for all Americans. He voted to turn the dream of college education into a reality for all students. He voted to ensure that those who put in an honest day's work receive an honest day's wage. He voted to protect the health and safety of coal miners. And, he voted to ensure that those who serve in uniform would get the benefits they deserve. Quite frankly, his voting record, and its impact on the fabric of our country, is immeasurable.

Along the way, his votes and his voice became the conscience of the Senate. Reminding us all that change is never easy, and that following the rules matters. That we can disagree with each other, even an administration, but we can ill afford to be disagreeable with each other.

It is impossible to picture the history of the last 50 years without thinking of ROBERT C. BYRD's impact and influence on all of our lives. I am incredibly honored to serve every day with my dear friend and colleague—he is an inspiration to us all.

S. CON. RES. 21 CHANGES

Mr. CONRAD. Mr. President, section 309 of S. Con. Res. 21, the 2008 Budget Resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels and limits for legislation that reauthorizes the Secure Rural Schools and Community Self-Determination Act of 2000, makes changes to the Payments in Lieu of Taxes Act of 1976, or both, so long as that legislation does not worsen the deficit over the period of fiscal years 2007 through 2012 or fiscal years 2007 through 2017.

I find that Senate amendment No. 1704 offered by Senator BAUCUS to Senate amendment No. 1502 satisfies the conditions of the deficit-neutral reserve fund for county payments legislation. Therefore, pursuant to section 309, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Energy and Natural Resources Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 309 DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,901.520
FY 2008	2,018.073
FY 2009	2,114.167
FY 2010	2,169.484
FY 2011	2,350.294
FY 2012	2,489.580
(1)(B) Change in Federal Revenues:	
FY 2007	−3.186
FY 2008	−32.723
FY 2009	7.241
FY 2010	5.763
FY 2011	−44.256
FY 2012	−107.516
(2) New Budget Authority:	
FY 2007	2,376.348
FY 2008	2,496.522
FY 2009	2,517.896
FY 2010	2,570.370
FY 2011	2,685.483
FY 2012	2,719.714
(3) Budget Outlays:	
FY 2007	2,299.749
FY 2008	2,468.780
FY 2009	2,566.479
FY 2010	2,600.013
FY 2011	2,692.447
FY 2012	2,703.920

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 309 DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION—Continued

[In billions of dollars]

Current Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	5,016
FY 2007 Outlays	5,484
FY 2008 Budget Authority	5,071
FY 2008 Outlays	4,757
FY 2008–2012 Budget Authority	25,838
FY 2008–2012 Outlays	24,730
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	565
FY 2008 Outlays	565
FY 2008–2012 Budget Authority	3,745
FY 2008–2012 Outlays	3,745
Revised Allocation to Senate Energy and Natural Resources Committee:	
FY 2007 Budget Authority	5,016
FY 2007 Outlays	5,484
FY 2008 Budget Authority	5,636
FY 2008 Outlays	5,322
FY 2008–2012 Budget Authority	29,583
FY 2008–2012 Outlays	28,475

TRAGEDY IN CHARLESTON, SOUTH CAROLINA

Mr. DODD. Mr. President, I rise briefly to speak for a few moments about the horrible tragedy we witnessed Tuesday morning in Charleston, SC: the death of nine firefighters: Captain Wiliam ''Billy'' Hutchinson, Captain Mike Benke, Captain Louis Mulkey, Engineer Mark Kelsey, Engineer Bradford ''Billy'' Baity, Assistant Engineer Michael French, Firefighter James ''Earl'' Drayton, Firefighter Brendon Thompson, and Firefighter Melvin Champaign.

Clearly, this loss is one of profound sadness for the Charleston community and, indeed, for the entire Nation. My thoughts and prayers go out to these firefighters' loved ones, families, friends, and colleagues.

These nine brave men died while fighting a horrific multialarm fire in which two people were ultimately

saved. In other words, they selflessly gave their lives while ensuring the safety and well-being of others. This is the ultimate sacrifice of a firefighter—a sacrifice that has been made by 3,148 men and women since 1981.

We must never forget the dangers firefighters across our Nation dauntlessly face each and every day—dangers that have their roots in nature or mankind. Whether responding to fires, natural disasters, or acts of terrorism, our firefighters risk and give their lives extinguishing fires, delivering lifesaving emergency medical services, conducting search and rescue missions, and responding to and handling hazardous biological and radiological agents. Our Nation's firefighters certainly do not perform these duties for any self-glorification. They perform these duties because each and every one of them answers a noble call to serve this country and protect its people from harm.

Woodrow Wilson once wrote that ''. . . loyalty means nothing unless it has at its heart the absolute principle of self-sacrifice.'' Clearly, the loyalty of these nine firefighters—loyalty to duty, country, and each other—were tragically demonstrated overnight Monday. May we mourn them and draw inspiration from their actions. May we never forget them.

Mr. BIDEN. Mr. President, tomorrow in Charleston will be a citywide day of mourning for the nine firefighters who died, rushing into the blazing furniture store to try to save a life. I rise to pay my respects to those fallen heroes and to their families.

The other day, when I heard the fire chief, Rusty Thomas, say he lost nine of his best friends, I know what he meant. So does every Senator in this Chamber because firefighters are the best things our communities have.

They risk their lives every day we lay a heavy, heavy responsibility on them. But think of how many countless lives are saved because of their dedication, because they will find the people trapped inside a burning building.

I remember when our former colleague from Charleston, Senator Hollings, had the terrible fire that burned his home, it was those same South Carolina firefighters who came to help one of our own.

Whether they are in Charleston or the volunteers in Claymont, DE, where I come from, when they are done putting out a blaze, you can find them organizing the little league teams or grating the baseball diamonds or taking care of the boy and girl scouts. They are the grit that makes this country great.

What happened in South Carolina reminds all of us just how important firefighters are to our communities, how brave these people are, and how dangerous their work is.

We saw it during Hurricane Katrina, when 1,000 firefighters who themselves lost their homes and their cars, whose whole lives were turned upside down, spent day after day rescuing people from rooftops.

We saw it on September 11, when that grizzled fireman came out of the debris of human flesh and cement and steel to become the face around the world of America's determination.

Three hundred forty-three firemen were lost on that terrible day. And the tragedy in Charleston is the single greatest loss of firefighters in the nation since then.

Just as the spirit of those firefighters on September 11 helped lift America off our knees, I hope that the grief Charleston feels this week will be lifted by the legacy of their fallen heroes.

HONORING OUR ARMED FORCES

STAFF SERGEANT MICHAEL A. BECHERT

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of the brave staff sergeant from Indiana. Michael Bechert, 24 years old, died on June 14 from injuries sustained on May 30, 2007, in Baghdad, Iraq, when his vehicle encountered an improvised explosive device. With his whole life before him, Michael risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

An Indiana native, Michael last resided in Germany where he met his wife Daniela. In addition to his military service, Michael was a devoted husband and the father of their 20-month-old boy, Branden. ''He was a great father, husband. A young, fresh young man. He fought for his country and died for it,'' said Daniela. Along with his wife and son, he leaves behind his father Michael L. Bechert and his grandparents George and Doris Bechert who raised him.

Michael was assigned to C Company, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division in Schweinfurt, Germany. He was killed during his second deployment in Iraq, while serving his country in Operation Iraqi Freedom. During his first tour of duty he was injured and deservingly awarded the Purple Heart.

Today, I join Michael'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 Michael, a memory that will burn brightly during these continuing days of conflict and grief.

Michael was known for his dedication to his family and his love of country. Today and always, Michael 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 Michael'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 Michael's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Michael A. Bechert in the RECORD of the U.S. 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 Michael'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 Michael.

PRIVATE FIRST CLASS DAVID A. WILKEY, JR.

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of the brave private first class from Indiana. David Wilkey, 22 years old, died on June 18th, 2007, from injuries sustained on June 17th, in Baghdad, Iraq, when an improvised explosive device detonated near his dismounted patrol. With an optimistic future before him, David risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Although David was extremely proud of his military service, he prided himself most on his family. He was a devoted husband to Melinda and loving father of 4-year-old stepson Christian Clark and 1-year-old son Blayke. They also have another child due in October. David's love for his family drove him to enlist, in order to continue his support of them. David is also survived by his mother Cindy, his father David Sr., stepmother Margaret, as well as two sisters and a brother.

David was on his first deployment in Iraq and had been there since February 2007. Assigned to D Company, 1st Battalion, 28th Infantry Regiment, 1st Infantry Division, Fort Riley, Kansas, he was killed while serving his country in Operation Iraqi Freedom. ''He had a big heart, and he's a son that any father could be proud of,'' David Sr. said.

Today, I join David'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 David, a memory that will burn

brightly during these continuing days of conflict and grief.

David was known for his dedication to his family and his love of country. Today and always, David 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 David'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 David's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of David A Wilkey, Jr. in the RECORD of the U.S. 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 David'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 David.

WORLD DAY OF REMEMBRANCE

Mr. DODD. Mr. President, I am proud to add my voice in support of H. Con. Res. 86, a resolution supporting the goals and ideals of a world day of remembrance for road crash victims.

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

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

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

EMPLOYEE FREE CHOICE ACT

Mr. HARKIN. Mr. President, I have always supported organized labor, for a simple reason: When workers join together and act collectively, they can achieve economic gains that they would never be able to negotiate individually. History tells us this: Union members were on the front lines fighting for the 40-hour workweek, the minimum wage, employer-provided health insurance and pensions. Organized labor led the way in passing legislation to ensure fair and safe workplaces and in championing many other employee safety nets, including Social Security, Medicare, and the Family and Medical Leave Act.

Unfortunately, continued forward progress is not inevitable. We have seen this in recent years, as union membership has declined, wages have stagnated, the numbers of uninsured have risen, and private companies have been allowed to default on their pensions, threatening the retirement security of millions of Americans. It is clear to me that to rebuild economic security, we must first rebuild strong and vibrant unions. And to rebuild strong unions, we must first reduce unfair barriers to union organizing.

To rebuild the promise of health care and pension benefits, we must reduce unfair barriers to union organizing. A recent study by the Institute for America's Future confirms this. By comparing organizing campaigns in the United States and Canada, the study found that more worker-friendly certification rules increase union participation.

Of course, this is all just common sense. If you reduce the barriers to workers joining unions, more workers will join. But what does it mean? Well, as this study makes clear, by passing the Employee Free Choice Act, and by making it easier for workers to band together, more than 3.5 million Americans would be able to secure health coverage, and nearly 3 million more Americans would have access to employer-based pensions.

Middle class families in this country have an increasingly difficult time making ends meet. More than 47 million Americans lack health insurance—including 251,000 Iowans—and even those with coverage find that if often covers less and less. This should not be happening in America. When productivity rises, everyone should see their fair share of that gain, but in the past several years, increasing productivity has gone hand-in-hand with a growing wage gap. According to the nonpartisan Congressional Research Service:

> Adjusted for inflation, average worker pay rose 8 percent from 1995 to 2005; median CEO pay at the 350 largest firms rose about 150 percent over the same period.

In my home State of Iowa, real median household income fell by 3.4 percent between 1999 and 2005, dropping from $48,142 in 1999 to $46,500 in 2005.

By passing the Employee Free Choice Act, by giving workers a seat at the table, we can start to reverse this negative trend. Union participation in the workplace means everybody wins. When employees have a voice—not just to ask for better wages and benefits, but to make suggestions about how to do things better—employers benefit, too. Union employees take pride in their work and work to get more training. And they are happy to help find other efficiencies in the operation, because they get a share of the savings.

Unfortunately, scaremongers are trying to tell us that the Employee Free Choice Act takes away employee rights to a ''secret ballot.'' Nothing could be further from the truth. This bill does not establish a new election process; it merely requires employers to honor employee choice. Right now, the company gets to decide whether it will recognize a majority sign-up vote. Under the aptly named Employee Free Choice Act, the employees get to decide. If the workers want to use the National Labor Relations Board process, they are perfectly free to do so. But, as we know from hard experience, that process can be threatening and intimidating to many employees.

In addition to making it easier to form a union in the first place, the Employee Free Choice Act provides for arbitration for the first contract. I know from personal experience how simply stalling negotiations of a contract can bust a union and cause major economic hardship for people. My brother Frank was a proud UAW member for 23 years. He worked at the old Delavan manufacturing plant in Des Moines. In 23 years, he missed only 5 days of work—all of them because of blizzards. He made a good living. He was a dedicated employee. During those 23 years, there was never one strike or work stoppage. Delavan made good money.

But then Old Man Delavan decided to retire and sell the company. A group of investors bought it. And one of the new owners bragged that, ''If you want to see how to get rid of a union, come to Delavan, and we'll show you how.''

He made good on that boast. When the contract came up, the company put forward conditions that no union could agree to in good conscience. The owners refused to budge, and the UAW local had no choice but to go out on strike for the first time. When they did, the company brought in replacement workers. It was a long, bitter

strike. And after 1 year as allowed by labor law—they had a decertification vote. Who votes to decertify the union? The workers who are there—the replacement workers. They didn't want to lose their jobs, so they voted to decertify.

So after 23 years Frank was out of a job. He lost his union job with excellent pay, vacation time, and a pension. And what does a 54-year-old deaf man do in a predicament like that? He got a job as a janitor at a shopping mall—working nights for minimum wage, with no benefits and no vacation time. It didn't just destroy his livelihood. It broke his spirit.

My friends, that is what happens when unions are weakened and destroyed. It jeopardizes our standard of living and our whole middle-class way of life. And, my friends, that is exactly what is happening, today, to tens of millions of people all across America.

I quote a December, 2005 letter signed by 11 Nobel Peace Prize laureates calling for greater international labor rights:

> Even the wealthiest nation in the world—the United States of America—fails to adequately protect workers' rights to form unions and bargain collectively. Millions of U.S. workers lack any legal protection to form unions and thousands are discriminated against every year for trying to exercise these rights.

It is time to level the playing field for workers in this country. It is time to give them a truly free and fair election process to decide if they want representation in the workplace. It's time to pass the Employee Free Choice Act.

HONORING AUNG SAN SUU KYI

Mrs. FEINSTEIN. Mr. President, I rise today with Senator MCCONNELL and the cochair of the United States Senate Women's Caucus on Burma, Senator KAY BAILEY HUTCHISON, to introduce a resolution honoring Nobel Peace laureate and leader of Burma's democratic opposition, Aung San Suu Kyi.

We are joined in this effort by Senator BOXER, Senator MCCAIN, Senator MIKULSKI, Senator CLINTON, Senator LINCOLN, Senator MURKOWSKI, and Senator DOLE.

Our resolution: honors Aung San Suu Kyi for her courage and devotion to the people of Burma and their struggle for democracy, and; calls for the immediate release of Suu Kyi and other political prisoners by the ruling military junta, the State Peace and Development Council.

Two days ago, we celebrated the 62nd birthday of Aung San Suu Kyi. Sadly, she spent the day as she has for most of the past 17 years: alone and under house arrest. And just last month, the State Peace and Development Council renewed her sentence for yet another year.

Yet I am heartened to know that the Senate and the international community are coming together to ensure that the abuses and injustices of the military junta in Burma do not go unnoticed.

Earlier this year, 45 United States Senators signed a letter to United Nations Secretary General Ban ki-Moon urging him to get personally involved in pressing for Suu Kyi's release.

In a recent letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of state—including former Filipino President Corazon Aquino, former Czech President Vaclav Havel, former British Prime Minister John Major and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush—called for the regime to release Aung San Suu Kyi.

They correctly noted that ''Aung San Suu Kyi is not calling for revolution in Burma, but rather peaceful, nonviolent dialogue between the military, National League for Democracy, and Burma's ethnic groups.''

The calls for Suu Kyi's release are also coming from Burma's neighbors.

The Association of Southeast Asian Nations, ASEAN, now recognizes that Burma's actions are not an ''internal matter'' but a significant threat to peace and stability in the region. At a meeting of senior diplomats last month, ASEAN made a clear call for Aung San Suu Kyi's release.

Last month, the women of the United States Senate came together to form the Women's Caucus on Burma to express our solidarity with Suu Kyi, call for her immediate release urge the United Nations to pass a binding resolution on Burma.

At our inaugural event, we were pleased to be joined by First Lady Laura Bush, who added her own voice to those calling for peace and democracy in Burma.

And last week, Senator MCCONNELL along with 58 of our colleagues introduced legislation to renew the import ban on Burma for another year.

Our message is clear: We will not remain silent, we will not stand still until Aung San Suu Kyi and all political prisoners are released and democratic government is restored in Burma.

I urge my colleagues to support this resolution.

ADDITIONAL STATEMENTS

TRIBUTE TO JUDGE RALPH BURNETT

● Mr. CARDIN. Mr. President, today I honor the memory of the Honorable Ralph M. Burnett, a Maryland district court judge and a pioneer in the fight against prostate cancer. He was an exemplary citizen of our State, and his contributions to the Maryland judicial system and the advocacy groups he worked with will not be forgotten. On May 9, 2007, Judge Burnett died from complications related to prostate cancer at the age of 64.

Judge Burnett was born in 1943 in Seneca Falls, NY. After graduating from St. Paul's High School in 1961, he earned a bachelor's degree from Dickinson College in 1965. A Vietnam veteran, Judge Burnett was stationed in Korea as a first lieutenant in the U.S. Army until 1969. After returning to America, he enrolled in the Baltimore School of Law, where he received his law degree in 1972.

Judge Burnett began his private practice in Oakland, MD, in 1972 and he lived in the Oakland area until his passing. He served as Garrett County's State attorney from 1974 until 1978, and in December 1993, he was appointed as an associate district court judge for Garrett County by then-Maryland Governor William Donald Schaefer. Judge Burnett was a member of the executive committee of the Maryland Judicial Conference and served on the editorial board of Justice Matters until his death.

After being diagnosed with prostate cancer in 1996, Judge Burnett became a devoted advocate and tenacious leader for the prostate cancer community. In 1997, he was elected to the board of the National Prostate Cancer Coalition, NPCC, and served as chairman of the organization from 1999 until 2001. Under Judge Burnett's leadership, the National Prostate Cancer Coalition tripled in size during his tenure. After stepping down as chairman, Judge Burnett remained active as a member of the board and continued to pursue patient rights and greater treatment options for men with prostate cancer.

Judge Burnett was an advocate for Johns Hopkins University's Specialized Program of Research Excellence, SPORE, and also served on Department of Defense, DOD, research panels. As a member of the DOD Prostate Cancer Research Program Integration Panel, Judge Burnett worked to find the best ways to leverage the Department's investment in prostate cancer research. He was also a committed member of the Consortium Panel of the Congressionally Directed Medical Research Program, which discovered the lethal phenotype that causes prostate cancer.

Mr. President, I ask my colleagues to join me in extending condolences to Judge Burnett's family and friends and in expressing appreciation for his life of community service and his commitment to prostate cancer research.●

125TH ANNIVERSARY OF EDINBURG, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 6–8, the residents of Edinburg will gather to celebrate their community's history and founding.

The town of Edinburg is located on the edge of the Red River Valley and the western prairies. Although it is a small town, Edinburg has the drive, dreams, and heart of cities ten times

its size. The father of Edinburg was a Norwegian by the name of Christian Buck. He became the first postmaster of Edinburg when the post office was established in 1882. The town of Edinburg was named in honor of the university where Mr. Buck obtained his college education. The first establishments in Edinburg included a blacksmith shop and a drug store.

Despite a significant fire that destroyed nearly all of the town's businesses in 1900, Edinburg has grown and flourished since its beginning. Known as the Bird Capital of North Dakota, Edinburg offers many opportunities for bird enthusiasts to observe nature at its finest. A city park offers the chance for family gatherings and picnics. The Edinburg Fire Department is boasted as one of the best in the area.

The town of Edinburg is a beautiful place for people to live and visitors to visit. To celebrate its 125th anniversary, the town will hold an all school reunion, a street dance, a parade and fireworks.

I ask the U.S. Senate to join me in congratulating Edinburg, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Edinburg 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 Edinburg that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Edinburg has a proud past and a bright future.●

125TH ANNIVERSARY OF HOPE, NORTH DAKOTA

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

Founded in 1882, Hope is a small town in Steele County located in eastern North Dakota. The post office was established in 1881, and it became a city in 1904. The community was named in honor of Hope A. Hubbard Steele, wife of E.H. Steele, for whom the county was named.

The residents of Hope describe their town as an active and close-knit community. When a function or task needs to be completed, the residents work together to accomplish it. Many of the recreational facilities, such as the outdoor swimming pool and the nine hole golf course, are supported by local organizations and the community. The local Sportsmen's Club purchased a building from the community for one dollar and converted it into a 24-hour youth recreational facility. A further investment into the community was made by residents when they purchased La Rinascente Pasta, a New Jersey based pasta company, that was relocated to Hope.

The residents are excited to commemorate their upcoming anniversary with a weekend celebration that will include a parade, a Texas Hold 'em Tournament, a tractor pull, and many other activities. In addition, there will be a Veterans Memorial dedication that will feature a cannon from the Civil War.

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

Hope has a proud past and a bright future.●

100TH ANNIVERSARY OF LIGNITE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 6–8, the residents of Lignite will celebrate their community's history and founding.

Lignite is a vibrant community located in northwestern North Dakota. It was founded in April 1907 as a coal town. The first post office followed within the same month. Today the name Lignite pays tribute to the coal veins located in and around the town. Lignite is also the first town in North Dakota to drill an oil well within the city limits.

Today, Lignite remains a small but thriving town with a strong sense of community. Many different local organizations are proud to call Lignite home. These include local chapters of 4–H, FFA, American Legion, and the Boy and Girl Scouts of America.

There are also many recreational opportunities for the citizens of Lignite, from quilting to hunting, camping to golf, softball to ice fishing. The town also boasts a large public park for residents and campers alike. For its centennial celebration, Lignite has planned a four-day-long festival that includes softball and golf tournaments, a day-long street festival, and a local fashion show.

I ask the U.S. Senate to join me in congratulating Lignite, ND, and its residents on their first 100 years and in wishing them well in the next century. By honoring Lignite 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 Lignite that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Lignite has a proud past and a bright future.●

125TH ANNIVERSARY OF PETERSBURG, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 13–15, the residents of Petersburg will gather to celebrate their community's history and founding.

Petersburg is a vibrant community in the northeastern part of North Dakota, not far from Grand Forks Air Force Base. Petersburg holds an important place in North Dakota's history. Founded by Levi Peterson and Martin N. Johnson, the name of the community was determined by a coin toss. Peterson won the coin toss and declared the city name Petersburg in honor of his birthplace in Petersborg, Norway.

Today, Petersburg is a farming community with an assortment of clubs. Some of these organizations like the Sons of Norway, Red River Valley Scandinavian Singers Association, and the Norwegian Singers and Association of America are keeping the region's Scandinavian culture alive. Petersburg also takes much pride in its curling club.

For those who call Petersburg home, it is a comfortable place to live, work, and play. The community has planned an exciting 125th anniversary weekend. There will be a parade, food, bands, dancing, a craft show, flea market, magicians, games, an all school reunion, and much more.

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

Petersburg has a proud past and a bright future.●

COMMENDING THE EFFORTS OF DAVID JOSEPH LYNCH

● Mr. CRAPO. Mr. President, today I pay tribute to a very special Idahoan who has undertaken a very important and challenging mission. Many people are moved by a cause; few are inspired to take action and leadership in support of such cause. David Joseph Lynch is one of the few. In 2004, Mr. Lynch was moved by the plight of Israeli schoolchildren—Jewish, Muslim, Druze, Bedouin, Baha'i and Christian—who do not have ready access to English language books because of limited financial resources and demands on the Israeli government in its ongoing war against terrorism. He read an article about the Jade Bar-Shalom Books for Israel Project and knew immediately that this was his calling. This grandfather of three and great grandfather of four who will be 89 next

month, founded the Idaho flagship of the international Books for Israel project.

Between 2004 and 2006, Mr. Lynch gathered over 10,000 books from Idaho schools to send to Israel for the schoolchildren there. His goal is to have books donated from all the counties in Idaho. Mr. Lynch has enlisted supporters from the community including school officials, bookstore owners, a restaurant franchise, Office Depot, Boise State University, and even members of the criminal justice community in Boise.

I commend Mr. Lynch on his outstanding efforts and thank him also for his esteemed service in the U.S. Navy before and during World War II. Clearly, David Joseph Lynch embodies a life of service and a commitment to improving humanity. He is an inspiration to all—a man whose singular efforts are felt across the globe by our friends in Israel.●

SVIHOVEC FAMILY TRIBUTE

● Mr. DORGAN. Mr. President, this year marks the 100th anniversary of the last great wave of homesteading upon the prairies of America. Mr. President 1907 was the high water mark of the western boom, the last real chance for entrepreneurs and pioneers to capture 160 acres of free land.

Homesteading was one of those singular inventions that proved a triumphant success—one that gave families of modest means a genuine opportunity to share in the American dream.

Among the tens of thousands who surged west to take part in this great enterprise was a family of Bohemian emigrants—the Svihovecs. They are particularly intriguing because seven brothers homesteaded side by side. While it was not unusual for family groups to homestead near each other, the uniqueness of seven brothers doing so was unprecedented in homesteading history.

Although only two decades removed from their near feudal farm existence in the Austro-Hungarian Empire, the Svihovecs were shrewd enough to strategically locate their homesteads to nearly surround a section of railroad-owned land, thereby protecting it for their own use and future purchase.

These brothers and their equally hearty Czech spouses were Frank and Rose Svihovec, Charles and Anna Svihovec, Vincent and Anna Svihovec, Joseph and Annie Svihovec, Emil and Barbara Svihovec, and two single brother, James, and Louis. Their homesteads were in southwestern North Dakota, along the Hettinger and Adams County line. Two more brothers, Rudolph—and his wife Nellie—and Edward—and his wife Terezie—opted to become businessmen, one in Minneapolis and other in the New York City area.

The homesteaders' beginning was inauspicious. There was a train wreck on the way west. Upon their arrival, they were met by the blackened desolation of one of the great western prairie fires which had burned the expected winter feed for their livestock. Snowbound the first winter, they ran out of food.

There were other setbacks and tragedies, but a life was created for themselves and almost 40 offspring, so many children that the school became known as the Svihovec School.

A hundred years later, descendants of these Svihovec pioneers are scattered from London to Los Angeles. A number still remain near the homesteads, in the communities of Mott and Hettinger, and one couple, John and Arlyce Frieze, still actively farm and ranch part of the original homestead lands. Most of the original homesteads, in fact, remain in the ownership of one of the Svihovec families.

It is a remarkable saga, a tale of grit and courage, one that illustrates the kind of strength of character and hardy determination that has served America so well for so many years. The Svihovec tribe has a proud, vital, and continuing legacy that I am honored to acknowledge and salute today in the Senate.●

TRIBUTE TO SUPHADA ROM

● Mr. LEAHY. I want to speak briefly about a remarkable event that happened last Friday, June 15, 2007, in the small town of Windsor in my home State of Vermont. But first a bit of history.

In January 1989, a member of my staff, Tim Rieser, traveled to the Thai-Cambodia border to locate a young Cambodian woman whose mother and two brothers, all of them survivors of the Khmer Rouge holocaust, had resettled in Vermont. The woman, Rhumdoul Rom, had been kidnapped and smuggled back into Cambodia, but she had escaped and was in a Thai refugee camp.

When Rhumdoul was located she was holding her 5-day-old baby daughter, whose name was Suphada. A few days and several long airplane rides later, the two of them arrived in Vermont where they were reunited with the rest of their family. Sadly, Suphada's grandfather and other family members were among the 2 million Cambodians who were murdered or starved to death by the Khmer Rouge. One of Rhumdoul's sisters survived, and is living in Cambodia today.

Adjusting to Vermont was not easy. Imagine traveling for the first time on an airplane and arriving from the tropics in a foreign land in the middle of winter, ice and snow everywhere, and not speaking a word of English.

But the family persevered, supported by the generosity of the Windsor community. As the years passed, Rhumdoul learned English, graduated from high school and then community college, and became a skilled medical technician, at the same time that she was raising her daughter as a single mother.

Suphada, coming to America so young, learned English easily and over time became an outstanding student and athlete. She won a prize for her writing, learned to play the flute, served meals at a local nursing home, and this year she was the captain of the Windsor girls' basketball team. She is also a very outgoing and friendly person.

Recently, tragedy struck the family again, when Rhumdoul's mother and Suphada's grandmother, Prak Soy, died suddenly of meningitis. My wife Marcelle and I had the privilege of meeting Prak Soy, for whom living in the Unites States was not easy. I will always remember her as a selfless person who cared deeply for her children and grandchildren. They meant the world to her.

This is a family that has experienced great loss, but they are also an example for those of us who have never known what it is to live through something as horrifying as genocide.

On June 15, Suphada graduated from Windsor High School, and I understand that she has been accepted to several colleges, including, I am proud to say, my own alma mater, St. Michael's College in Colchester, VT. It is also the alma mater of another accomplished Cambodian refugee, Loung Ung, who years ago resettled in Vermont and has since become a world renowned author for her book ''First They Killed My Father,'' and a tireless campaigner against the scourge of landmines.

I, Marcelle, and my staff would have liked to attend Suphada's graduation, but it was not possible due to the Senate's schedule and other commitments. But I want to congratulate her and her mother for her outstanding scholastic and athletic achievements, and wish her the best in the coming year at whichever college she chooses.●

HONORING JOSEPH SIMUNOVICH

● Mr. MENENDEZ. Mr. President, today I honor Joseph Simunovich for his leadership, dedication, and accomplishments at Hackensack University Medical Center and the New Jersey Turnpike Authority. Joe retired as chairman of the board of these great New Jersey institutions earlier this year.

Joe's life of public service spans more than three decades. In 1972, he was elected to serve as a Hudson County freeholder, a position he held for 12 years, 3 of them as director/chairman of the board. In 1986, Joe was appointed by New Jersey Governor Thomas Kean to serve on the New Jersey Economic Development Authority. Reappointed by Governors Jim Florio and Christine Whitman, for a total of six consecutive terms, Joe is the longest serving member in the organization's history.

In 2002, Joe was chosen by Governor James McGreevey to serve as the chairman of the New Jersey Turnpike Authority, where he led the organization through the consolidation with

the New Jersey Highway Authority. Additionally, Joe oversaw the remediation of New Jersey's E–Z Pass system, and the introduction of Express E–Z Pass.

Over the past 17 years of Joe's service on the Board of Governors of Hackensack University Medical Center, no one has had a greater hand in making Hackensack the respected and sought out institution it is today. As chairman of the board, Joe has worked tirelessly to raise money for the expansion of hospital programs. This money means more access to medical treatments, increased technology, and better financial assistance for low-income patients.

Additionally, Joe has dutifully served on numerous boards of directors, including New Jersey City University, the New Brunswick Development Corporation, the National Association of Water Companies, and the National Council for Public-Private Partnerships. As a result of his hard work, Joseph Simunovich has helped improve the quality of life for thousands of families living throughout New Jersey.

Dedicated to both his community and family, Joe is married and has two children and several grandchildren. He received his bachelor's degree from Colgate University and masters in business management equivalent from Fairleigh Dickinson University, and completed postgraduate coursework at the Carnegie Institute and guest lectured at Rutgers University School of Business.

There is no doubt Joseph Simunovich is an exemplary leader and a profoundly committed individual who is a true role model for the nation. Therefore, I am pleased to pay tribute to Joseph Simunovich, and know my colleagues will join in wishing him continued success.●

TRIBUTE TO WARNE NUNN

● Mr. SMITH. Mr. President, one of the privileges of representing Oregon in the U.S. Senate is having the honor of serving in the seat held for 30 years by Mark Hatfield. During his nearly half century of service to the people of Oregon as a State Representative, State Senator, Secretary of State, Governor, and U.S. Senator, Mark Hatfield earned a reputation for honesty and integrity. He also earned a reputation for having an outstanding staff—staff who often went on to outstanding careers in public service in their own right.

I rise today to pay tribute to one of the most distinguished of the ''Hatfield Alumni,'' Warne Nunn, who passed away earlier this week in Oregon at the age of 86. Warne Nunn served as chief of staff to Mark Hatfield during his 8 years as Oregon's Governor, and when Oregonians sent Mark Hatfield to the U.S. Senate in 1966, Warne Nunn came east to help open up the Senate office.

Mr. Nunn's heart, however, was in his beloved Oregon, and he soon returned home, where he was to make numerous positive contributions for four more decades. As a long-time executive with Pacific Power and Light, Warne Nunn was a respected leader in Oregon's business community. It was, however, through his philanthropic leadership where Warne Nunn left a legacy that should inspire us all.

As a long-time member and chairman of the Willamette University Board of Trustees, Warne Nunn was a passionate advocate for quality education. His commitment to education could also be seen in the leadership he provided as a long-time trustee of the Meyer Memorial Trust, one of the largest and most generous philanthropies in the Pacific Northwest. During its 25-year history—throughout which Warne Nunn has served as a trustee or trustee emeritus—Meyer Memorial Trust has donated nearly $420 million to countless worthy causes.

Senator Hatfield once told me of a journey he made to the Calcutta slums with Mother Teresa. During that journey, Senator Hatfield asked Mother Teresa how she could go on day after day, knowing that for every life she touched, there were thousands of lost souls she would never reach. She responded by saying: ''God does not call us to be successful. He calls us to be faithful.''

There can be no doubt that Warne Nunn lived a successful life. But his family and friends will tell you that more important to Warne was the fact that he lived a faithful life. He was a faithful husband, father, grandfather, and great-grandfather. He was a faithful friend. He was a faithful businessman, public servant, and philanthropic leader. Above all, he was a faithful servant of God. I join many fellow Oregonians in paying tribute to the life and legacy of Warne Nunn, and in extending my sincere condolences to his wife Delores and his entire family.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 treaty which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 1:18 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills:

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

H.R. 2284. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians.

H.R. 2359. An act to reauthorize programs to assist small business concerns, and for other purposes.

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

H. Con. Res. 21. Concurrent resolution calling on the United Nations Security Council to charge Iranian leader Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his call for the destruction of the State of Israel.

The message further announced that pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. DEFAZIO of Oregon, Ms. LORETTA SANCHEZ of California, and Mr. LAMBORN of Colorado.

MEASURES REFERRED

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

H.R. 2284. An act to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians; to the Committee on Small Business and Entrepreneurship.

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

H. Con. Res. 21. Calling on the United Nations Security Council to charge Iranian leader Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and United Nations Charter because of his calls for the destruction of the State of Israel; to the Committee on Foreign Relations.

MEASURE DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor and Pensions, and referred as indicated:

S. 1650. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2366. An act to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2359. An act to reauthorize programs to assist small business concerns, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–2316. A communication from the Publications Control Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Law Enforcement Reporting'' (RIN0702–AA56) received on June 18, 2007; to the Committee on Armed Services.

EC–2317. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Share Insurance Appeals; Clarification of Enforcement Authority of the NCUA Board'' (12 CFR Parts 745 and 747) received on June 20, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2318. A communication from the President and Chief Executive Officer of the Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2006 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2319. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, legislative proposals relative to the National Aeronautics and Space Act of 1958 and the NASA Transition Act of 2007; to the Committee on Commerce, Science, and Transportation.

EC–2320. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report to Congress on the Progress of the Federal Government in Meeting the Renewable Energy Goals of the Energy Policy Act of 2005''; to the Committee on Energy and Natural Resources.

EC–2321. A communication from the Deputy Secretary of the Interior, transmitting, the report of draft legislation entitled ''Cooperative Conservation Enhancement Act''; to the Committee on Energy and Natural Resources.

EC–2322. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Charlotte, Raleigh-Durham, and Winston-Salem Areas Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Quality Standard; Clarification'' (FRL No. 8328–6) received on June 19, 2007; to the Committee on Environment and Public Works.

EC–2323. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerance'' (FRL No. 8135–5) received on June 19, 2007; to the Committee on Environment and Public Works.

EC–2324. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lactofen; Pesticide Tolerance'' (FRL No. 8132–9) received on June 19, 2007; to the Committee on Environment and Public Works.

EC–2325. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerance'' (FRL No. 8133–6) received on June 19, 2007; to the Committee on Environment and Public Works.

EC–2326. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving'' ((RIN2060–AN44)(FRL No. 8330–1)) received on June 19, 2007; to the Committee on Environment and Public Works.

EC–2327. A communication from the Deputy Secretary of the Interior, transmitting, the report of draft legislation entitled ''Conservation Grant User Equity Act''; to the Committee on Finance.

EC–2328. 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 ''Deemed IRAs in Governmental Plans/Qualified Nonbank Trustee Rules'' ((RIN1545–BG46)(TD 9331)) received on June 19, 2007; to the Committee on Finance.

EC–2329. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Burmese Sanctions Regulations'' (31 CFR Part 537) received on June 18, 2007; to the Committee on Finance.

EC–2330. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment, including 15 F–5 A/B aircraft spare parts, valued at $14,000,000 or more; to the Committee on Foreign Relations.

EC–2331. 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 firearms sold commercially under contract in the amount of $1,000,000 or more to Colombia; to the Committee on Foreign Relations.

EC–2332. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of Gunner's Thermal Systems for Norway; to the Committee on Foreign Relations.

EC–2333. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the transfer of defense articles, technical data, and defense services for the LITENING Advanced Targeting Pods in support of the Australian F/A–18 Program; to the Committee on Foreign Relations.

EC–2334. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense articles and services in the amount of $50,000,000 or more for the manufacture of selected components, and the assembly of the Korean Electro-Optical Tracing System for use by the Republic of Korea; to the Committee on Foreign Relations.

EC–2335. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Presidential Determination that suspends certain limitations contained in the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC–2336. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report summarizing the Department's activities during fiscal year 2006 under the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act of 1998; to the Committee on Foreign Relations.

EC–2337. A communication from the Chairman, Labor Member, and Management Member of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Health, Education, Labor, and Pensions.

EC–2338. A communication from the Chairman, Labor Member, and Management Member of the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2007 Annual Report on the financial status of the railroad unemployment insurance system; to the Committee on Health, Education, Labor, and Pensions.

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–138. A joint resolution adopted by the General Assembly of the State of Colorado concerning the 2007 Farm Bill, and, in connection therewith, continuing support for the Federal food stamp program; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT MEMORIAL 07–003

Whereas, the provisions of the federal ''Farm Security and Rural Investment Act of 2002'' (Farm Bill) that govern national food assistance programs are set to expire this year; and

Whereas, the Food Stamp Program (Program), our nation's first defense against hunger and a major component of the Farm Bill, bolsters the efforts of the national emergency food assistance system; and

Whereas, the Program is efficiently targeted to reach the urgent needs of people who have the most difficulty purchasing adequate food; and

Whereas, over 95% of benefits from the Program go to households with incomes below the poverty level, 80% of which benefits go to families with children, and nearly all of the remaining beneficiaries are elderly or disabled; and

Whereas, the error rates for overpayment and underpayment to beneficiaries under the Program have steadily declined for the last six years and are now at an all-time low; and

Whereas, the federal government fed some 26 million low-income people at a cost of $31 billion, nearly double the federal expenditure for welfare cash assistance programs; and

Whereas, $323 million in federal food stamp funds are currently received by Colorado, yet, if an additional 185,000 eligible individuals participated in the Program, as much as an additional $158 million from federal funds would flow into the state; and

Whereas, the United States Department of Agriculture estimates that, for every $5.00 in food stamp benefits, an additional $9.20 is generated in local economic activity; and

Whereas, the Program pays dividends for low-income consumers, food producers and manufacturers, grocery retailers, and communities; and

Whereas, as food stamp purchases made with Program benefits flow through grocery checkout lines, farmers' markets, and other outlets, those benefits generate almost double their value in economic activity, especially for many hard-pressed rural and urban communities desperately in need of business and job stimulus; and

Whereas, hunger has adverse consequences for all Coloradans, particularly for children and mothers; and

Whereas, too many people in our communities lack the resources to consistently put food on their tables for themselves and their families; and

Whereas, while the Program has substantially decreased malnutrition in our country and helps prevent the problem of hunger from becoming worse in our communities, the Program currently reaches only about one-half of eligible low-income working families; and

Whereas, food stamps outreach and nutrition education programs are useful tools in the fight against hunger, but these efforts need more resources in order to fully reach their potential; Now, therefore, be it

Resolved by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein,

(1) That we, the Colorado General Assembly, support the passage of the 2007 Farm Bill;

(2) That we strongly urge Congress to place top priority on implementing a section of the Farm Bill on nutrition that would renew the provisions of, and improve upon, the Program; and

(3) That we further urge Congress: To improve the adequacy of benefits to help reduce hunger and ensure that everyone in the Program has the resources to assist them in purchasing and preparing a nutritionally adequate diet; to simplify the Program for clients and their caseworkers; and to continue to simplify and streamline the administrative aspects of the Program; and, be it further

Resolved, That copies of this Joint Memorial be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, United States Senator Tom Harkin, United States Representative Collin Peterson, the Colorado Anti-Hunger Network, and to each member of Colorado's Congressional delegation.

POM–139. A resolution .adopted by the Legislature of the State of Arizona urging Congress to take action regarding space exploration; to the Committee on Commerce, Science, and Transportation.

SENATE MEMORIAL 1005

Whereas, the United States is a nation of explorers; and

Whereas, when Christopher Columbus made his voyages across the Atlantic in the fifteenth and sixteenth centuries his ships carried the inscription ''Following the light of the sun, we left the Old World''; and

Whereas, exploration and discovery have been especially important to the American experience, providing vision, hope and economic stimulus, from New World pioneers and American frontiersmen to the Apollo program; and

Whereas just as Lewis and Clark could not have predicted the settlement of the American west within a hundred years of the start of their famous nineteenth century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance; and

Whereas, the desire to explore is part of our character and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise economic contributions through new markets, commercial products, education, inspiration, leadership, increased security and a legacy for future generations; and

Whereas, Arizona has been a leader in the exploration since the dawn of the space age, accounting for hundreds of millions of dollars in direct contracts in the entire state; and

Whereas, our nation's new vision for space exploration charts a new, ''building block'' strategy to explore destinations across our solar system with robots and humans, allowing our nation to remain competitive in the new industry of space commerce.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States enact and fully fund the proposed vision for space exploration, as submitted to Congress in the fiscal year 2008 budget of the United States government, to enable the United States to remain a leader in the exploration and development of space.

2. That the Secretary of State transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Congress from the State of Arizona.

POM–140. A joint resolution adopted by the House of Representatives of the State of Maine urging Congress to raise the weight limit on Interstate 95; to the Committee on Environment and Public Works.

JOINT RESOLUTION

Whereas, Interstate 95 in the State of Maine, which is part of the Dwight D. Eisenhower System of Interstate and Defense Highways and is governed by the Federal-Aid Highway Act of 1956, is central to Maine's commerce and industry; and

Whereas, the weight limit on the Interstate Highway System is set at 80,000 pounds by the Federal-Aid Highway Act of 1956 and consequently by Maine statute, yet the State of Maine has a 100,000-pound limit on its secondary roads, which does not match the national limit; and

Whereas, the Federal Government has given the State of Maine an exemption from the 80,000-pound limit for the last 5 miles of the Maine Turnpike and Interstate 95, which allows for a 100,000-pound limit, and this exemption matches the limit for the rest of the State; Now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the United States Congress allow the State of Maine a 100,000-pound limit on all of the Interstate Highway System in Maine, not only the authorized 5 miles, and that the United States Congress review this request when the Highway Bill comes up for reauthorization; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–141. A joint resolution adopted by the Legislature of the State of Maine urging Congress to enact the Social Security Fairness Act of 2007; to the Committee on Finance.

JOINT RESOLUTION

Whereas, Social Security is a trust fund that is intended as a compact between generations, yet it has not always been treated in a manner similar to other trust funds; and

Whereas, Maine's educators, transportation workers, police, firefighters and other civil servants, as well as their spouses, have collectively contributed tens of billions of dollars to Social Security and should in good faith receive such benefits as have been projected to them annually in their personalized Social Security statements; and

Whereas, the federal ''government pension offset provision'' and the federal ''windfall elimination provision,'' enacted, respectively, in 1977 and 1983, have effectively treated state government pensions as if they were a provenance of Social Security, which they are not, and have in this treatment appropriated hundreds of billions of dollars previously entrusted to Social Security by the civil servants of 15 states and by their spouses; and

Whereas, by unfairly taking these hundreds of billions of dollars from just 15 states, including Maine, these twin federal policies have adversely and disproportionately affected Maine's ability to attract and retain effective and qualified workers, as well as Maine's overall economy, its schools, its tax base and its taxpayers and other residents; and

Whereas, the State of Maine has worked hard, over generations, to attract, retain and provide for its state workers in their retirement and has scrupulously guarded and invested the funds entrusted to its retirement system, bringing those reserves to 100 times the value they had just 4 decades ago; and

Whereas, federal legislation has been introduced entitled the Social Security Fairness Act of 2007, proposing to repeal these unfair takings from Maine and from other states; and

Whereas, all Members of the Maine Congressional Delegation are cosponsors of this legislation, along with more than 200 other members of Congress as of mid-February; Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress enact the Social Security Fairness Act of 2007; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United State, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 225. A resolution designating the month of August 2007 as ''National Medicine Abuse Awareness Month''.

S. Res. 230. A resolution designating the month of July 2007 as ''National Teen Safe Driver Month''.

S. Res. 235. A resolution designating July 1, 2007 as ''National Boating Day''.

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. HAGEL (for himself, Mr. OBAMA, and Mr. BROWN):

S. 1672. A bill to direct the Secretary of Veterans Affairs to establish a scholarship program for students seeking a degree or certificate in the areas of visual impairment and orientation and mobility; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. BINGAMAN, Ms. CANTWELL, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. HARKIN, Ms. LANDRIEU, Mr. ROBERTS, Mr. DORGAN, Mr. ENZI, and Mr. PRYOR):

S. 1673. A bill to facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR:

S. 1674. A bill to amend the Food Security Act of 1985 to give preference to local communities in the application consideration process for the conservation reserve program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL (for herself and Mr. MCCAIN):

S. 1675. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1676. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

By Mr. DODD (for himself, Mr. SHELBY, Mr. BAYH, Mr. BUNNING, Mr. CARPER, Mr. BROWN, Mr. CASEY, and Ms. STABENOW):

S. 1677. A bill to amend the Exchange Rates and International Economic Coordination Act of 1988 and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. CONRAD, Mr. SMITH, Ms. MIKULSKI, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. OBAMA):

S. 1679. A bill to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall; to the Committee on Rules and Administration.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1680. A bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. STEVENS):

S. 1681. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 248. A resolution honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 156

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 582

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 604

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 630

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 630, a bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program.

S. 704

At the request of Mr. NELSON of Florida, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 704, a bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

S. 773

At the request of Mr. WARNER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 813

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 813, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 838

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 969

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1026

At the request of Mr. HAGEL, his name was added as a cosponsor of S.

1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

S. 1028

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1028, a bill to require the Secretary of Energy to establish a strategic refinery reserve, and for other purposes.

S. 1215

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1215, a bill to amend title 38, United States Code, to extend and improve certain authorities of the Secretary of Veterans Affairs, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) 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. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1282

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1363

At the request of Mrs. CLINTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor 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. 1409

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) 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. 1418

At the request of Mr. DODD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors 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. 1431

At the request of Mr. BROWN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1431, a bill to provide for a statewide early childhood education professional development and career system, and for other purposes.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1482

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1482, a bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1514

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1518

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1588

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1592

At the request of Mr. BROWN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1592, a bill to reauthorize the Underground Railroad Educational and Cultural Program.

S. 1606

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1649

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1649, a bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes.

S. 1658

At the request of Mr. GREGG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1658, a bill to amend the Servicemembers Civil Relief Act to provide protection for child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

S. 1661

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. CON. RES. 31

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 31, a concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce

premature death in developing nations, especially through programs that combat high levels of infectious disease improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity.

S. RES. 242

At the request of Mrs. MURRAY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 242, a resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls.

AMENDMENT NO. 1561

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 1561 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1627

At the request of Mr. KOHL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 1627 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1694 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1695

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1695 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1704

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1704 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1731

At the request of Mr. SUNUNU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1731 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1733

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1733 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1771

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 1771 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1792

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from Nebraska (Mr. HAGEL), the Senator from Idaho (Mr. CRAIG) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 1792 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1792 proposed to H.R. 6, supra.

AMENDMENT NO. 1793

At the request of Mr. STEVENS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1793 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1794

At the request of Mr. STEVENS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1794 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1795

At the request of Mr. STEVENS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1795 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1799

At the request of Mr. BENNETT, his name was added as a cosponsor of

amendment No. 1799 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1799 proposed to H.R. 6, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. CRAPO, Mr. BINGAMAN, Ms. CANTWELL, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. HARKIN, Ms. LANDRIEU, Mr. ROBERTS, Mr. DORGAN, Mr. ENZI, and Mr. PRYOR):

S. 1673. A bill to facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am proud to introduce legislation with Senator MIKE CRAPO, House Ways and Means Chairman CHARLIE RANGEL, and Congresswoman JO ANN EMERSON to help open a promising market to American exports. That market is Cuba.

For too long, we have maintained ideologically driven restrictions that have undermined our export competitiveness in a market 90 miles away from us.

Just beyond our shoreline, our trading partners—especially Canada and China—are making multi billion-dollar investments in a Cuban economy that is growing at a rate of 7 to 12 percent per year. But the United States just stands by while these and other countries capitalize on opportunities in our own backyard.

Our economic policy toward Cuba simply is not working. This bill changes that.

The greatest opportunities exist in Cuba's agriculture sector. When Congress passed legislation allowing food and medicine sales to Cuba in 2000, some people said Cuba would never buy. Fidel Castro himself predicted that Cuba would buy ''not one grain'' from the United States.

But Mr. Castro was wrong. Agricultural sales happened. In 2004 alone, Cubans bought more than $375 million in American agricultural products. And, today, nearly every state in the union wants to get into the largest agriculture market in the Caribbean.

I have worked tirelessly to market Montana's high quality agriculture products, and it has paid off. In 2003, I inked a $10 million deal with Cuba. After we completed that deal, I went back to Havana and signed another deal—for $15 million. We have sent Montana wheat, beans and peas to Cuba, and that is just the beginning.

But it has not been easy. In 2005, the Treasury Department issued a rule to undermine the will of Congress. In landmark legislation, Congress in 2000 facilitated agriculture exports to Cuba by authorizing the use of cash basis sales. But the Treasury rule made such transactions impossible. Instead, sellers had to resort to foreign letters of credit, which are time-consuming, complicated, and expensive, especially for smaller exporters.

The Treasury rule stunted what had been meteoric growth in American agriculture exports to Cuba. This rule flies in the face of the law, and it will not stand.

Today's bill overturns the Treasury rule. It clarifies that not only do we intend to let these cash basis sales go forward, we mean to expand and promote them. This bill also ensures that exporters and commodity groups looking to get into the Cuban market get help from the Department of Agriculture. And it would require our Agriculture Department to promote American agricultural exports for Cuba.

Increased agriculture sales will allow Cubans to become familiar with more and more American branded food products. But a little-known provision of U.S. law—known as section 211—invites Cuba to withhold trademark protection from these and other American food exports. Today's bill also addresses that problem.

Section 211 bars U.S. courts from hearing claims of foreign nationals to trademarks similar to or associated with expropriated properties. It also forbids the United States from allowing foreign nationals to register or renew such trademark rights. In other words, it denies trademark protection to Cuban assets. If we are not going to recognize Cuban brands, why should Cuba, in the future, recognize American brands?

The World Trade Organization has already struck down section 211 as inconsistent with U.S. international trade obligations. It is time for this Congress to do the same. My bill repeals this wrong-headed and WTO-inconsistent provision. It ensures the continued security of thousands of American-owned trademarks already registered in Cuba.

I am a big proponent of getting American food products into Cuba. But I also fundamentally believe that we should never use food and medicine as a weapon against a people, no matter what we think of their government.

Many of my colleagues agree with me on this. This is why Congress, in the 1992 Cuban Democracy Act, authorized medicine and medical supplies sales to Cuba. But, at that time, we didn't get it quite right. We passed a law with good intent but loaded it up with so many restrictions that we have made medical sales to Cuba more difficult than medical sales to Iran or North Korea.

My bill will correct this lopsided and inhumane policy. It will allow Cubans access to our medicines and medical products—which are the best money can buy—on the same terms that we offer to other regimes. There is no sound reason to deny our products to our Cuban neighbors but allow such sales to Iran and North Korea.

I have taken Montana farmers and ranchers to Cuba to explore export opportunities. But such opportunities are rare because our government, with limited exceptions, does not permit travel to Cuba. And those exceptions are so riddled with red tape as to discourage applicants from making use of them.

Many Americans are ready and willing to travel to Cuba, and not just to make agriculture sales. Religious organizations have deep roots on the island—since before the Castro government. They are a lifeline, bringing hope, help, and brotherhood to their counterparts in Cuba. American academics and professionals engage in thoughtful exchanges of research and ideas. American students visit with Cuban students, and they learn lessons a teacher cannot imbue.

Nearly everyone in Cuba has a dear friend or relative living in the United States. Tens of thousands of Cubans who found their way to America save their hard earned dollars on frequent trips home, their bags packed with medicine, vitamins, and clothing.

Rather than encourage these meaningful contacts between Cubans and Americans, our government stifles our interaction. Rather than unite the Cuban family, our government seeks to divide it further.

Americans do not benefit from this policy. The Cuban people do not benefit from this policy. Only those who seek to keep Americans and Cubans apart benefit from our misguided policy of isolation.

It is time to reach out to the Cuban people. It is time to restore Americans' fundamental right to travel anywhere they want. It is time to lift the travel ban.

I am proud of our bill. It spells out the right policy during this fundamental transition in Cuba. It helps farmers and ranchers in Montana and elsewhere seek opportunities in a nearby market. And it affords our citizens the opportunity to spread American generosity, assistance, and values to Cuba.

I look forward to working with Senator CRAPO, Chairman RANGEL, Congresswoman EMERSON, and others to put our trade relationship with Cuba on the right path.

By Mr. DODD (for himself, Mr. SHELBY, Mr. BAYH, Mr. BUNNING, Mr. CARPER, Mr. BROWN, Mr. CASEY, and Ms. STABENOW):

S. 1677. A bill to amend the Exchange Rates and International Economic Coordination Act of 1988 and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise to introduce the Currency Reform and Financial Markets Access Act of 2007 on behalf of myself, Senator SHELBY, Senator BAYH, Senator CARPER, Senator BROWN, and Senator CASEY.

Nearly two decades ago, the Senate Banking Committee enacted legislation which required the Treasury Department to identify countries that manipulate their currency for purposes of gaining an unfair competitive trade advantage and to take prompt action to eliminate the unfair trade advantage when manipulation is found.

One of the very first actions that I undertook as chairman-elect of the Senate Banking Committee in December 2006 was to write a letter with then-Chairman Shelby to the Treasury Secretary about the report required under this legislation, the International Economic and Exchange Rate Policy Report and the inaugural U.S.-China strategic economic dialogue, SED. In that letter, we expressed our concern that the Treasury Department had not cited China, and potentially other nations, as currency manipulators.

At one of the very first hearings I held as chairman, in January 2007, Treasury Secretary Paulson provided his first congressional testimony since his confirmation, on the SED and the exchange rate report. At that hearing, Secretary Paulson testified that China did not meet the technical requirement for designation as a currency manipulator and that the SED is the ''best chance to get some progress [on the currency issue].''

Senator SHELBY and I wrote to Secretary Paulson in advance of the most recent exchange rate report and the May SED urging him to consider steps beyond dialogue to eliminate the unfair trade advantage resulting from China's ongoing currency manipulation and discriminatory market access practices. But instead of taking action, the Treasury Department once again chose not to cite China as a currency manipulator in its latest report to the Senate Banking Committee, despite acknowledging ''heavy foreign exchange market intervention by China's central bank to manage the currency tightly.''

Secretary Paulson's efforts to engage the Chinese through dialogue are commendable, but after two meetings of the strategic economic dialogue, numerous congressional hearings, and the shortcomings of the most recent exchange rate reports, it is clear that dialogue alone is not enough to make progress and legislative action is needed.

Therefore, Senator SHELBY and I are today introducing the Currency Reform and Financial Markets Access Act of 2007 which will provide the Treasury Department and Congress new, tough authority to recognize and remedy currency manipulation without ambiguity or delay.

Under current law, Treasury claims that no countries meet the technical finding of intent to manipulate their currencies. Treasury reiterated this point in its most recent exchange rate report, stating:

> The Department of the Treasury concluded that, although the Chinese currency is undervalued, China did not meet the technical requirements for designation under the terms of Section 3004 of the Act during the period under consideration. Treasury was unable to determine that China's exchange rate policy was carried out for the purpose of preventing effective balance of payments adjustment or gaining unfair competitive advantage in international trade.

The Currency Reform and Financial Markets Access Act of 2007 requires a Treasury designation of currency manipulation based on objective data, and without regard to subjective factors such as purpose or intent, removing a technicality that the Treasury Department has been using to defend its inaction.

Once currency manipulation is found, the bill requires the Treasury Department to submit a detailed plan of action to the Congress within 30 days of such finding. The plan of action sets specific timeframes and benchmarks, with the goal of remedying the manipulation. The bill also requires the Treasury to initiate both bilateral and multilateral negotiations, including immediate IMF consultations and to use the Treasury's voice and vote at the IMF to address the manipulation.

Our bill also provides new authority for the Treasury to file a WTO article XV case to remedy currency manipulation if the goals and benchmarks for progress are not met within 9 months of designation.

If the Treasury continues to avoid designating countries as currency manipulators, our bill creates a new process by which Congress, led by either the Senate Banking or House Financial Services Committee, can originate a joint resolution of disapproval of the Treasury's inaction and provides for an expedited process for such a motion through the floors of both Chambers.

Finally, the Currency Reform and Financial Markets Access Act of 2007 promotes market access for U.S. financial services firms to level the playing field for American businesses and to help develop the financial sector reform needed to support a freely floating currency in China. It also requires the Treasury Department to report on the progress of the SED, as well as on opening foreign markets to American financial services firms. It is time for American firms to be afforded the same open and fair treatment abroad that our country provides to foreign firms in the United States.

I am confident that in a free and fair environment American business and entrepreneurship will flourish. Our bill will require Treasury to assume its responsibility as a referee and will fight to level this playing field by identifying and addressing unfair practices and market access barriers.

During the SED events in Beijing, Federal Reserve Chairman Bernanke talked about the market distortions that result from ''an effective subsidy that an undervalued currency provides for Chinese firms that focus on exporting.'' I agree with Chairman Bernanke that undervalued currency is an export subsidy causing market disruptions and fully dealing with such subsidies can involve some trade remedies that are not within the Banking Committee's jurisdiction and hence not within the scope of this bill. But, remedying countervailable export subsidies is a policy that could be fully appropriate and supported by myself and my colleagues through other legislative proposals.

I ask unanimous consent that the text of the bill, a one page summary 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. 1677

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 ''Currency Reform and Financial Markets Access Act of 2007''.

TITLE I—EXCHANGE RATES AND INTERNATIONAL ECONOMIC POLICY COORDINATION ACT OF 1988

SEC. 101. STATEMENT OF POLICY.

Section 3003 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5303) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following:

''(5) the United States, and other major industrialized countries, should, where appropriate, work together, through bilateral and multilateral discussions and international economic institutions, to ensure that the rate of exchange of the currencies of the major trading nations and the United States dollar—

''(A) reflect economic fundamentals and market forces; and

''(B) contribute to the growth and balance of the international economy; and

''(6) the United States should take all appropriate and necessary measures to ensure that the major trading partners of the United States are not engaged in hidden or unfair subsidies through management of their currency or international exchange rates.''.

SEC. 102. FAIR CURRENCY.

(a) IN GENERAL.—Section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)) is amended to read as follows:

''(b) BILATERAL NEGOTIATIONS.—

''(1) ANALYSIS.—The Secretary of the Treasury shall analyze on an annual basis the exchange rate policies of foreign countries, in consultation with the International Monetary Fund, and consider whether any country, regardless of intent, manipulates the rate of exchange between its currency and the United States dollar in a manner that—

''(A) prevents effective balance of payments adjustments;

''(B) gains an unfair competitive advantage in international trade; or

''(C) results in an accumulation of substantial dollar currency reserves.

''(2) DETERMINATION.—The Secretary shall make an affirmative determination that a country is manipulating its currency and take the action described in paragraphs (3), (4), and (5) with respect to any country the Secretary considers is manipulating its currency as described in paragraph (1), if that country—

''(A) has a material global current account surplus; and

''(B) has significant bilateral trade surpluses with the United States; and

''(C) has engaged in prolonged one-way intervention in the currency markets.

''(3) ACTION.—

''(A) IN GENERAL.—In the case of any country with respect to which the Secretary makes an affirmative determination under paragraph (2), the Secretary shall, not later than 30 days after the determination is made, establish a plan of action to remedy the currency manipulation, and submit a report regarding that plan, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

''(B) BENCHMARKS.—The report described in subparagraph (A) shall include specific benchmarks and timeframes for correcting the currency manipulation.

''(4) INITIAL NEGOTIATIONS.—The Secretary shall initiate, on an expedited basis, bilateral negotiations with each country with respect to which an affirmative determination is made under paragraph (2) for the purpose of ensuring that the country regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payment adjustments and to eliminate the unfair competitive advantage.

''(5) COORDINATION WITH THE INTERNATIONAL MONETARY FUND.—The Secretary, within 30 days of the determination made under paragraph (2), shall instruct the Executive Director to the International Monetary Fund to use the voice and vote of the United States, including requesting consultations under Article IV of the Articles of Agreement of the International Monetary Fund, for the purpose of ensuring that each country with respect to which an affirmative determination is made under paragraph (2) regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payments adjustments and to eliminate the unfair competitive advantage in trade.

''(6) FOLLOW-UP REPORT.—Not later than 300 days after an affirmative determination is made under paragraph (2), if the country with respect to which the affirmative determination is made continues to manipulate the rate of exchange between its currency and the United States dollar and the benchmarks in the report required under paragraph (3) have not been met, the Secretary shall initiate action pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes annexed to the WTO Agreement to address the country's currency manipulation and violations of the country's obligations under article XV of GATT 1994.

''(7) EXCEPTION.—The Secretary is not required to initiate action in any case in which the President determines that the action will have a serious detrimental impact on the vital economic and security interests of the United States. If the President makes a determination under the preceding sentence, the President shall inform the chairman and the ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Financial Services of the House of Representatives of the President's determination.''.

(b) DEFINITIONS.—Section 3006 of the Exchange Rates and International Economic Coordination Act of 1988 (22 U.S.C. 5306) is amended by adding at the end the following:

''(3) GATT 1994.—The term 'GATT 1994' has the meaning given such term in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B)).

''(4) WTO AGREEMENT.—The term 'WTO Agreement' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.''.

SEC. 103. REPORTING REQUIREMENTS.

Section 3005 of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5305) is amended—

(1) in subsection (a)—

(A) by striking ''In furtherance'' and inserting the following:

''(1) IN GENERAL.—In furtherance''; and

(B) by striking the last sentence; and

(2) by adding at the end the following:

''(2) APPEARANCES BEFORE THE CONGRESS.—The Secretary shall appear before the Congress at semi-annual hearings to provide testimony on the reports referred to in paragraph (1)—

''(A) before the Committee on Banking, Housing and Urban Affairs of the Senate on or about October 15 of each even numbered calendar year and on or about April 15 of each odd numbered calendar year;

''(B) before the Committee on Financial Services of the House of Representatives on or about April 15 of each even numbered calendar year and on or about October 15 of each odd numbered calendar year;

''(C) before either Committee referred to in subparagraph (A) or (B), upon request of the Chairman, following the scheduled appearance of the Secretary before the other Committee.''.

SEC. 104. CONGRESSIONAL DETERMINATION OF CURRENCY MANIPULATION.

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is amended by inserting after section 3004 the following:

''SEC. 3004A. ACTION BASED ON COMMITTEE RESOLUTION.

''(a) IN GENERAL.—In this section, the term '*joint resolution*' means only a joint resolution introduced in the period beginning on the date on which the report referred to section 3004(b)(3) of the Exchange Rates and International Economic Policy Coordination Act of 1988 is received by the Committee on Banking, Housing and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves of the determination of the Secretary of the Treasury relating to the finding of currency manipulation as described in section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 in the report relating to _____, submitted on _____.', with the first blank space being filled with the name of the country (or countries) to which the determination relates and the second blank space being filled with the date the report was submitted.

''(b) PROCEDURES FOR CONSIDERING RESOLUTIONS.—

''(1) ORIGINAL RESOLUTIONS.—Resolutions of disapproval shall be original resolutions, which—

''(A) in the House of Representatives shall originate from the Committee on Financial Services and, in addition, be referred to the Committee on Rules; and

''(B) in the Senate shall originate from the Committee on Banking, Housing, and Urban Affair.

''(2) FLOOR CONSIDERATION.—

''(A) IN GENERAL.—Except as otherwise provided in this section, the provisions of subsections (d) through (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(d) through (f)) (relating to floor consideration of certain resolutions in the House and Senate) apply to a joint resolution of disapproval under this section to the same extent as such subsections apply to joint resolutions under such section 152.

''(B) MODIFICATION OF SECTION 152.—Section 152(f) of the Trade Act of 1974 shall be applied—

''(i) by substituting 'described in section 3004A of the Exchange Rates and International Economic Policy Coordination Act of 1988' for 'described in section 152 or 153(a), whichever is applicable,' in paragraph (2); and

''(ii) by substituting 'a joint resolution described in section 3004A of the Exchange Rates and International Economic Policy Coordination Act of 1988' for 'a joint resolution described in subsection (a)(2)(B)' in paragraph (3).

''(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

''(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

''(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.''.

TITLE II—FINANCIAL REPORTS ACT OF 1988

SEC. 201. SHORT TITLE.

This title may be cited as the ''Promoting Market Access for Financial Services Act''.

SEC. 202. REPORT ON FOREIGN TREATMENT OF UNITED STATES FINANCIAL INSTITUTIONS.

The Financial Reports Act of 1988 (22 U.S.C. 5351 et seq.) is amended—

(1) in section 3602—

(A) by striking ''QUADRENNIAL'' and inserting ''ANNUAL'' in the heading; and

(B) by striking ''not less frequently than every 4 years, beginning December 1, 1990'' and inserting ''beginning July 1, 2008, and annually thereafter,'';

(C) by striking ''to the Congress'' and inserting ''to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives'';

(2) in section 3603—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a), the following:

''(b) REPORT ON SED.—The Secretary shall include in the initial report required under section 3602 a summary of the results of the most recent US–China Strategic Economic Dialogue (SED) and the results of the SED as it relates to promoting market access for financial institutions. The reports required under section 3602 shall include a progress report on the implementation of any agreements resulting from the SED, a description

of the remaining challenges, if any, in improving market access for financial institutions, and a plan, including benchmarks and timeframes, for dealing with the remaining challenges. Each report shall specifically address issues regarding—

''(1) foreign investment rules;

''(2) the problems of a dual-share stock market;

''(3) the openness of the derivatives market;

''(4) restrictions on foreign bank branching;

''(5) the ability to offer insurance (including innovative products); and

''(6) regulatory and procedural transparency.''.

THE CURRENCY REFORM AND FINANCIAL MARKETS ACCESS ACT OF 2007—

JUNE 12, 2007

The Dodd-Shelby legislation would take significant new action to recognize and remedy currency manipulation by China and other countries, which has been harming the American economy, hurting our manufacturing base and driving record U.S. trade deficits. The bill also promotes Treasury's role in enhancing the competitiveness of U.S. financial services firms.

Strengthens Treasury's ability to find currency manipulation: Strengthens the definition of currency manipulation to identify countries that have both a material global current account surplus and a significant bilateral trade surplus with the United States as currency manipulators, without regard to intent.

Requires Treasury to address and remedy currency manipulation: Requires the Treasury Department to submit a detailed plan of action to the Congress within 30 days of a finding by Treasury of manipulation. The plan of action shall set specific timeframes and benchmarks, with the goal of remedying the manipulation; Requires Treasury to engage in bilateral and multilateral negotiations with countries that manipulate their currency. The Treasury must immediately seek IMF consultations when manipulation is found and requires Treasury to use its voice and vote at the IMF to that end; Provides Treasury the authority to file a WTO Article XV case to remedy currency manipulation if the goals and benchmarks are not met within 9 months.

Authorizes a Congressional disapproval process: Creates a process by which Congress, led by either the Senate Banking or House Financial Services Committee, can originate a joint resolution of disapproval when Treasury fails to cite manipulation. Provides for an expedited process for such a motion through the floors of both chambers.

Promotes market access for U.S. financial services firms: Requires Treasury to annually monitor and report to the Senate Banking Committee and the House Financial Services Committee on market access barriers for U.S. financial services firms, to identify challenges, and to develop plans to address those barriers; Requires the Treasury's initial report to include the status of the US-China Strategic Economic Dialogue (SED) as it relates to financial services firms. This would become the only congressionally required report on the progress of the SED.

THE FINANCIAL SERVICES FORUM,
June 21, 2007.

Hon. CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN DODD: We are writing to applaud the focus you have given to market access in Title II of the Currency Reform and Markets Access Act of 2007. We commend your bipartisan effort to introduce legislation that recognizes the importance of further access for U.S. financial services firms to China's markets.

The Forum is encouraged by the Senators' interest in the U.S.-China Strategic Economic Dialogue and efforts to remove market access barriers for U.S. financial services firms.

A more open, modern, and effective financial sector in China is a prerequisite to successfully addressing issues that have complicated the U.S.-China economic relationship such as currency reform and the trade imbalance.

The fastest way for China to develop the modern financial system it needs to achieve more sustainable economic growth, allow for a more flexible currency, and increase consumer consumption—thereby opening new markets for U.S. products and services—is to import it by opening its financial sector to greater participation by foreign financial services firms.

We look forward to working with all of Congress in continuing to draw focus and attention to this key issue for economic reform and financial modernization in China and other emerging markets.

Sincerely,

DONALD L. EVANS.

CHINA CURRENCY COALITION,
Washington, DC., June 21, 2007.

CHINA CURRENCY COALITION WELCOMES INTRODUCTION OF DODD-SHELBY BILL AS A HELPFUL STEP TO ADDRESS CURRENCY MANIPULATION

(WASHINGTON, DC).—The China Currency Coalition (''CCC''), an alliance of industry, agriculture, and worker organizations whose mission is to support U.S. manufacturing, voiced its support of the Dodd-Shelby bill introduced today as a positive development in on-going efforts needed by the United States and the international community to rein in dangerous trade imbalances attributable to currency manipulation.

''Enactment of the Dodd-Shelby bill would be a key step forward in addressing the China currency issue,'' said David A. Hartquist, counsel to the CCC. ''The Treasury Department and the International Monetary Fund should make every effort to discourage and correct protracted undervaluation of countries' currencies as a monetary problem,'' he continued, ''and the Dodd-Shelby bill is a significant help in this regard. We appreciate that Chairman Dodd recognizes that additional legislation may be appropriate to address countervailable subsidies resulting from China's currency manipulation.''

''At the same time,'' noted Hartquist, ''when a currency is seriously undervalued for a protracted period of time, as China's has been since 1994, there are very damaging effects on trade. It is vitally important that the hybrid nature of this sort of exchange-rate misalignment is acknowledged so that both the negative monetary and trade aspects of such behavior by a country are addressed. That is why the CCC continues to urge passage of the Bunning-Stabenow-Bayh-Snowe bill, S. 796, and its counterpart in the House, the Ryan-Hunter bill, H.R. 782. These bills recognize that undervalued exchange-rate misalignment by China or any other country is countervailable prohibited export subsidy under U.S. and international law. The CCC is very grateful to Senators Bayh, Bunning, and Stabenow and to Congressmen Ryan and Hunter for their leadership on this important issue.''

The China Currency Coalition's co-chairs are AFL-CIO Secretary-Treasurer Richard L. Trumka and Doug Bartlett, Chairman of Bartlett Manufacturing Company, Inc., in Cary, Illinois, and also Chairman of the United States Business & Industry Council. David A. Hartquist is a senior partner at the Washington, D.C. office of Kelley Drye Collier Shannon where he heads the international trade practice.

For more information on the China Currency Coalition, visit www.chinacurrencycoalition.org.

By Ms. COLLINS (for herself, Mr. CONRAD, Mr. SMITH, Ms. MIKULSKI, and Mr. INOUYE):

S. 1678. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today on behalf of myself, Senator CONRAD, Senator SMITH, Senator MIKULSKI, and Senator INOUYE, to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare Program.

Nurse practitioners, physician assistants, certified nurse midwives, and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under State law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional

serving the patient's small rural town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a 2-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait 11 days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care Planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners, and the Visiting Nurse Associations of America.

I urge my colleagues to sign onto this legislation as cosponsors. I ask unanimous consent that letters of support be printed in the RECORD.

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

AMERICAN NURSES ASSOCIATION,
June 6, 2007.

Hon, SUSAN COLLINS,
U.S. Senate, Washington, DC.
Hon. GORDON SMITH,
U.S. Senate, Washington, DC.

DEAR SENATORS COLLINS AND SMITH: I am writing on behalf of the American Nurses Association, ANA, to express support for the Home Health Care Planning Improvement Act of 2007. ANA is the only full- service national association representing registered nurses, RNs. Through our 54 state and territorial nursing associations, we represent RNs across the nation in all practice settings.

ANA applauds your efforts to improve access to home health services. Advanced practice registered nurses, APRNs, are playing an increasing role in American health care delivery. Nurse practitioners, clinical nurse specialists, and certified nurse midwives can practice independent of physicians in most states. Many studies have shown that APRNs provide cost-effective, high quality care. In addition, they are often willing to provide services in areas where access to physicians is limited.

Medicare has recognized the independent practice of APRNs for nearly two decades, and these health care professionals now provide the majority of skilled care to home health patients. Unfortunately, a quirk in Medicare law has kept APRNs from signing home health plans of care and from certifying Medicare patients for the home health benefit. In areas where access to physicians is limited, this outdated prohibition has lead to delays in health care delivery. These delays in care inconvenience patients and their families. In addition, delays can also result in increased cost to the Medicare system when patients are unnecessarily left in more expensive institutional settings.

The Home Health Care Planning Improvement Act of 2007 would address these problems by specifically allowing nurse practitioners, clinical nurse specialists, and certified nurse midwives to certify home health services. ANA looks forward to working with you to support the enactment of this important legislation.

Sincerely,

ROSE GONZALEZ, MPS, RN DIRECTOR,
GOVERNMENT AFFAIRS.

AMERICAN COLLEGE OF
NURSE-MIDWIVES,
Silver Spring, MD, June 14, 2007.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the certified nurse-midwife, CNM, and certified midwife, CM, members of the American College of Nurse-Midwives, ACNM, I am writing to express strong support for the legislation you plan to introduce this week to ensure appropriate and timely access to necessary home health services for women that might be in the care of a certified nurse-midwife or other primary care provider.

As you know, currently Medicare only allows a physician to order home health services for Medicare beneficiaries. ACNM believes this is an antiquated requirement that fails to recognize the role advanced practice nurses, including certified nurse-midwives, play in the delivery of high quality, primary care services. Your legislation would ensure that a patient under the care of a certified nurse-midwife can receive necessary home health services in a timely manner. This is particularly important for those women with disabilities who are covered by the Medicare program and are of childbearing age. It is also important for senior women who might be under the care of a certified nurse-midwife for primary care services.

Thank you again for your leadership on this important matter. ACNM looks forward to working with you to see this legislation's passage during the 110th Congress. For further information on this matter, please contact Mr. Patrick Cooney, ACNM's Federal Representative, at (202) 347–0034.

Sincerely,

EUNICE K.M. ERNST,
CNM, MPH, DSn(Hon), FACNM, President.

NATIONAL ASSOCIATION FOR
HOME CARE & HOSPICE,
Washington, DC, June 6, 2007.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Association for Home Care & Hospice, NAHC, I am writing to offer our appreciation and support for the Home Health Care Planning Improvement Act of 2007 that would allow nurse practitioners, NPs, clinical nurse specialists, CNSs, certified nurse midwives, CNMs, and physicians' assistants, PAs, to sign Medicare home health plans of care. We commend you for this much needed legislation that will help ensure timely access to home health services while reducing Medicare expenditures on more costly institutional care.

NPs, CNSs, CNMs, and PAs are playing an increasing role in the delivery of our nation's health care, especially in rural and underserved areas, and are providing necessary medical services to Medicare beneficiaries. They are often more familiar with particular cases than the attending physician. In addition, they are sometimes more readily available than physicians to expedite the processing of necessary paperwork, ensuring that home health agencies will be reimbursed in a timely manner and that care to the beneficiary will not be interrupted. Studies have shown that the expanded use of these professionals can result in dramatic decreases in expensive hospitalizations and nursing home stays.

We appreciate the outstanding leadership you have shown in helping make home and community-based services more readily available to our nation's elderly population and those with disabilities.

With our highest regards,

VAL J. HALAMANDARIS,
President.

AMERICAN ACADEMY,
OF NURSE PRACTITIONERS,
Washington, DC. June 7, 2007.

Senator SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: I am writing in behalf of the American Academy of Nurse Practitioners to endorse the introduction of the Home Health Improvement Act of 2007. This bill will authorize nurse practitioners to order home health services for patients for whose care they are responsible.

As you know, nurse practitioners have been authorized Part B Medicare providers since 1998. Under the provisions of this law, nurse practitioners render, order and refer for services under their own PIN and UPIN numbers. They may order physical therapy, occupational therapy, bill as consultant and consultees when providing services through telemedicine and order and bill for performing and interpreting diagnostic tests within their scope of practice. Despite their ability to provide and bill for services in all of these areas, they are still unable to refer patients for home health care.

Nurse practitioners have been demonstrated to provide safe and responsible care to the patients they serve. They have expert knowledge that allows them to provide high level assessments of patient needs and recognize when additional care, such as home health care is needed or not needed by their patients. Given their proven track record in the care of the elderly, it is not logical that nurse practitioners are authorized to be Part B providers, but are unable to order home health care and hospice care for their patients.

Currently nurse practitioners with patients needing home health care services must locate a physician who will see the patient and write the orders for this care. Not only is the patient's well being jeopardized by the delays that are incurred by this requirement, but added cost is incurred by the Medicare program through extra visits to providers with higher reimbursement rates than nurse practitioners. Passage of this bill will increase the quality and timeliness of care to patients who need home health nursing services.

Sincerely,

JAN TOWERS PHD, NP-C, CRNP,
FAANP,
Director of Health Policy.

AMERICAN COLLEGE,
OF NURSE PRACTITIONERS,
June 7, 2007.

Hon. SUSAN COLLINS,
United States Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the American College of Nurse Practitioners (ACNP), a national, non-profit membership organization whose mission is to ensure a solid policy and regulatory foundation that enables Nurse Practitioners to continue providing accessible, high quality healthcare to the nation—I am writing to express our appreciation to you for introducing the Home Health Care Planning Improvement Act of 2007.

The Home Health Care Planning Improvement Act importantly will amend the Social Security Act by broadening access to home health services for Medicare beneficiaries. A patient's Nurse Practitioner, physicians' assistant, or certified nurse midwife will now have the right to make changes to their home health care plan. Your critical legislation will safeguard the patient's continuity of care by preventing interruptions due to delays in paperwork from an oftentimes offsite physician who may never have even seen the patient.

The bill also recognizes the professional training and qualifications of Nurse Practitioners and ensures quality patient care, especially in rural and underserved areas where Nurse Practitioners are often more familiar with particular cases than the attending physician. ACNP thanks you for your ongoing support of the Nurse Practitioner community. Please know that ACNP stands ready to work with you and your staff to ensure Medicare beneficiaries have access to the highest quality care. If we can be of any assistance, please feel free to contact our Health Policy Advisor, Jodie Curtis (Jodie.Curtis@dbr.com) or our Chief Executive Officer, Carolyn Hutcherson (Carolyn@acnpweb.org).

Sincerely,
SUSAN APOLD, PHD, ANP,
President.

AMERICAN ACADEMY
OF PHYSICIAN ASSISTANTS,
Alexandria, VA, June 6, 2007.

Hon. SUSAN M. COLLINS,
United States Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the more than 60,000 clinically practicing physician assistants (PAs) in the United States represented by the American Academy of Physician Assistants (AAPA), I thank you for introducing the Home Health Care Planning Improvement Act of 2007. The AAPA strongly supports this important piece of legislation, and looks forward to working with you to secure its passage during the 110th Congress.

In 2006, nearly 231 million patient visits were made to physician assistants (PAs) and over 286 million prescriptions were written by PAs. PAs have a longstanding history of providing care in medically underserved communities, and have been credited with improving access to quality and cost-effective health care for many among the nation's most vulnerable patient populations.

Although the 1997 Balanced Budget Act extended Medicare coverage of medical services provided by PAs, as allowed by state law, PAs are not able to order home health care for Medicare beneficiaries. At best, PAs and their supervising physicians are forced to go through unnecessary extra steps to ensure that all home health orders are signed by the physician before the care is provided. At worst, Medicare beneficiaries experience needless delays in receiving home health care because a physician is not available onsite to sign the form.

The inability of PAs to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved communities where a PA may be the only health care professional available. For example,

Needed home health care was delayed by over a week for a Medicare patient in Nevada, because the PA's supervising physician was located 60 miles away. The PA, who holds a full-time job in another part of the state, is the only health care professional for the patient's small rural town, providing care two weekends a month;

critical access hospitals in Nevada and other states are having difficulty with discharge planning. By law, critical access hospitals must have a PA or nurse practitioner on site fifty percent of the time. However, Medicare will not accept home health orders that have been signed by a PA;

PAs in orthopedic practice regularly work after-hours and on weekends. However, necessary home health care must be delayed for Medicare beneficiaries until a physician is available to sign the order.

The Home Health Care Planning Improvement Act of 2007 increases Medicare beneficiaries' access to needed care by allowing PAs to order home health care. The AAPA is pleased to endorse the Home Health Care Planning Improvement Act of 2007.

Sincerely yours,
MARY P. ETTARI, MPH, PA–C,
President.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1680. A bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Izembek and Alaska Peninsula Wildlife Refuge and Wilderness Enhancement Act authorizes a land exchange among the U.S. Department of the Interior, the State of Alaska, and the people of King Cove. King Cove is an Alaska Native village and many of its present day residents descend from the indigenous Aleut people who have lived and thrived in this isolated area of the Alaska Peninsula for over 4,000 years.

This bill provides the land for a road on which to travel to the nearest all-weather airport which is located in Cold Bay. The people of King Cove do not have a road to their airport today because a National Wildlife Refuge wilderness sits between their village and Cold Bay.

World War II prompted the construction of a major air facility at Cold Bay, which is about 25 miles north of King Cove. Today, the Cold Bay Airport with a 10,000 foot main runway and a 6,500 foot crosswind runway is one of the largest airport facilities in Alaska and is accessible 365 days a year. However, the problem for King Cove residents has always been their inability to get to the airport on a predictable basis due to constant, ever changing weather conditions, combined with King Cove's topographic constraints.

These topographic constraints are directly related to the location of King Cove's small gravel airstrip nestled between 3,000 foot volcanic peaks. To access the airstrip in King Cove, pilots must navigate a narrow opening in the mountains.

Over the past 30 years, efforts by King Cove residents attempting to reach the Cold Bay Airport have resulted in numerous small plane crashes, some fatal. Neither King Cove nor Cold Bay have the sort of hospital facilities that are found in Anchorage. When King Cove people have a serious medical condition, they need to be ''medevaced'' to Anchorage from Cold Bay. That assumes that they can reach the airport at Cold Bay.

This legislation accomplishes the goal of providing the King Cove people with a road to the airport. It accomplishes this goal in a way that provides a net gain, rather than a net loss, to wilderness. The exchange provided for in this bill will add 61,723 acres to the Izembek and Alaska Peninsula National Wildlife Refuges. It adds 45,456 acres of wilderness, the first new wilderness areas designated by the Congress in Alaska in a generation. Not since the passage of the Alaska National Interest Lands Conservation Act, ANILCA, has new wilderness been designated in Alaska.

More importantly, this bill will add key areas of wildlife habitat to these two world-class wildlife refuges. Habitat for some of the largest and wildest brown bears in the world will transfer from private to public ownership. Other areas include key habitat for internationally valued waterfowl such as stellar eiders and brants.

I am sad to say that this is not a new issue for this body. The people of King Cove have been seeking justice in the form of a simple road to Cold Bay for decades. Congress attempted to make things right for the people of King Cove about a decade ago and came up with an imperfect solution.

This imperfect solution involved the construction of a 17-mile road from King Cove to a point near the border of the Izembek Refuge wilderness and a very expensive hovercraft to ferry King Cove residents across the rough waters of Cold Bay. The community has concluded that it cannot afford the cost of the hovercraft solution.

This bill will finish the job started by the Congress a few years ago. This bill provides a wonderful combination of wilderness additions in return for a small road corridor within the Izembek Wildlife Refuge to permit the current 17-mile road to be completed all the way to Cold Bay. This is the fairest and most logical process by which the King Cove residents and the nation can all benefit.

I want to commend the parties who have worked on this bill. The State of Alaska, has brought nearly 43,000 acres to this exchange. Without this land, the exchange would not be possible. The King Cove Native Corporation, which is a Village Corporation created

by the Alaska Native Claim Settlement Act, ANCSA, is donating approximately 2,500 acres of high value wetland habitat in Kinzaroff Lagoon. This lagoon is part of the Izembek National Wildlife Refuge and will be designated as wilderness, so that the mouth of this lagoon will be in public ownership. The corporation is also offering another 10,500 acres, which will be made part of the Alaska Peninsula Wildlife Refuge while relinquishing another 5,400 acres of their ANCSA land in the Refuge.

The only land, which will leave Federal ownership in the area, is approximately 206 acres for a narrow road to connect the existing road from King Cove to the Cold Bay Airport. The route and alignment of the road, within the corridor established by the bill, will be determined through an inclusive, cooperative planning process.

It has been suggested by some that we should not reopen this issue—it has always been so controversial. People who fought this battle before, and still have the scars to prove it, were told that putting a road in a national wildlife refuge creates a bad precedent. I have been warned that every environmental group in the Nation will line up against me if I pursue the exchange.

That may be true but this is how I see it. In the 25 years that have passed since the Alaska National Interest Lands Conservation Act, ANILCA, became law, I think most Alaskans have come to appreciate the value of setting aside land in Alaska for preservation. That appreciation took time. Many Alaskans, as you know, resisted ANILCA.

In return, it is appropriate for Alaskans to expect the conservation system units to be good neighbors to the aboriginal communities that they border. That hasn't always been the case. The Aleut people of King Cove inhabited their lands long before there was an Izembek National Wildlife Refuge. The King Cove people steadfastly maintain that they were not consulted before the decision was made to make the land that stands between their community and the airport a wilderness. It is their contention that thousands of others across the United States, Canada, and Europe were invited by the Federal Govermment to make their views known in this process, yet they were denied a voice in this most crucial decision affecting their native homeland.

To me the King Cove road isn't just a matter of transportation. It is a matter of respect for Native people. That is why I am willing to take up this cause on behalf of the Native people of King Cove. I ask my colleagues to join with me and with the Aleut people of King Cove to make their dream of a road to the airport, something that those in the Lower 48 take for granted, a reality.

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. 1680

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 ''Izembek and Alaska Peninsula Refuge and Wilderness Enhancement Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) King Cove, Alaska, is—

(A) located 625 air miles from Anchorage, Alaska, on the south side of the Alaska Peninsula, on a sand spit fronting Deer Passage and Deer Island;

(B) accessible only by air and water; and

(C) 1 of the most geographically isolated areas of the State of Alaska;

(2) constant adverse weather and limiting physical topography make traveling in and out of King Cove directly by air dangerous and impractical much of the time;

(3) King Cove is the homeland of Aleut people who—

(A) are federally recognized as indigenous peoples of the United States;

(B) have fished, hunted, and subsisted in King Cove for over 4,000 years; and

(C) refer to the King Cove community as ''Agdaagux'';

(4) the Agdaagux Tribal Council, which is the federally recognized tribal government for King Cove, recognizes that most of residents of King Cove are direct descendants of the original Aleut inhabitants;

(5) in the 1940s, an airport capable of access by jets was constructed by the United States Army at Cold Bay, which is approximately 25 surface miles north of King Cove, to support World War II related national security needs;

(6) while the Cold Bay Airport, which is now a civilian airport operated by the State of Alaska, is the lifeline for the King Cove people to the outside world, particularly for the life, safety, and health needs of the indigenous residents, there is no surface access between King Cove and the airport;

(7) nearly all of the land between King Cove and Cold Bay is—

(A) owned by the Federal Government as part of the Izembek National Wildlife Refuge; and

(B) managed as wilderness; and

(8) the Agdaagux Tribal Council—

(A) maintains that the Council and the indigenous Aleut people of King Cove were not consulted before the land that separates residents from the nearest all-weather airport was designated as wilderness, even though approximately 1,292 people across the United States, Canada, and Europe—

(i) received notice of the potential designation; and

(ii) during 1969 and 1970, were expressly invited by the Bureau of Sport Fisheries and Wildlife, the predecessor of the United States Fish and Wildlife Service, to participate in the process of considering whether the land should be managed as wilderness;

(B) regards the failure of the Federal Government to consult with the Council and the indigenous Aleut people of King Cove as a ''wrong and troubling action taken by the federal government'';

(C) submits that dozens of King Cove residents have died or suffered grave health consequences in the past 30 years because the residents could not reach timely medical assistance in Anchorage, Alaska, that can only be accessed via the all-weather Cold Bay Airport; and

(D) has expressed the full endorsement and support of the Council for the construction of a road between King Cove and the Cold Bay Airport as an expression of, and commitment to, self-determination for the Aleut people of King Cove who were not consulted before the land vital to the survival of the Aleut people of King Cove was designated as wilderness.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) the approximately 206 acres of Federal land within the Izembek National Wildlife Refuge in the State that is depicted on the map as ''King Cove Road''; and

(B) the approximately 1,600 acres of Federal land that is depicted on the map as ''Sitkinak Island''.

(2) LANDOWNER.—The term ''landowner'' means—

(A) the State; and

(B) the other owners of the non-Federal land, including King Cove Corporation.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Enhancements'' and dated June 2007.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 61,723 acres of non-Federal land authorized to be added to the Refuges under this Act, as depicted on the map.

(5) REFUGE.—The term ''Refuge'' means each of the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Alaska.

SEC. 4. CONVEYANCE OF LAND.

(a) IN GENERAL.—The Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land on—

(1) conveyance by the landowner to the Secretary of title to the non-Federal land that is acceptable to the Secretary; and

(2) certification by the Governor of the State that the State-owned land at Kinzaroff Lagoon has been designated under State law as a State refuge.

(b) MAP.—

(1) AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(2) REVISED MAP.—Not later than 180 days after the date of completion of the conveyance of Federal land and non-Federal land under this section, 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 revised map that depicts the Federal land and non-Federal land conveyed under this section.

(c) KING COVE ROAD CONVEYANCE.—

(1) IN GENERAL.—The land described in section 3(1)(A) shall be used for construction of a State road.

(2) TERMS AND CONDITIONS.—

(A) CABLE BARRIER.—A road constructed under this subsection shall include a cable barrier on each side of the road, as described in the record of decision entitled ''Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision'' and dated January 22, 2004.

(B) SUPPORT FACILITIES.—Support facilities for a road constructed under this subsection shall not be located on federally owned land in the Izembek National Wildlife Refuge.

(3) COOPERATIVE RIGHT-OF-WAY PLANNING PROCESS.—

(A) IN GENERAL.—On request of the State, the Secretary, in cooperation with the Secretary of Transportation, the State, the Agdaagux Tribal Council, the Aleutians East Borough, the City of King Cove, and the King Cove Corporation, shall undertake a process to determine the route for the road required

to be constructed under paragraph (1) within the corridor that is depicted on the map as ''King Cove Road''.

(B) DEADLINE.—Not later than 18 months after the date on which the State submits a request under subparagraph (A), the Secretary shall complete the planning process required under that subparagraph.

(C) COMPATIBILITY.—The route for the road recommended by the Secretary under this paragraph shall be considered to be compatible with the purposes for which the Refuge was established.

(D) CONSTRUCTION.—Construction of the road along the route recommended by the Secretary under this paragraph is authorized in accordance with this Act.

(4) RECONVEYANCE.—The Secretary shall, on receipt of a written request from the State or the King Cove Corporation, immediately reconvey the applicable non-Federal land to the appropriate landowner that contributed the land if—

(A) a preliminary or permanent injunction is entered by a court of competent jurisdiction enjoining construction or use of the road; or

(B) the State or the King Cove Corporation determines before construction of the road that the road cannot be feasibly constructed or maintained.

(d) APPLICABLE LAW.—

(1) IN GENERAL.—The conveyance of Federal land and non-Federal land shall not be subject to any requirements for valuation, appraisal, and equalization under any other Federal law.

(2) ANCSA.—The use of existing roads and the construction of new roads on King Cove Corporation land to access the road authorized under this Act shall be considered—

(A) to be consistent with subsection (g) of section 22 of the Alaska Native Claims Settlement Act (43 U.S.C. 1621) and any patents issued under that subsection; and

(B) not to interfere with the purposes for which the Refuge was established.

(e) NOTICE.—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 notice of the completion of the conveyance of Federal land and non-Federal land under this section.

(f) DESIGNATION OF WILDERNESS.—On conveyance of the non-Federal land to the Secretary, the approximately 45,493 acres of land generally depicted on the map entitled ''Wilderness additions to Izembek and Alaska Peninsula Wildlife Refuges'' and dated June 2007, shall be designated as wilderness.

(g) ADMINISTRATION.—The Secretary shall administer the non-Federal land acquired under this Act—

(1) in accordance with the laws generally applicable to units of the National Refuge System;

(2) as wilderness, in accordance with the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.); and

(3) subject to valid existing rights.

By Mr. DODD (for himself and Mr. STEVENS):

S. 1681. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to introduce the Family Leave Insurance Act of 2007 and especially pleased to be joined by my colleague Senator STEVENS. This bill, which would provide 8 weeks of paid benefits to workers who take time off for reasons allowed under the Family and Medical Leave Act, FMLA, is an important step in continuing to help our Nation's workers to be both productive employees and responsible family members.

Before the FMLA, workers had no guarantee that their jobs would still be there if they took time off to care for loved ones or recover from illness themselves. Millions of Americans were forced into a challenging dilemma: care for their families, or provide for them.

That is why I worked to create the FMLA in 1985, and that is why I fought for its passage through 7 years of obstruction and two presidential vetoes, pointing out that its denial of guaranteed leave put America virtually alone among nations, industrialized or otherwise.

Finally, on February 5, 1993, the Family and Medical Leave Act was signed into law. Under its protection, eligible workers receive 12 weeks of leave every year, so that they can watch over a newborn or adopted baby, or help a parent through an illness, or get better themselves, knowing that their job will be there when they return. To date, more than 50 million Americans have taken that opportunity. The FMLA isn't just good for American workers, it is good for American business. Ninety percent of employers have reported that the FMLA had a neutral or positive effect on profits.

Today, the idea of guaranteed leave seems obvious; but now, it is time to take another step in making that hard-won leave a possibility for even more Americans. In the 21st century, working families should not have to give up the leave they earned because they cannot afford it, they deserve paid leave.

Why do we offer nothing, when the European standard is 14 paid weeks? Why are we one of only four countries in the world to deny paid maternity leave, leaving us in the company of Swaziland, Liberia, and Papua New Guinea?

For every worker who can weather a day without pay, three more can't afford the loss. To these workers, unpaid leave is a hollow promise, an impossible choice between the family they love and the job they need.

I believe it is a choice that no American should ever again be forced to make. When Congress passed and President Clinton signed the FMLA, we affirmed that health and family should never have to suffer because of the demands of work. I fail to see why that right should only be afforded to Americans in a certain income bracket.

With the introduction of the Family Leave Insurance Act, we take a huge step toward making family leave a possibility for all Americans. Its 8 weeks of paid leave per year will apply to employees who need time off for any of the reasons included in the FMLA: birth of a child; placement of an adopted or foster child; the care for a child, parent, or spouse with a serious medical condition; or recovery from a serious personal medical condition. Benefits will be tiered on the basis of wages, with the tiers themselves indexed to inflation. This structure will provide the greatest benefit to those with the lowest salaries. And workers who are covered by the FMLA will retain their health insurance and will be guaranteed a return to their job, or a comparable position, on their return.

The act creates a new Family Leave Insurance Fund into which premiums are paid, to finance benefit payments, allowing stakeholders to pool risk and lower costs, and funded through small, shared premiums. Those costs will be shared by employees and employers; the Federal Government will pay for administrative costs. Participation will be mandatory for all businesses with 50 employees or more; those with fewer employees can choose to participate and receive a discount on premium payments. To reduce administrative burdens for employers and employees, employers will pay leave benefits to employees through their regular payroll, with prompt reimbursement from the Family Leave Insurance Fund.

We know that many employers, both large and small, offer very generous leave policies, exemplifying best business practices. Through this legislation, we seek to support companies who offer paid leave so they continue to do so, and to create an incentive for smaller companies to offer paid leave. A provision in the bill allows employers to maintain their own paid leave plan, if it is certified to be equivalent or better to the plan in this legislation.

Our bill will also allow States flexibility in maintaining their existing programs. Several States already have systems to provide paid family and medical leave, and several more have legislation pending to create such systems. In recent years, more than 25 States have introduced legislation to create paid leave programs. The landscape in the States is changing quickly on policies for working families and there are complex issues around the interaction between this legislation, State programs and employers within States. We look forward to collaborating with States so they can maintain maximum flexibility, and provide the best leave policy, as the bill moves forward.

As the FMLA has demonstrated so strongly, family leave benefits both workers and businesses, and that is certainly the case for paid family leave. Paid leave cuts down on employee turnover and the high costs of training replacements; it has been shown to raise morale and productivity; and it levels the playing field by allowing small businesses to adopt a benefit that many of their larger competitors have been offering for years.

Our changing workforce demonstrates the strong need for paid family and medical leave. Almost 80 percent of the workforce is made up of

dual earner couples, who struggle to find time to care for their sick children or their own illnesses. In addition, approximately 40 percent of the workforce will be caring for older parents by 2010. For these and many other reasons, this bill is the right policy.

The FMLA established the principle, and now the Family Leave Insurance Act puts it into practice and into reach for more Americans. Its passage will bring America closer to the world's standards, help our businesses, and protect our workforce. In the lives of millions of Americans, it will help reduce the dilemma of balancing work and family. Let us continue to work together: Government, business and employees need to continue this conversation and improve our policies for working families and individual employees who need paid leave. I strongly urge my colleagues to support this bill.

Mr. STEVENS. Mr. President, earlier today, Senator DODD and I introduced the Family Leave Insurance Act of 2007, which builds upon important protections established by the Family and Medical Leave Act, FMLA, of 1993.

Our legislation would provide 8 weeks of paid benefits to private and Federal employees who take leave for reasons permitted by the FMLA. These include a serious health condition; care for a critically ill child, spouse, or parent; and the birth or adoption of a child.

Benefits would be provided to workers based on their annual income level. As an example, those earning less than $20,000 per year would receive 100 percent of their benefits, while those earning $60,000 to $97,000 would receive 40 percent. This scaled approach has two advantages: it will keep program costs low, and offer the greatest help to those who need it most.

In the past, many have expressed apprehension over the costs associated with family and medical leave. These concerns are valid, and steps must be taken to ensure neither employees nor employers are burdened by this or any similar program.

As introduced, this insurance fund would be financed by employees, employers, and the Federal Government. Employees would contribute 0.2 percent of their earnings, employers would match this percentage, and the Federal Government would pay any administrative expenses not covered by those payments. In truth, these costs are minimal for all involved. A worker who receives a $1,000 paycheck would disburse just $2 to receive full coverage.

While my support for this bill is not absolute, it does address an important shortcoming of the FMLA: employees who need leave often do not take time off because they simply cannot afford to do so. Senator DODD has rightly described this as a terrible choice for individuals—one which forces a decision between ''the job they need and the family they love.'' Those of us in the Senate must do everything we can to help hard-working American families, and this bill represents a significant first step in those efforts.

As the father of six children, I deeply understand the challenges families face following childbirth, in times of sickness, and when loved ones fall ill. In Alaska, the majority of parents hold full-time jobs outside the home, which often makes this pressure even more intense.

I commend Senator DODD for his continued leadership on this issue, and look forward to working with my Senate colleagues and leaders in the business community to improve this bill as it moves through the legislative process.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 248—HONORING THE LIFE AND ACHIEVEMENTS OF DAME LOIS BROWNE EVANS, BERMUDA'S FIRST FEMALE BARRISTER AND ATTORNEY GENERAL, AND THE FIRST FEMALE OPPOSITION LEADER IN THE BRITISH COMMONWEALTH

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 248

Whereas Dame Lois Browne Evans was born in 1927 in Bermuda, and attended the Central School and Middle Temple at London's Inns of Court in the United Kingdom;

Whereas, in June 1952, at the age of 26, Dame Lois Browne Evans was called to the London Bar, and the following December called to the Bermuda Bar and opened her own practice;

Whereas Dame Lois Browne Evans became Bermuda's first female barrister and went on to a distinguished career as a leading counsel;

Whereas Dame Lois Browne Evans was a lifelong advocate for the rights of workers and black Bermudians and a prominent member of the Progressive Labour Party (PLP);

Whereas Dame Lois Browne Evans was elected to Parliament in 1963 and became the first black female to serve in Parliament;

Whereas, in 1968, in Bermuda's first general election in which all adults were entitled to vote, Dame Lois Browne Evans was elected the PLP's Parliamentary Leader and became the first female Opposition Leader in the British Commonwealth;

Whereas Dame Lois Browne Evans held the position of Opposition Leader until 1972 and, in 1973, became Jamaica's Honorary Counsel in Bermuda, the first Bermudian to serve in this capacity;

Whereas in 1976 Dame Lois Browne Evans was again elected to Parliament and served as the Opposition Leader until 1985;

Whereas the PLP won its first election in 1998 and Dame Lois Browne Evans was appointed Minister of Legislative Affairs;

Whereas in 1999 Dame Lois Browne Evans became Bermuda's first elected Attorney General and first female Attorney General;

Whereas Dame Lois Browne Evans was Bermuda's longest serving Member of Parliament;

Whereas Dame Lois Browne Evans debated at the historic London and Bermuda Constitutional Conferences and served as a delegate to numerous international conferences in Africa, New Zealand, the United States, and the Caribbean;

Whereas Dame Lois Brown Evans was a member of the International Federation of Women Lawyers and a founding member of the Bermuda Business and Professional Women's Club;

Whereas Dame Lois Browne Evans led an exceptional life in which she played a major role in the racial integration of Bermuda and advanced the cause of civil, human, and minority rights in Bermuda and throughout the world; and

Whereas Dame Lois Browne Evans passed away on May 29, 2007, at the age of 79: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound sympathy to the family of Dame Lois Browne Evans and the citizens of Bermuda on the passing of Dame Lois Browne Evans; and

(2) commends the exemplary lifetime achievements of Dame Lois Browne Evans, her commitment to public service, and the singular role she played as a true pioneer who forged the way ahead for women and minorities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1820. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1821. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1822. Mr. ALEXANDER (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1823. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1824. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1825. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1826. Mr. CRAPO (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1827. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1828. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1829. Ms. SNOWE (for herself, Mr. CARPER, Mrs. LINCOLN, Mr. SMITH, Mr. KERRY, Mr. LIEBERMAN , and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1830. Ms. SNOWE (for herself, Mr. CARPER, Mrs. LINCOLN, Mr. SMITH, Mr. KERRY, Mr. LIEBERMAN , and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1831. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1832. Mr. NELSON, of Nebraska (for himself, Mr. CRAIG, Mr. CRAPO, Mr. KOHL, and Mr. ALLARD) 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 1833. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1834. Mr. SMITH (for himself, Ms. SNOWE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6 , supra; which was ordered to lie on the table.

SA 1835. Mr. SMITH (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1836. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1753 submitted by Mr. DEMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) and intended to be proposed to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table.

SA 1837. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1838. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1839. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1840. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H .R. 6, supra; which was ordered to lie on the table.

SA 1841. Mr. MCCONNELL (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. McConnell to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1842. Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. VITTER, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1741 submitted by Mr. STEVENS and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1843. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. KERRY, Mr. CARPER, Mr. LOTT, and Mr. CORKER) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1844. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1845. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1846. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1847. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1848. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1849. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1850. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1851. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1852. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1853. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1856. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1786 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1857. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1787 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1858. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. KERRY, Mr. CARPER, Mr. LOTT, and Mr. CORKER) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1859. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1860. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1861. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1862. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1863. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1864. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1865. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1866. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1820. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, after line 18, insert the following:

(c) LIMITATION OF INELIGIBLE REFINERY PROPERTY.—Subsection (f)(1) of section 179C is amended by inserting ''virgin'' before ''lube oil facility''.

SA 1821. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

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

''SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

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

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

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

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

''(C) for research and development performed in the United States related to such components, and

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

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both eligible advanced technology motor vehicle components and non-eligible advanced technology motor vehicle components, only the qualified investment attributable to production of eligible advanced technology motor vehicle components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible advanced technology motor vehicle component' means any component inherent to any advanced technology motor vehicle, including—

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

''(I) electric motor or generator;

''(II) power split device;

''(III) power control unit;

''(IV) power controls;

''(V) integrated starter generator; or

''(VI) battery;

''(ii) with respect to any hydraulic new qualified hybrid motor vehicle—

''(I) accumulator or other energy storage device;

''(II) hydraulic pump;

''(III) hydraulic pump-motor assembly;

''(IV) power control unit; and

''(V) power controls;

''(iii) with respect to any new advanced lean burn technology motor vehicle—

''(I) diesel engine;

''(II) turbo charger;

''(III) fuel injection system; or

''(IV) after-treatment system, such as a particle filter or NOx absorber; and

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

''(B) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(i) any qualified electric vehicle (as defined in section 30(c)(1)),

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

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

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

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

''(vi) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

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

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of automotive components.

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

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

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

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

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

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

''(1) the sum of the regular tax liability (as defined in section 26(b)) for such taxable year plus the tax imposed by section 55 for such taxable year, over

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

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

''(g) NO DOUBLE BENEFIT.—

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

''(2) RESEARCH AND DEVELOPMENT COSTS.—

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

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—

Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed—

''(1) as a credit carryback to the taxable year preceding the unused credit year, and

''(2) as a carryforward to each of the 20 taxable years immediately following the unused credit year.

For purposes of this subsection, rules similar to the rules of section 39 shall apply.

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

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

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

''(l) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2012.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of such Code, as amended by this Act, is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(f).''.

(2) Section 6501(m) of such Code is amended by inserting ''30E(j),'' after ''30D(e)(9),''.

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

''Sec. 30E. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after the date of the enactment of this Act.

SEC. ___. INCREASE IN ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—

(1) INCREASE IN CREDIT PERCENTAGE.—Subsection (a) of section 30C (relating to alternative fuel vehicle refueling property credit) is amended by striking ''30 percent'' and inserting ''50 percent''.

(2) INCREASED LIMITATION AMOUNT FOR BUSINESSES.—Paragraph (1) of section 30C(b) is amended by striking ''$30,000'' and inserting ''$50,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SA 1822. Mr. ALEXANDER (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 6, strike ''2014'' and insert ''2011''.

On page 157, after line 14, insert the following:

SEC. 879. ACCELERATED DEPRECIATION FOR SCRUBBERS.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to 3-year property) is amended—

(1) by striking ''and'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting '', and'', and

(3) by adding at the end the following new clause:

''(iv) any qualifying scrubber, as defined in subsection (i)(19).''.

(b) QUALIFYING SCRUBBER.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

''(19) QUALIFYING SCRUBBER.—For purposes of this section the term 'qualifying scrubber' means any wet or dry scrubber or scrubber system which—

''(A) meets all standards issued by the Environmental Protection Agency applicable to such scrubber or scrubber system, and

''(B) receives approval for treatment under subsection (e)(3)(iv) by the Secretary under an allocation process developed by the Secretary to limit the application of this treatment to 12 scrubbers per taxable year.''.

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

SA 1823. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy, technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 6, strike ''2014'' and insert ''2011''.

On page 114, after line 16, insert the following:

SEC. 855. EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT.

Subsection (b) of section 45M (as amended by this Act) is amended by striking ''calendar year 2008, 2009, or 2010'' each place it appears in paragraphs (1)(A), (2)(B), (2)(C), (3)(B), and (3)(C) and inserting ''calendar years 2008 through 2017''.

SA 1824. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 5, strike ''refining, processing'' and insert ''processing (other than refining)''.

SA 1825. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 173 of the amendment, strike line 14 and insert the following:

(b) COASTAL IMPACT ASSISTANCE FUND.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a fund, to be known as the ''Coastal Impact Assistance Fund'' (referred to in this subsection as the ''Fund''), to consist of amounts deposited in the Fund under paragraph (2).

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund an amount equal to 37.5 percent of the total amount of revenue received as a result of the taxes imposed under chapter 56 of subtitle E of the Internal Revenue Code of 1986 (as added by subsection (a)).

(3) DISTRIBUTION.—For each of fiscal years 2007 through 2016, of amounts in the Fund, the Secretary of the Treasury shall transfer to the Secretary of the Interior, without further appropriation, not more than $2,500,000,000 for allocation in accordance with paragraph (4).

(4) ALLOCATION.—Of amounts transferred to the Secretary of the Interior under paragraph (3), the Secretary of the Interior shall, without further appropriation—

(A) allocate not more than $1,500,000,000 for disbursement to Gulf producing States and coastal political subdivisions (as defined in section 31(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(a))), in accordance with section 31 of that Act (43 U.S.C. 1356a);

(B) deposit not more than $1,000,000,000 into the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5), which shall be considered income to the Land and Water Conservation Fund for purposes of that section; and

(C) deposit the remainder into the general fund of the Treasury.

(c) DEDUCTIBILITY OF TAX.—The first sentence of * * *

SA 1826. Mr. CRAPO (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to the amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, after line 20, add the following:

SEC. _____. TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 is amended—

(1) by striking ''or'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', or'', and

(3) by inserting at the end the following new paragraph:

''(16) qualified electric transmission facilities.''.

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

''(n) QUALIFIED ELECTRIC TRANSMISSION FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified electric transmission facility' means any electric transmission facility which is owned by—

''(A) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing, providing electric service, directly or indirectly to the public, or

''(B) a State or political subdivision of a State expressly authorized under State law to finance and own electric transmission facilities.

''(2) TERMINATION.—Subsection (a)(16) shall not apply with respect to any bond issued after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2007.

SA 1827. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. WYDEN, Mr. SCHUMER, and Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 214, after line 19, insert the following:

SEC. 895. CONDITIONAL SUNSET OF REVENUE RAISING PROVISIONS; ADDITIONAL DUTY ON OIL AND GAS PRODUCTS OF VENEZUELA.

Notwithstanding any other provision of this subtitle or any other provision of law, on and after the date on which the Government of Venezuela withdraws as a member of the World Trade Organization—

(1) the amendments made by this subtitle shall cease to have force or effect; and

(2) there shall be imposed on any oil or gas product imported from Venezuela, in addition to any other duty that would otherwise apply to such product, a rate of duty of 5 percent ad valorem.

SA 1828. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 97, line 10, strike all through page 99, line 19, and insert the following:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is an amount equal to 20 percent of the cost of the plug-in traction battery module installed in such vehicle as part of such conversion.

''(2) LIMITATIONS.—The amount of the credit allowed under this subsection shall not exceed $2,500 with respect to the conversion of any motor vehicle.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) consists of a standardized configuration and is mass produced,

''(iv) has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program, and

''(v) is certified by a battery manufacturer as meeting the requirements of clauses (i) through (iv).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2010.''.

SA 1829. Ms. SNOWE (for herself, Mr. CARPER, Mrs. LINCOLN, Mr. SMITH, Mr. KERRY, Mr. LIEBERMAN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subpart —Reuse and Recycling Property

SEC. _. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system), as amended by this Act, is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after December 31, 2007, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after December 31, 2007, but only if no written binding contract for the acquisition was in effect before January 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2007.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2007.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

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

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, process, or reuse qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber including used tires, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. __. TAX-EXEMPT BOND FINANCING OF RECYCLING FACILITIES.

(a) IN GENERAL.—Section 142 (defining exempt facility bond) is amended by adding at the end the following new subsection:

''(n) SOLID WASTE DISPOSAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(6) only, the term 'solid waste disposal facilities' means any facility used to perform a solid waste disposal function.

''(2) SOLID WASTE DISPOSAL FUNCTION.—

''(A) IN GENERAL.—For purposes of this subsection only, the term 'solid waste disposal function' means the collection, separation, sorting, storage, treatment, disassembly, handling, or processing of solid waste in any manner designed to dispose of the solid waste, including processing the solid waste into a useful energy source or product.

''(B) EXTENT OF FUNCTION.—For purposes of this subsection only, the solid waste disposal function ends at the later of—

''(i) the point of final disposal of the solid waste,

''(ii) immediately after the solid waste is incinerated or otherwise transformed or processed to generate heat, and the resulting heat is put into a form such as steam in which such heat is in fact sold or used, or

''(iii) the point at which the solid waste has been converted into a material or product that can be sold in the same manner as comparable material or product produced from virgin material.

''(C) FUNCTIONALLY RELATED AND SUBORDINATE FACILITIES.—For purposes of this subsection only, in the case of a facility used to perform both a solid waste disposal function and another function—

''(i) the costs of the facility allocable to the solid waste disposal function are determined using any reasonable method based upon facts and circumstances, and

''(ii) if during the period that bonds issued as part of an issue described in subsection (a)(6) are outstanding with respect to any facility at least 65 percent of the materials processed in such facility are solid waste materials as measured by weight or volume, then all of the costs of the property used to perform such process are allocable to a solid waste disposal function.

''(3) SOLID WASTE.—For purposes of this subsection only—

''(A) IN GENERAL.—The term 'solid waste' means garbage, refuse, or discarded solid materials, including waste materials resulting from industrial, commercial, agricultural, or community activities.

''(B) GARBAGE, REFUSE OR DISCARDED SOLID MATERIALS.—For purposes of subparagraph (A), the term 'garbage, refuse, or discarded solid materials' means materials that are useless, unused, unwanted, or discarded, regardless of whether or not such materials have value.

''(C) EXCLUSION.—The term 'solid waste' does not include materials in domestic sewage, pollutants in industrial or other water resources, or other liquid or gaseous waste materials.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued before, on, or after the date of the enactment of this Act.

SEC. __. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1830. Ms. SNOWE (for herself, Mr. CARPER, Mrs. LINCOLN, Mr. SMITH, Mr. KERRY, Mr. LIEBERMAN, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subpart __—Reuse and Recycling Property

SEC. __. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system), as amended by this Act, is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after December 31, 2007, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after December 31, 2007, but only if no written binding contract for the acquisition was in effect before January 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2007.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2007.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

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

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to sort or process, qualified reuse and recyclable materials or the primary purpose of which is the shredding and processing of qualified reuse and recyclable material.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber including used tires, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. __. TAX-EXEMPT BOND FINANCING OF RECYCLING FACILITIES.

(a) IN GENERAL.—Section 142 (defining exempt facility bond) is amended by adding at the end the following new subsection:

''(n) SOLID WASTE DISPOSAL FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(6) only, the term 'solid waste disposal facilities' means any facility used to perform a solid waste disposal function.

''(2) SOLID WASTE DISPOSAL FUNCTION.—

''(A) IN GENERAL.—For purposes of this subsection only, the term 'solid waste disposal function' means the collection, separation, sorting, storage, treatment, disassembly, handling, or processing of solid waste in any manner designed to dispose of the solid waste, including processing the solid waste into a useful energy source or product.

''(B) EXTENT OF FUNCTION.—For purposes of this subsection only, the solid waste disposal function ends at the later of—

''(i) the point of final disposal of the solid waste,

''(ii) immediately after the solid waste is incinerated or otherwise transformed or processed to generate heat, and the resulting heat is put into a form such as steam in which such heat is in fact sold or used, or

''(iii) the point at which the solid waste has been converted into a material or product that can be sold in the same manner as comparable material or product produced from virgin material.

''(C) FUNCTIONALLY RELATED AND SUBORDINATE FACILITIES.—For purposes of this subsection only, in the case of a facility used to perform both a solid waste disposal function and another function—

''(i) the costs of the facility allocable to the solid waste disposal function are determined using any reasonable method based upon facts and circumstances, and

''(ii) if during the period that bonds issued as part of an issue described in subsection (a)(6) are outstanding with respect to any facility at least 65 percent of the materials processed in such facility are solid waste materials as measured by weight or volume, then all of the costs of the property used to perform such process are allocable to a solid waste disposal function.

''(3) SOLID WASTE.—For purposes of this subsection only—

''(A) IN GENERAL.—The term 'solid waste' means garbage, refuse, or discarded solid materials, including waste materials resulting from industrial, commercial, agricultural, or community activities.

''(B) GARBAGE, REFUSE OR DISCARDED SOLID MATERIALS.—For purposes of subparagraph (A), the term 'garbage, refuse, or discarded solid materials' means materials that are useless, unused, unwanted, or discarded, regardless of whether or not such materials have value.

''(C) EXCLUSION.—The term 'solid waste' does not include materials in domestic sewage, pollutants in industrial or other water resources, or other liquid or gaseous waste materials.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued before, on, or after the date of the enactment of this Act.

SEC. __. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1831. Mr. HARKIN submitted an amendment intended to be proposed to

amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 24, insert ''or eligible for a credit under section 40(b)(2) or 40A(b)(2)'' after ''6426''.

At the end of the section add the following: ''For heat fuels, this section shall be effective after December 31, 2012.''

SA 1832. Mr. NELSON of Nebraska (for himself, Mr. CRAIG, Mr. CRAPO, Mr. KOHL, and Mr. ALLARD) 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. _____. CREDIT FOR PRODUCTION OF BIOGAS FROM CERTAIN RENEWABLE FEEDSTOCKS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 40A the following new section:

''SEC. 40B. BIOGAS PRODUCED FROM CERTAIN RENEWABLE FEEDSTOCKS.

''(a) GENERAL RULE.—For purposes of section 38, the qualified biogas production credit for any taxable year is an amount equal to the product of—

''(1) $4.27, and

''(2) each million British thermal units (mmBtu) of biogas—

''(A) produced by the taxpayer—

''(i) from qualified energy feedstock, and

''(ii) at a qualified facility, and

''(B) either—

''(i) sold by the taxpayer to an unrelated person during the taxable year, or

''(ii) used by the taxpayer during the taxable year.

''(b) DEFINITIONS.—

''(1) BIOGAS.—The term 'biogas' means a gas that—

''(A) is derived by processing qualified energy feedstock through anaerobic digestion, gasification, or other similar processes, and

''(B) is an energy or fuel alternative to fossil fuels such as coal, natural gas, or petroleum-based products.

''(2) QUALIFIED ENERGY FEEDSTOCK.—

''(A) IN GENERAL.—The term 'qualified energy feedstock' means—

''(i) manure of agricultural livestock, including litter, wood shavings, straw, rice hulls, bedding material, and other materials incidentally collected with the manure,

''(ii) any nonhazardous, cellulosic, or other organic agricultural or food industry byproduct or waste material that is derived from—

''(I) harvesting residues,

''(II) wastes or byproducts from fermentation processes, ethanol production, biodiesel production, slaughter of agricultural livestock, food production, food processing, or food service, or

''(III) other organic wastes, byproducts, or sources, or

''(iii) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings.

''(B) EXCLUSIONS.—The term 'qualified energy feedstock' does not include—

''(i) pressure-treated, chemically-treated, or painted wood wastes,

''(ii) municipal solid waste,

''(iii) landfills, or

''(iv) paper that is commonly recycled.

''(C) AGRICULTURAL LIVESTOCK.—The term 'agricultural livestock' means poultry, cattle, sheep, swine, goats, horses, mules, and other equines.

''(3) QUALIFIED FACILITY.—The term 'qualified facility' means a facility that—

''(A) uses anaerobic digestion technology, gasification technology, or other similar technologies to process qualified energy feedstock into biogas,

''(B) is owned by the taxpayer,

''(C) is located in the United States,

''(D) is originally placed in service before January 1, 2018, and

''(E) the biogas output of which is—

''(i) marketed through interconnection with a gas distribution or transmission pipeline, or

''(ii) used on-site or off-site in a quantity that is sufficient to offset the consumption of at least 50,000 mmBtu annually of commercially–marketed fuel derived from coal, crude oil, natural gas, propane, or other fossil fuel.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the qualified facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such qualified facility.

''(2) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling biogas to an unrelated person if such biogas is sold to such a person by another member of such group.

''(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(4) COORDINATION WITH CREDIT FROM PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—The amount of biogas produced and sold or used by the taxpayer during any taxable year which is taken into account under this section shall be reduced by the amount of biogas produced and sold by the taxpayer in such taxable year which is taken into account under section 45K.

''(5) CREDIT ELIGIBILITY IN THE CASE OF GOVERNMENT-OWNED FACILITIES USING POULTRY WASTE.—In the case of a facility using poultry waste to produce biogas and owned by a governmental unit, subparagraph (B) of subsection (b)(3) shall be applied by substituting 'is leased or operated by the taxpayer' for 'is owned by the taxpayer'.

''(d) TRANSFERABILITY OF CREDIT.—

''(1) IN GENERAL.—A taxpayer may transfer the credit under this section through an assignment to any person. Such transfer may be revoked only with the consent of the Secretary.

''(2) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under paragraph (1) is claimed once and not reassigned by such other person.

''(e) ADJUSTMENT BASED ON INFLATION.—

''(1) IN GENERAL.—The $4.27 amount under subsection (b)(1) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

''(2) COMPUTATION OF INFLATION ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor in accordance with this paragraph.

''(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for calendar year 2007. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

''(f) APPLICATION OF SECTION.—This section shall apply with respect to biogas produced and sold—

''(1) after the date of the enactment of this section, and

''(2) before the date on which the Secretary of Energy certifies that 100,000,000 British thermal units of biogas have been produced at qualified facilities after such date.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of such Code, as amended by this Act, is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the qualified biogas production credit under section 40B(a).''.

(c) CREDIT ALLOWED AGAINST AMT.—Section 38(c)(4)(B) of such Code is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii)(II) and inserting '', and'', and by adding at the end the following new clause:

''(iii) the credit determined under section 40B.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Biogas produced from certain renewable feedstocks.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to biogas produced and sold or used in taxable years beginning after the date of the enactment of this Act.

SA 1833. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 5, insert ''(except that, in the case of any project principally employing gasification for transportation grade liquid fuels, such project must also have life-cycle greenhouse gas emissions which are at least 20 percent lower than conventional facilities)'' after ''emissions''.

On page 71, line 22, insert ''and which has life-cycle greenhouse gas emissions which are at least 20 percent lower than conventional facilities'' after ''sions''.

SA 1834. Mr. SMITH (for himself, Ms. SNOWE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 19, insert the following:

(g) CREDIT RATE INCREASE FOR OPEN-LOOP BIOMASS.—Section 45(b)(4)(A) (relating to credit rate), as amended by this section, is amended by striking ''(3),''.

At the appropriate place, insert the following:

SEC. __. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking ''$2,000,000'' and inserting ''$20,000''.

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

''(c) WHISTLEBLOWER OFFICE.—

''(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

''(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

''(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

''(C) shall monitor any action taken with respect to such matter,

''(D) shall inform such individual that it has accepted the individual's information for further review,

''(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

''(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

''(G) shall determine the amount to be awarded to such individual under subsection (b).

''(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

''(3) REQUEST FOR ASSISTANCE.—

''(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

''(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

''(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

''(1) an analysis of the use of this section during the preceding year and the results of such use, and

''(2) any legislative or administrative recommendations regarding the provisions of this section and its application.''.

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

''(4) APPEAL OF AWARD DETERMINATION.—

''(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

''(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. __. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

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

SA 1835. Mr. SMITH (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 19, insert the following:

(g) CREDIT RATE INCREASE FOR OPEN-LOOP BIOMASS.—Section 45(b)(4)(A) (relating to credit rate), as amended by this section, is amended by striking ''(3),''.

SA 1836. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1753 submitted by Mr. DEMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) and intended to be proposed to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, line ____, strike everything after ''**SEC.**'' and insert the following:

_____. REQUIREMENT FOR PROMULGATION OF A RADIATION STANDARD BEFORE DATE OF YUCCA MOUNTAIN LICENSE APPLICATION ACCEPTANCE.

(a) REQUIREMENT.—Notwithstanding any other provision of law, the license application of the Department of Energy for the proposed geologic repository at Yucca Mountain shall not be considered by the Nuclear Regulatory Commission to be complete and accurate in all material respects for purposes of section 63.10 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this section), until the date that is 180 days after the date on which the Administrator of the Environmental Protection Agency promulgates final health and environmental radiation protection standards for Yucca Mountain, in accordance with the findings and recommendations contained in the report of the National Academy of Sciences entitled ''Technical Bases for Yucca Mountain Standards'' and dated 1995.

(b) EFFECT OF SECTION.—Nothing in this section abrogates or limits any other applicable criteria of the Nuclear Regulatory Commission relating to the treatment of a license application as complete and accurate in all material respects.

(c) EXPEDITED JUDICIAL REVIEW.—A United States court of appeals of competent jurisdiction shall review any challenge to the license application described in subsection (a) on an expedited basis.

SA 1837. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 submitted by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CREDIT FOR PLUG-IN ELECTRIC DRIVE RECHARGING PROPERTY.

(a) CREDIT ALLOWED FOR PLUG-IN ELECTRIC DRIVE RECHARGING PROPERTY.—Subsection (a) of section 30C is amended by striking ''an amount equal to 30 percent of the cost of'' and all that follows and inserting ''an amount equal to the sum of—

''(1) 30 percent of the cost of any qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year, and

''(2) 30 percent of the cost of any qualified plug-in electric drive vehicle recharging property.''.

(b) LIMITATION.—Subsection (b) of section 30C, as amended by this Act, is amended to read as follows:

''(b) LIMITATIONS.—

''(1) LIMITATION FOR QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The credit allowed under subsection (a) with respect to any qualified alternative fuel vehicle refueling property placed in service by the taxpayer at a location shall not exceed—

''(A) $30,000 in the case of a property of a character subject to an allowance for depreciation, and

''(B) $1,000 in any other case.

''(2) LIMITATIONS FOR QUALIFIED PLUG-IN ELECTRIC DRIVE VEHICLE RECHARGING PROPERTY.—

''(A) IN GENERAL.—The credit allowed under subsection (a) with respect to any qualified plug-in electric drive vehicle recharging property placed in service by the taxpayer at a location shall not exceed—

''(i)(I) $225, in the case of property of a character subject to an allowance for depreciation, and

''(II) $400 per recharging space in any other case, multiplied by

''(ii) the number of recharging locations placed in service by the taxpayer during the taxable year.

''(B) MINIMUM COSTS LIMITATION FOR CERTAIN PROPERTY.—In the case of any property to which subparagraph (A)(i) applies, no credit shall be allowed under this section for costs incurred for qualified plug-in electric drive vehicle recharging property placed in service during the taxable year unless such costs exceed $600.''.

(c) QUALIFIED PLUG-IN ELECTRIC DRIVE VEHICLE RECHARGING PROPERTY.—

(1) IN GENERAL.—Subsection (c) of section 30C, as amended by this Act, is amended to read as follows:

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(A) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(B) only the following were treated as clean burning fuels for purposes of section 179A(d):

''(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(ii) Biodiesel (as defined in section 40A(d)(1)).

''(iii) Any mixture—

''(I) which consists of two or more of the following: biodiesel (as so defined), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(II) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

''(2) QUALIFIED PLUG-IN ELECTRIC DRIVE RECHARGING PROPERTY.—The term 'qualified plug-in electric drive recharging property' means property (not including a building and its structural components)—

''(A) the original use of which commences with the taxpayer, and

''(B) which is a charging station or related electric infrastructure used for the recharging of motor vehicles propelled by electricity, but only if the property is located on the taxpayer's property.

''(3) RECHARGING LOCATION.—The term 'recharging location' means a location dedicated to the recharging of 1 motor vehicle propelled by electricity.

''(4) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term under section 179A(e)(2).''.

(2) CONFORMING AMENDMENT.—Subsection (d)(3)(B) of section 179A is amended—

(A) by inserting ''a charging station or related electric infrastructure'' before ''for the recharging of'', and

(B) by striking ''at the point where the motor vehicles are recharged'' and inserting ''on the taxpayer's property''.

(d) EXTENSION.—Subsection (g) of section 30C, as amended by this Act, is amended to read as follows:

''(e) TERMINATION.—This section shall not apply to any property placed in service—

''(1) in the case qualified plug-in electric drive recharging property and qualified alternative fuel vehicle refueling property relating to hydrogen, after December 31, 2014, and

''(2) in the case of any other qualified alternative fuel vehicle refueling property, after December 31, 2012.''.

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

SEC. _____. IDLING REDUCTION TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new section:

''SEC. 45P. IDLING REDUCTION CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the idling reduction credit determined under this section for the taxable year is an amount equal to 50 percent of the amount paid or incurred for the purchase and installation of qualifying idle reduction infrastructure equipment placed in service by the taxpayer during the taxable year.

''(b) LIMITATION.—The maximum amount allowed as a credit under subsection (a) shall not exceed $2,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING IDLE REDUCTION INFRASTRUCTURE EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualifying idle reduction infrastructure equipment' means equipment described in subparagraph (B)—

''(i) which is designed for use by a heavy duty diesel powered highway vehicle in order to prevent long-duration idling,

''(ii) the original use of which commences with the taxpayer, and

''(iii) which is acquired by the taxpayer for use and not for resale.

''(B) EQUIPMENT DESCRIBED.—Equipment is described in this subparagraph if such equipment is—

''(i) off-truck equipment to supply electric power, including electric receptacles, boxes, wiring, conduit, and other connections to one truck space, or

''(ii) off-truck equipment that directly provides air conditioning, heating, electric power, and other connections and services to one truck space.

''(2) HEAVY-DUTY DIESEL-POWERED ON-HIGHWAY VEHICLE.—The term 'heavy-duty diesel-powered on-highway vehicle' means any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration.

''(3) LONG-DURATION IDLING.—The term 'long-duration idling' means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

''(d) NO DOUBLE BENEFIT.—For purposes of this section—

''(1) REDUCTION IN BASIS.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (a), the basis of such property shall be reduced by the amount of the credit so determined.

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under

any other provision of this chapter with respect to the amount of the credit determined under this section.

''(e) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

''(f) APPLICATION OF SECTION.—This section shall apply with respect to qualifying idle reduction infrastructure equipment placed in service—

''(1) after December 31, 2007, and

''(2) before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that qualifying idle reduction infrastructure equipment units has been placed in service at 50,000 spaces after such date.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking ''plus'' at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting '', plus'' , and by adding at the end the following new paragraph:

''(33) the idling reduction credit determined under section 45P(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following:

''(38) in the case of a facility with respect to which a credit was allowed under section 45P, to the extent provided in section 45P(d)(1).''.

(2) Section 6501(m) of such Code is amended by inserting ''45P(e),'' after ''45D(c)(4),''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45O the following new item:

''Sec. 45P. Idling reduction credit.''.

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

SA 1838. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr, BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate plaee in'the amendment, insert the following:

''SEC. . ELECTION TO EXPENSE TELEWORKING PROPERTY.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified teleworking property as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified teleworking property is placed in service.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) QUALIFIED TELEWORKING PROPERTY.—

''(1) IN GENERAL.—The term 'qualified teleworking property' means property—

''(A) which is tangible property (to which section 168 applies),

''(B) which is section 1245 property (as defined in section 1245(a)(3)),

''(C) which is acquired by purchase (as defined in section 179(d)(2)) for use by an eligible employee for the purpose of teleworking, and

''(D) with respect to which an election under section 179 is not in effect.

Such term shall not include any property described in section 50(b).

''(2) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means an employee who has an arrangement to telework not less than 75 days per year.

''(3) TELEWORK.—The term 'telework' means to perform work functions using electronic information and communication technologies, thereby reducing or eliminating the physical commute to and from the traditional worksite.

''(d) RECAPTURE.—The Secretary shall, by regulations, provide for the recapturing of the benefit of any deduction allowable under subsection (a) with respect to any qualified teleworking property if such property is not used in accordance with subsection (c)(1)(C).''.

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

SA 1839. Mr. SMITH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

''(D) Bicycle commuting allowance.''.

(b) BICYCLE COMMUTING ALLOWANCE DEFINED.—Paragraph (5) of section 132(f) (relating to definitions) is amended by adding at the end the following:

''(F) BICYCLE COMMUTING ALLOWANCE.—The term 'bicycle commuting allowance' means an amount provided to an employee for transportation on a bicycle if such transportation is in connection with travel between the employee's residence and place of employment.''.

(c) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ''and'', and by adding at the end the following new subparagraph:

''(C) $50 per month in the case of a bicycle commuting allowance.''

(d) COST OF LIVING ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after sub- paragraph (A) the following new subparagraph:

''(B) BICYCLE COMMUTING ALLOWANCE.—In the. case of any taxable year beginning in a calendar year after 2006, the $50 amount in paragraph (2)(C) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2005' for 'calendar year 1992'.''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 132(f)(6), as redesignated by paragraph (1), is amended by inserting ''or (B)'' after ''subparagraph (A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after 20 December 31, 2007.

SA 1840. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 5 and all that follows through page 51, line 12, and insert the following:

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the ''risk premium'' paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 502. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) DEFINITION OF AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows through the period at the end and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(2) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended, by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (16) of section 32901(a) of such title is amended by striking '', but does not include'' and all that follows through the end and inserting a period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 503. AVERAGE FUEL ECONOMY STANDARDS.

(a) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''NON-PASSENGER AUTOMOBILES''; and

(B) by adding at the end the following: ''This subsection shall not apply to automobiles manufactured after model year 2012.'';

(2) in subsection (b)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''PASSENGER AUTOMOBILES'';

(B) by inserting ''and before model year 2010'' after ''1984''; and

(C) by adding at the end the following: ''Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)'';

(3) by amending subsection (c) to read as follows:

''(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

''(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

''(ii) based on 1 or more vehicle attributes that relate to fuel economy—

''(I) separate average fuel economy standards for different classes of automobiles; or

''(II) average fuel economy standards expressed in the form of a mathematical function.

''(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

''(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

''(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

''(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

''(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

''(i) are technologically not achievable;

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

''(iii) is shown not to be cost effective.

''(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

''(i) is technologically achievable;

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

''(iii) is cost effective.

''(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

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

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

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

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

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

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

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

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

''(ix) on OPEC strategic behavior and long-run oil pricing;

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

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

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

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

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

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

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

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

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

''(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

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

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

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

''(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

''(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

''(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

''(C) The report submitted under subparagraph (A) shall include—

''(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

''(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

''(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

''(E) The report submitted under subparagraph (A) shall—

''(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

''(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

''(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.''; and

(4) in subsection (g)(2), by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking ''passenger'' each place it appears;

(ii) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (c) or (d) of section 32902'';

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking ''passenger'' each place it appears; and

(II) in paragraph (1), by striking ''subject to'' and all that follows through ''section 32902(b)–(d) of this title'' and inserting ''subject to subsection (c) or (d) of section 32902''; and

(ii) in subsection (b)(1)(B), by striking ''under this chapter'' and inserting ''under section 32902(c)(2)''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 504. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting ''Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii).'' after ''earns credits.'';

(2) by striking ''3 consecutive model years immediately'' each place it appears and inserting ''model years''; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting ''for purposes of compliance with section 32902(c)(2)'' after ''except that''.

(b) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting ''(1)'' before ''The Administrator''; and

(2) by adding at the end the following:

''(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.''.

(c) JUDICIAL REVIEW OF REGULATIONS.—Section 32909(a)(1) of such title is amended by striking out ''adversely affected by'' and inserting ''aggrieved or adversely affected by, or suffering a legal wrong because of,''.

SEC. 505. CONSUMER TAX CREDIT.

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

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

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

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

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

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

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

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of such Code (as redesignated by subsection (a)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) COMPUTATION OF CREDIT.—Section 30B of such Code is amended by striking ''city'' each place it appears and inserting ''combined''.

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date. The amendments made by subsection (c) shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 506. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

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

''SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

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

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

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

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

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

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

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

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

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

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

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

''(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4),

including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

''(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

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

''(3) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

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

''(i) electric motor or generator;

''(ii) power split device;

''(iii) power control unit;

''(iv) power controls;

''(v) integrated starter generator; or

''(vi) battery;

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

''(i) accumulator or other energy storage device;

''(ii) hydraulic pump;

''(iii) hydraulic pump-motor assembly;

''(iv) power control unit; and

''(v) power controls;

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

''(i) diesel engine;

''(ii) turbo charger;

''(iii) fuel injection system; or

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

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

''(4) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

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

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

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

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

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

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

''(1) the sum of—

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

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

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

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

''(g) NO DOUBLE BENEFIT.—

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

''(2) RESEARCH AND DEVELOPMENT COSTS.—

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

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

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

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

''(j) ALLOCATION OF CREDIT TO PURCHASERS.—

''(1) ELECTION TO ALLOCATE.—

''(A) IN GENERAL.—In the case of an eligible taxpayer, any portion of the credit determined under subsection (a) for the taxable year may, at the election of such taxpayer, be apportioned among purchasers of qualifying vehicles from the taxpayer in the taxable year (or in any year in which the credit may be carried over).

''(B) QUALIFYING VEHICLES.—For purposes of this subsection, the term 'qualifying vehicle' means an advanced technology vehicle manufactured at a facility described in subsection (b)(1)(A).

''(C) FORM AND EFFECT OF ELECTION.—An election under subparagraph (A) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

''(2) TREATMENT OF TAXPAYER AND PURCHASERS.—The amount of the credit apportioned to any purchaser under paragraph (1)—

''(A) shall not be included in the amount determined under subsection (a) with respect to the eligible taxpayer for the taxable year; and

''(B) shall be treated as an amount determined under subsection (a) for the taxable year of the purchaser which ends in the calendar year of purchase.

''(3) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of an eligible taxpayer determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the taxpayer for such year, an amount equal to the excess of—

''(A) such reduction, over

''(B) the amount not apportioned to such purchasers under paragraph (1) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the eligible taxpayer.

''(4) WRITTEN NOTICE TO PURCHASERS.—If any portion of the credit available under subsection (a) is allocated to purchasers under paragraph (1), the eligible taxpayer shall provide any purchaser receiving an allocation written notice of the amount of the allocation. Such notice may be provided either at the time of purchase or at any time not later than 60 days after the close of the calendar year in which the vehicle is purchased.

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

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

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2011.''.

(b) CONFORMING AMENDMENTS.—

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

''(38) to the extent provided in section 30D(g).''.

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

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

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1999.

SA 1841. Mr. MCCONNELL (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. MCCONNELL 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. _____. LIMITATIONS ON EXPENSES FOR CONFERENCES AND RELATED TRAVEL EXPENSES OF FEDERAL AGENCIES.

(a) DEFINITIONS.—In this section, the term—

(1) ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) ''conference''—

(A) means a meeting that—

(i) is held for consultation, education, or discussion;

(ii) includes participants who are not all employees of the same agency;

(iii) is not held entirely at an agency facility;

(iv) involves costs associated with travel and lodging for some participants; and

(v) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations; and

(B) shall not include any routine meeting between employees of an agency and individuals who are not Federal employees that—

(i) is for the purpose of—

(I) the discussion of an ongoing project; or

(II) providing training; or

(ii) is related to international diplomacy or national security.

(b) LIMITATIONS ON ANNUAL CONFERENCES AND RELATED TRAVEL EXPENSES.—In the case of each of the fiscal years 2008 through 2013, each agency may not make, or obligate to make, expenditures for conferences including related travel expenses, in an aggregate amount greater than the amount determined for that agency under subsection (c)(1).

(c) OFFICE OF MANAGEMENT AND BUDGET.—

(1) MAXIMUM AMOUNT FOR EACH AGENCY.—Subject to paragraph (2), with respect to each of the fiscal years 2008 through 2013, the Office of Management and Budget shall determine a maximum amount that each agency may make, or obligate to make, for expenditures for conferences including related travel expenses for each fiscal year. The maximum amount determined under this subparagraph for any agency may vary from the maximum amount determined under this subparagraph for any other agency.

(2) MAXIMUM AMOUNT FOR ALL AGENCIES.—With respect to each of the fiscal years 2008 through 2013, the total amount that all agencies may make, or obligate to make, for expenditures for conferences including related travel expenses may not exceed $350,000,000.

(3) IDENTIFICATION OF TRAVEL EXPENSES.—Not later than September 1, 2007, the Director of the Office of Management and Budget, after consultation with the Administrator of General Services, shall establish guidelines for the determination of what expenses constitute expenses for conferences including related travel expenses for purposes of this section.

(d) LIMITATION ON CONFERENCES OUTSIDE THE UNITED STATES.—No agency may pay the travel expenses for more than 50 employees of that agency who are stationed in the United States, for any conference occurring outside the United States.

SA 1842. Mr. STEVENS (for himself, Ms. MURKOWSKI, Mr. VITTER, and Mr. CRAIG) submitted an amendment intended to be proposed by Mr. STEVENS and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE —COASTAL AND OCEAN DEVELOPMENT GRANTS

SEC. —01. COASTAL AND OCEAN ASSISTANCE FOR STATES FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Coastal and Ocean Assistance for States Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with an amount equal to 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

SEC. —02. COASTAL AND OCEAN ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall—

(1) establish a grant program to provide grants to eligible coastal States in accordance, with this title; and

(2) make 85 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE COASTAL STATES.—To be eligible for a grant under the program, a coastal State shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) include in its application a multi-year plan, subject to approval by the Secretary, for the use of funds received under the grant program;

(3) demonstrate to the satisfaction of the Secretary that it has established a trust fund, or other accounting measures, subject to approval by the Secretary, to ensure the accurate accounting of funds received under the grant program, to administer funds received under the grant program;

(4) specify in its application how it will allocate any funds received among the eligible activities described in section —03; and

(5) describe with specificity in its application each activity to be financed, in whole or in part, with funds provided by the grant.

(c) ALLOCATION OF GRANT FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate grants under the program among the eligible coastal States according to a formula under which—

(A) 31 percent of the funds are allocated equally among coastal States that have a coastal management program approved under to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(B) 31 percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a State to the tidal shoreline miles of all States;

(C) 31 percent of the funds are allocated on the basis of the ratio of coastal population of a State to the coastal population of all States; and

(D) 7 percent of the funds are allocated on the basis of the ratio of—

(i) the square miles of national marine sanctuaries, marine monuments, and national estuarine research reserves within the offshore administrative boundaries of an eligible coastal State formed by the extension of the seaward lateral boundaries of the State, calculated using the conventions established to delimit international lateral boundaries under the law of the sea, to

(ii) to the total square miles of all such sanctuaries, monuments, and reserves within the seaward boundaries of all eligible coastal States.

(2) TERRITORIES.—For purposes of paragraph (1), Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be treated collectively as a single State.

(3) REALLOCATION.—If, at the end of any fiscal year, funds available for distribution under the program remain unexpended and unobligated, the Secretary may—

(A) carry such remaining funds forward for not more than 3 fiscal years; and

(B) reallocate any such remaining funds among eligible coastal States in accordance with the formula described in paragraph (1).

(d) LOCAL GOVERNMENT SHARE.—In awarding grants under the program, the Secretary shall ensure that not more than 20 percent of the funds made available to a State in each fiscal year pursuant to this title shall be made available to local governments of such State, based upon a formula giving equal weight to coastal population and shoreline miles, to carry out eligible activities under section —03.

SEC. —03. ELIGIBLE USE OF FUNDS.

Grant funds under section —02 may only be used for—

(1) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(2) coastal and estuarine land protection, including the protection of the environmental integrity of important coastal and estuarine areas, including wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses;

(3) efforts to protect and manage living marine resources, including fisheries, coral reefs, research, management, and enhancement;

(4) programs and activities in coordination with the National Oceanic and Atmospheric Administration designed to improve or complement the management and mission of national marine sanctuaries, marine monuments, and national estuarine research reserves;

(5) mitigation, restoration, protection, and relocation of native and rural coastal communities threatened by erosion;

(6) mitigation of the effects of offshore activities, including environmental restoration;

(7) efforts to protect and restore coastal lands and wetlands, and to restore or prevent damage to wetlands in the coastal zone, coastal estuaries, and lands, life, and property in the coastal zone;

(8) long-term coastal and ocean research and education, monitoring, and natural resource management;

(9) regional multi-State management efforts designed to manage, protect, or restore the coastal zone and ocean resources; or

(10) management and administration of grants authorized under this section.

SEC.—04. FISH AND WILDLIFE IMPROVEMENT GRANTS.

Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall—

(1) establish by regulation a grant program to provide grants to States to manage, protect, and improve fish and wildlife habitat and non-point sources of coastal pollution; and

(2) make 10 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE STATES.—To be eligible to participate in the grant program, a State shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

SEC. —05. ADMINISTRATION.

Except as otherwise expressly provided in this title, not more than 5 percent of the amounts available in the Fund for a fiscal year may be used by the Secretary for administrative expenses and for activities and programs related to the protection of coastal, fishery, and ocean resources.

SEC. —06. AUDITS.

The Secretary shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this title as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of

such expenditures under other authority of law.

SEC. —07. DISPOSITION OF FUNDS.

Notwithstanding any other provision of this title, a coastal State or local government may use funds received under this title to make any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191) for a purpose described in section —03.

SEC. —08. DEFINITIONS.

In this title:

(1) COASTAL POPULATION.—The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq) as of the date of enactment of this Act.

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

(3) The term ''Fund'' means the Coastal and Ocean Assistance for States Fund established by section —01(a).

(4) LOCAL GOVERNMENT.—The term ''local government'' means a political subdivision all or part of which is within a coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453(1))) as of the date of enactment of this Act.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(6) STATE.—The term ''State'' means

(A) each of the several States;

(B) the District of Columbia; and

(C) Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(7) TIDAL SHORELINE.—The term ''tidal shoreline'' has the same meaning as when used in section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, as that section is in effect as of the date of enactment of this Act.

TITLE —OCEAN POLICY TRUST FUND

SEC. —01. OCEAN POLICY TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Ocean Policy Trust Fund.

(b) CREDITS.—For fiscal year 2008 and each fiscal year thereafter, the Fund shall be credited with an amount equal to 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year—

(1) amounts in the aggregate not in excess of 95 percent of the amounts available in the Fund for that fiscal year for grants under this title; and

(2) such sums as may be necessary, not in excess of 5 percent of the amounts available in the Fund for that fiscal year, to the Secretary of Commerce for administrative expenses of managing the grant program established by section —03 of this title.

(d) REVERSION.—Unless otherwise provided in the grant terms, any grant funds that are not obligated nor expended at the end of the 2-year period beginning on the date on which the grant funds become available to the grantee shall be returned to the Fund.

SEC. —02. OCEAN POLICY TRUST FUND COUNCIL.

(a) MEMBERSHIP.—

(1) An Ocean Policy Trust Fund Council is established which shall consist of 12 members as follows:

(A) The Assistant Administrator of the National Oceanic and Atmospheric Administration for oceanic and atmospheric research.

(B) The Assistant Administrator of the National Marine Fisheries Service.

(C) The Assistant Administrator of the National Ocean Service.

(D) An employee of the Department of the Interior with expertise in ocean resource management, to be designated by the Secretary of the Interior.

(E) 4 representatives of the private sector, of which at least 2 shall be from the commercial fishing industry, to be appointed by the Secretary of Commerce, of whom 1 shall be appointed from the East Coast, 1 shall be appointed from the Gulf of Mexico, 1 shall be appointed from the West Coast, and 1 shall be appointed from Alaska.

(F) 2 representatives of non-profit conservation organizations, appointed by the Secretary of Commerce.

(G) 2 representatives of academia with strong scientific or technical credentials and experience in marine affairs, appointed by the Secretary of Commerce.

(b) APPOINTMENT AND TERMS.—

(1) Except as provided in paragraphs (2), (3), and (4), the term of office of a member of the Council appointed under subsection (a)(1)(E), (a)(1)(F), or (a)(1)(G) of this section is 3 years.

(2) Of the Council members first appointed under subsection (a)(1)(E) of this section, 1 shall be appointed for a term of 1 year and 1 shall be appointed for a term of 2 years.

(3) Of the Council members first appointed under subsection (a)(1)(F) of this section, 1 shall be appointed for a term of 2 years.

(4) Of the Council members first appointed under subsection (a)(1)(G) of this section, 1 shall be appointed for a term of 1 year and one shall be appointed for a term of 2 years.

(5) Whenever a vacancy occurs among members of the Council appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section, the Secretary shall appoint an individual in accordance with that subparagraph to fill that vacancy for the remainder of the applicable term.

(c) CHAIRMAN.—The Council shall have a Chairman, who shall be elected by the Council from its members. The Chairman shall serve for a 3-year term, except that the first Chairman may be elected for a term of less than 3 years, as determined by the Council.

(d) QUORUM.—8 members of the Council shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Council shall meet at the call of the Chairman at least once per year. Council meetings shall be open to the public, and the Chairman shall take appropriate steps to provide adequate notice to the public of the time and place of such meetings. If a Council member appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section misses 3 consecutively scheduled meetings, the Secretary may remove that individual in accordance with subsection (b)(5) of this section.

(f) COORDINATOR.—The Secretary shall appoint an individual, who shall serve at the pleasure of the Secretary—

(1) to be responsible, with assistance from the National Oceanic and Atmospheric Administration, for facilitating consideration of Fund grant applications by the Council and otherwise assisting the Council in carrying out its responsibilities; and

(2) who shall be compensated with the funds appropriated under section —01(c)(2) of this title.

(g) FUNCTIONS.—The Council shall—

(1) receive and review grant applications under section —03; and

(2) make recommendations to the Senate Appropriations Committee and the House of Representatives Appropriations Committee concerning—

(A) which grant requests should be funded;

(B) the amount of each such grant request that should be funded; and

(C) any specific requirements, conditions, or limitations on a grant recommended for funding.

SEC. —03. OCEAN POLICY TRUST FUND GRANT PROGRAM.

(a) IN GENERAL.—There is established a grant program under which grants are to be funded, as provided by appropriations Acts, from amounts in the Fund. The grant program shall be administered by the Secretary, who shall establish applications, review, oversight, and financial accountability procedures and administer any funds appropriated under subsection (b). The Secretary shall establish criteria for entities who are eligible to submit an application for a grant under the program, including Federal agencies, State and local government entities, fishery management organizations, and nonprofit conservation organizations.

(b) AWARD BY APPROPRIATION.—Grants under the program shall be awarded by appropriations Act on the basis of the Council's recommendations.

(c) APPLICATIONS.—An entity that meets the applicant eligibility criteria established by the Secretary under subsection (a) may submit an application, in accordance with the procedures established by the Secretary under subsection (a), to the Council—

(1) containing such information and assurances as the Secretary may require; and

(2) describing how the grant proceeds will be allocated among the eligible purposes described in subsection (d).

(d) ELIGIBLE PURPOSES.—A grant under the program may be used for—

(1) efforts to protect and manage living marine resources and their habitat, including fisheries, fisheries enforcement, research, management, and enhancement;

(2) programs and activities in coordination with the National Oceanic and Atmospheric Administration designed to improve or complement the management and mission of national marine sanctuaries, marine monuments and national estuarine research reserves;

(3) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(4) coastal and estuarine land protection and erosion control, including protection of the environmental integrity of important coastal and estuarine areas;

(5) mitigation of the effects of offshore activities, including environmental restoration; and

(6) ocean literacy and education.

SEC. —04. DEFINITIONS.

In this title:

(1) COUNCIL.—The term ''Council'' means the Ocean Policy Trust Fund Council established by section —02.

(2) FUND.—The term ''Fund'' means the Ocean Policy Trust Fund established by section —01.

(3) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Commerce.

SA 1843. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. KERRY, Mr. CARPER, Mr. LOTT, and Mr. CORKER) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency

and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of cost effectiveness of alternative fuels, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following but not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile; and

(I) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1844. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 30 and 31, insert the following:

SEC. 403A. INELIGIBILITY FOR UNITED STATES BIRTHRIGHT CITIZENSHIP.

(a) IN GENERAL.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by inserting after subsection (c) the following:

''(d) Acknowledging that the right of birthright citizenship mandated under section 1 of the Fourteenth Amendment to the United States Constitution applies only to children born in the United States to a parent who is subject to the full and exclusive jurisdiction of the United States, a person born in the United States shall not be considered to be 'subject to the jurisdiction of the United States' for purposes of section 301(a) if the person was born in the United States to parents who are not legally present in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to people born on or after the date of the enactment of this Act.

SA 1845. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, between lines 3 and 4, insert the following:

(7) US–VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1846. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike line 38 and all that follows through page 16, line 18, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)(B), by striking ''but'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) may not provide the alien with release on bond or with conditional parole if the alien—

''(A) is a national of a noncontiguous country;

''(B) has not been admitted or paroled into the United States; and

''(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.''.

SA 1847. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsections:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d), however, this provision shall not be construed to establish an effective date for purposes of this section.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of enactment of this Act.

SA 1848. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

Beginning on page 646, strike line 17 and all that follows through page 647 line 6.

SA 1849. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

SA 1850. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was rdered to lie on the table; as follows:

Beginning on page 646, strike line 17 and all that follows through page 647 line 6.

SA 1851. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 524, strike line 1 and all that follows through page 525, line 6.

On page 527 in the table preceding line 1, strike the items relating to supplemental schedule for Zs.

Beginning on page 542, strike line 20 and all that follows through page 543 line 25.

SA 1852. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 639, to provide for comprehensive immigration reform and for other purposes; which was rdered to lie on the table; as follows:

Beginning on page 524, strike line 1 and all that follows through page 525, line 6.

SA 1853. Mr. ENSIGN submitted an amendment intended to be proposed by

him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 20 and all that follows through page 543 line 25.

SA 1854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 658, strike line 20 and all that follows through page 659, line 21 and insert the following:

(——) PAYMENT OF INCOME TAXES—

(i) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability and State and Local tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) DEFINITIONS—

(I) APPLICABLE FEDERAL TAX LIABILITY—For purposes of clause (i), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(II) STATE AND LOCAL TAX LIABILITY—For purposes of clause (i), 'State and Local tax liability' means any tax liability, including penalties and interest, due to any State or Local jurisdiction in which the alien worked prior to being issued a probationary Z visa pursuant to Section 601 of this Act, if such State or Local jurisdiction establishes a program by which aliens who are issued such visa are required to pay such tax liability.

(iii) IRS COOPERATION— The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(iv) LIMITATION—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2007, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.

SA 1855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, strike the section that requires the Secretary of Education to develop an Internet-based English Learning Program.

SA 1856. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1786 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 7___. SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) global climate change has become a widely discussed concern on both the national and international level;

(2) efforts to reduce greenhouse gases globally are best achieved through cooperation and active participation from the largest-emitting countries;

(3) global greenhouse gas emissions are projected to increase 25 to 90 percent during the period of calendar years 2000 through 2030, with up to 75 percent of that increase coming from emerging markets;

(4) the emissions from both the developed and developing countries are key components of overall global emissions;

(5) China is expected to surpass the United States in emissions of greenhouse gases within the year;

(6) on June 7, 2007, the G8 issued a Summit Declaration entitled ''Growth and Responsibility in the World Economy'' declaring its current approach to addressing global climate change;

(7) on June 8, 2007, the G8 and the governments of Brazil China, India, Mexico and South Africa issued a joint statement declaring a cooperative approach to addressing global climate change;

(8) the G8 has committed to enhancing energy efficiency, diversifying energy supplies and developing and deploying new and transformational technologies;

(9) the United States has committed to building upon the successful Asia-Pacific Partnership in reaching out to industry participation in meeting the goals of the G8 declaration addressing climate and energy;

(10) the G8 has declared that frameworks to address climate change ''must address not only climate change but also energy security, economic growth, and sustainable development objectives in an integrated approach'';

(11) the United States has committed to working with emerging markets to develop a stronger program of measuring performance and making data more transparent so that measurement standards are comparable across countries;

(12) the United States has committed to leading the way to the development of a new framework on climate change for the time after the Kyoto Protocol expires in 2012 by trying to find consensus among the 15 countries that are responsible for the most energy use and greenhouse gas emissions;

(13) the G8 has endorsed the convening in the United States of such a meeting this year to engage major emitting economies on how best to address climate change, developing a framework by the end of 2008;

(14) the G8 agreed that this dialogue will support the UN climate process and report back to the UNFCCC, contributing to a global agreement under the UNFCCC by 2009; and

(15) the United States led the effort to craft a new approach adopted by the G8 that frames climate change within a broader context of energy security and economic growth—an approach strongly supported by major emerging markets.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States should continue its leadership role in addressing climate change, clean energy development and deployment, and energy security on an international scale by—

(1) participating in further negotiations regarding a post-Kyoto agreement—

(A) in accordance with the principles laid out by the G8 in the Summit Declaration entitled ''Growth and Responsibility in the World Economy;''

(B) through which it leads efforts to obtain constructive participation and comparable actions by major emerging economies;

(C) to develop an international approach that enhances energy security;

(D) that promotes economic growth, does not harm the United States economy, and produces emissions reductions; and

(E) that achieves its objectives though development and investment in advanced technologies and practices; and

(2) establishing a bipartisan observer group, the members of which shall be designated by the Majority Leader and Minority Leader of the Senate—

(A) to monitor any international negotiations, agreements, or other arrangements on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1857. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1787 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 7___. SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) global climate change has become a widely discussed concern on both the national and international level;

(2) efforts to reduce greenhouse gases globally are best achieved through cooperation and active participation from the largest-emitting countries;

(3) global greenhouse gas emissions are projected to increase 25 to 90 percent during the period of calendar years 2000 through 2030, with up to 75 percent of that increase coming from emerging markets;

(4) the emissions from both the developed and developing countries are key components of overall global emissions;

(5) China is expected to surpass the United States in emissions of greenhouse gases within the year;

(6) on June 7, 2007, the G8 issued a Summit Declaration entitled ''Growth and Responsibility in the World Economy'' declaring its current approach to addressing global climate change;

(7) on June 8, 2007, the G8 and the governments of Brazil China, India, Mexico and

South Africa issued a joint statement declaring a cooperative approach to addressing global climate change;

(8) the G8 has committed to enhancing energy efficiency, diversifying energy supplies and developing and deploying new and transformational technologies;

(9) the United States has committed to building upon the successful Asia-Pacific Partnership in reaching out to industry participation in meeting the goals of the G8 declaration addressing climate and energy;

(10) the G8 has declared that frameworks to address climate change ''must address not only climate change but also energy security, economic growth, and sustainable development objectives in an integrated approach'';

(11) the United States has committed to working with emerging markets to develop a stronger program of measuring performance and making data more transparent so that measurement standards are comparable across countries;

(12) the United States has committed to leading the way to the development of a new framework on climate change for the time after the Kyoto Protocol expires in 2012 by trying to find consensus among the 15 countries that are responsible for the most energy use and greenhouse gas emissions;

(13) the G8 has endorsed the convening in the United States of such a meeting this year to engage major emitting economies on how best to address climate change, developing a framework by the end of 2008;

(14) the G8 agreed that this dialogue will support the UN climate process and report back to the UNFCCC, contributing to a global agreement under the UNFCCC by 2009; and

(15) the United States led the effort to craft a new approach adopted by the G8 that frames climate change within a broader context of energy security and economic growth—an approach strongly supported by major emerging markets.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States should continue its leadership role in addressing climate change, clean energy development and deployment, and energy security on an international scale by—

(1) participating in further negotiations regarding a post-Kyoto agreement—

(A) in accordance with the principles laid out by the G8 in the Summit Declaration entitled ''Growth and Responsibility in the World Economy;''

(B) through which it leads efforts to obtain constructive participation and comparable actions by major emerging economies;

(C) to develop an international approach that enhances energy security;

(D) that promotes economic growth, does not harm the United States economy, and produces emissions reductions; and

(E) that achieves its objectives though development and investment in advanced technologies and practices; and

(2) establishing a bipartisan observer group, the members of which shall be designated by the Majority Leader and Minority Leader of the Senate—

(A) to monitor any international negotiations, agreements, or other arrangements on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1858. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1792 proposed by Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. KERRY, Mr. CARPER, Mr. LOTT, and Mr. CORKER) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1859. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall

energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety

standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the

factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SEC. 520. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1860. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and

that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1861. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest standard that—

''(A) is technologically achievable;

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

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of

the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of

automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. ALTERNATIVE FUEL VEHICLE ACTION PLAN.

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement an action plan which takes into consideration the availability of alternative fuel and cost effectiveness of technologies, which will ensure that, beginning with model year 2015, the percentage of new automobiles for sale in the United States that are alternative fuel automobiles is not less than 50 percent.

(b) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL AUTOMOBILE.—The term ''alternative fuel automobile'' means the following, but is not limited to—

(A) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986) that achieves at least 125 percent of the model year 2002 city fuel economy;

(B) an alternative fueled automobile;

(C) a flexible fuel automobile;

(D) a new qualified fuel cell motor vehicle (as defined in section 30B(e)(4) of such Code).

(E) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of such Code);

(F) a plug-in hybrid automobile;

(G) an electric automobile;

(H) a hydrogen internal combustion engine automobile;

(I) a diesel-fueled automobile; and

(J) any other automobile that uses substantially new technology and achieves at least 175 percent of the model year 2002 city fuel economy, as determined by the Secretary of Transportation, by regulation.

(2) OTHER TERMS.—Any term used in this section that is defined in section 32901 of title 49, United States Code, has the meaning given that term in that section.

SA 1862. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike lines 5 through 12, and insert the following:

(3) CATCH AND RETURN.—The Department of Homeland Security is detaining all removable aliens apprehended crossing the southern border, except as specifically mandated by law, and United States Immigration and Customs Enforcement (ICE) has the resources to maintain this practice, including resources to detain up to 45,000 aliens per day on an annual basis.

SA 1863. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike the first title VI (relating to Nonimmigrants in the United States previously in unlawful status).

SA 1864. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 26, strike ''20,000'' and insert ''23,000''

SA 1865. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) SECURE FENCE ACT OF 2007.—Notwithstanding subsection (a) or any other provision of law, this Act and the amendments made by this Act shall not take effect until the President certifies to the Congress that the Secretary of Homeland Security has taken all actions necessary to comply with the provisions of, and the amendments made by, the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), including completing the installation of all fencing and barriers required by such provisions and amendments.

SA 1866. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 2, beginning on line 5, strike ''the probationary benefits conferred by section 601(h),''

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President. I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a public markup of S. 1671, ''Entrepreneurial Development Act of 2007,'' S. 1622 ''Small Business Venture Capital Act of 2007,'' and other pending business on Tuesday, June 26, 2007 at 10. a.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, June 21, 2007, at 2 p.m. in order to conduct a hearing entitled ''Private Sector Preparedness I—defining the problem and proposing solutions.''

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

COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 21, 2007, at 9:30 a.m., in closed session to mark up, under sequential referrel, S. 1538, the Intelligence Authorization Act for Fiscal Year 2008, and to consider certain military nominations pending before the committee.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2007, at 10 a.m., in order to conduct a hearing entitled ''Working towards ending homelessness: Reauthorization of the McKinney-Vento Homeless Assistance Act.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 21, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on legislation introduced by Sen. BILL NELSON (D–FL), S. 704, the Truth in Caller ID Act of 2007, to protect consumers from deceptive practices involving caller identification information also known as caller ID ''spoofing.'' The hearing will also address issues related to the ability of consumers to port telephone numbers between competing voice service providers.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 21, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing will consider currently available technologies, and both State-sponsored and corporate programs that reduce total energy use and decrease greenhouse gas emissions.

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

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 21, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, in order to hear testimony on ''Barriers to work for individuals receiving social security disability benefits.''

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 21, 2007, at 9:30 a.m. to hold a hearing on a strategic assessment of U.S.-Russian relations.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 21, 2007, at 2 p.m. to hold a nomination hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 21, 2007, at 9:30 a.m., in room 485 of the Russell Senate Office Building, in order to conduct an oversight hearing on law enforcement in Indian country.

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

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled ''Civil Rights Division Oversight'' on Thursday, June 21, 2007 at 2:00 p.m. in Dirksen Senate Office Building room 226. Witness list:

Panel I: Wan Kim, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, DC.

Panel II: Wade Henderson, President and CEO, Leadership Conference on Civil Rights, Washington, DC.

Brian Landsberg, Professor, McGeorge School of Law, University of the Pacific, Sacramento, CA.

Helen Norton, Visiting Assistant Professor, School of Law, University of Maryland, Baltimore, MD.

Roger Clegg, President and General Counsel, Center for Equal Opportunity, Falls Church, VA.

Robert N. Driscoll, Partner, Alston & Bird LLP, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet in order to conduct a markup hearing on Thursday, June 21, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation of Legal Basis for Warrantless Wiretap Program.

II. Bills: S. 1145, Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn, Whitehouse).

III. Nominations: Leslie Southwick to be United States Circuit Judge for the Fifth Circuit.

IV. Resolutions: S. Res. 230, Designating July as National Teen Safe Driver Month (Isakson); S. Res. 235, Designating July 1, 2007, as ''National Boating Day'' (Whitehouse, Vitter); S. Res. 225, Designating the month of August 2007 as ''National Medicine Abuse Awareness Month'' (Biden, Grassley).

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a roundtable entitled ''SBA Reauthorization: Small Business Venture Capital Programs,'' on Thursday, June 21, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 21, 2007 at 2:30 p.m. to hold a closed hearing.

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

SPECIAL COMMITTEE ON AGING

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Thursday, June 21, 2007 from 11 a.m.–12:30 p.m. in Russell 325 for the purpose of conducting a hearing. The hearing will be concerning: America's farming population.

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent that Mark Wenzel, a fellow in Senator DODD's office, be granted the privileges of the floor during the pendency of H.R. 6.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–3

Ms. KLOBUCHAR. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 21, 2007, by the President of the United States: Tax Convention with Belgium, Treaty Document No. 110–3.

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed on November 27, 2006, at Brussels (the ''proposed Treaty''). The proposed Treaty will replace the existing income tax treaty between the two countries that was concluded in 1970 and amended by protocol in 1987. Also transmitted for the information of the Senate is the report of the Department of State with respect to the proposed Treaty.

The proposed Treaty eliminates the withholding tax on certain cross-border dividend payments, including dividend payments to pension funds. The proposed Treaty also provides for mandatory arbitration of certain cases brought before the competent authorities. This provision is only the second of its kind in a proposed U.S. tax treaty. In addition, the proposed Treaty includes provisions, consistent with current U.S. tax-treaty policy, that are designed to prevent so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 21, 2007.*

DISCHARGE AND REFERRAL—S. 1650

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1650 and that the bill be referred to the Committee on Commerce.

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

MEASURE PLACED ON THE CALENDAR—H.R. 2366

Ms. KLOBUCHAR. Mr. President, I understand that H.R. 2366 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2366) to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

Ms. KLOBUCHAR. Mr. President, I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—H.R. 2359

Ms. KLOBUCHAR. Mr. President, I understand that H.R. 2359 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2359) to reauthorize programs to assist small business concerns, and for other purposes.

Ms. KLOBUCHAR. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 22, 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Friday, June 22; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. 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 11:51 p.m., adjourned until Friday, June 22, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 2007:

DEPARTMENT OF DEFENSE

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE KENNETH J. KRIEG.

FEDERAL COMMUNICATIONS COMMISSION

DEBORAH TAYLOR TATE, OF TENNESSEE, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007. (REAPPOINTMENT)

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2011. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

CLARENCE H. ALBRIGHT, OF SOUTH CAROLINA, TO BE UNDER SECRETARY OF ENERGY, VICE DAVID GARMAN, RESIGNED.

DEPARTMENT OF STATE

RONALD K. MCMULLEN, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

GEN. DUNCAN J. MCNABB, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ARTHUR J. LICHTE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JOHN D.W. CORLEY, 0000