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Senate

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

PRAYER

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

Let us pray:

Eternal God, whose grace sustains us, You know us better than we know ourselves. You understand our going out and coming in and the things that challenge us.

Today, give wisdom to our lawmakers. Deliver them from the myth that they are self-made men and women, masters of their own destinies. Instead, may they seek Your guidance and know that You alone sustain our Nation and world. Lord, teach them to depend upon Your power and to serve Your sovereign purposes. May their humility match Your willingness to help them through all of the seasons of their labors.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

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

SCHEDULE

Mr. DURBIN. Mr. President, today, following my remarks and the remarks of Senator MCCONNELL, there will be a period of morning business until 11:30 a.m., with the time equally divided and controlled. The majority will control the first 30 minutes, and the Republicans will control the next 30 minutes.

Following morning business, the Senate will proceed to the consideration of the budget conference report. There will be 15 minutes for debate equally divided prior to a vote on adoption of the conference report. Therefore, Senators should expect the first vote to begin at 11:45 a.m.

Upon disposition of the budget conference report, I expect the Senate to begin consideration of the climate change bill.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is that I am recognized for 20 minutes. I ask unanimous consent to be recognized for 20 minutes.

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

CLIMATE SECURITY

Mr. DORGAN. Mr. President, we will be once again taking up the pending bill dealing with global warming. It is a substantial piece of legislation. I am planning to speak later in the day as well, but I wish to take some time during morning business to talk about the overall bill as well as an amendment I may file later today on this legislation.

In terms of the issue of global warming, first let me say that there is little question left that something significant is happening to our planet. There is something happening to our climate that sometimes we don't quite understand. But among almost all scientists, there is nearly universal consensus that in the last 100 years, the temperature of the Earth has slightly warmed by 1.1 to 1.6 degrees. Through 2050, we expect further temperature increases unless we begin to address the continued concentration of greenhouse gases in the atmosphere.

We are seeing evidence of these impacts. While no specific event is directly linked, we see droughts occurring more often, and this is certainly happening in my State of North Dakota. Heat waves are becoming more frequent, more intense, and more damaging. Further, the number of category 4 and 5 hurricanes has nearly doubled in the past 50 years. It is quite clear something is happening that we have

not seen before. I think the consensus of scientists now is at a point regarding this climate change that is beyond natural change, and we certainly ought to take some no-regret steps. At least at the very minimum, we should be taking more substantial steps to try to respond to it and deal with it.

Now, one of the interesting things about this bill that is on the floor of the Senate is that it requires a commitment to emission reductions, technology investments and other actions through 2050. It is sometimes hard to see ahead 5 years or 10 years, let alone 30 or 40 or 50 years. We have economists who can't remember their own phone numbers who make predictions 10 and 15 years into the future. At the same time, we still have to be seriously thinking about our future pathway for action. What is our destination? What do we aspire to achieve for this country? What do we want to have happen as we move ahead?

Let me say that almost everyone believes that our present energy course is unsustainable. Energy use primarily from fossil fuel combustion in the U.S. and around the world is a significant contributor to climate change, according to most energy and climate change experts. We cannot maintain the current path.

So what do we have to do? Well, the legislation in front of us is significant. It says that we ought to do a lot of things. Yes, some of the proposals here are controversial. Some will likely be changed during this debate or future deliberations, but the reality is that a debate on mandatory emissions cuts must occur.

I will offer an amendment I will describe a little later, but chief among the things we need to do are the more rapid development of new sources of energy, especially with advanced technology. There are renewable sources of energy that do not emit greenhouse gases or other pollutants. They produce no effluents or no carbon dioxide. This includes wind, geothermal, and solar energy, and we ought to be moving much more aggressively on these and other opportunities. This has not been what the U.S. has done historically though. We have initially been early leaders in cutting edge energy technologies and then fallen behind.

Let me give an example of how pathetic this country's response has been in recent years and how much more aggressive it must be in future years. When the U.S. started exploring for oil and natural gas at the start of the last century, this Congress adopted, in 1916, long-term, permanent, very substantial tax incentives to encourage that development.

It gave a clear signal that, if you go out and discover oil and gas, then we have big tax incentives for you. Industry understood that it was beneficial to find oil and gas through these long-term, permanent tax incentives.

What do we do for wind energy, solar and other renewable energy technologies? The Congress put in place a production tax credit in 1992. These ended up being very short term and rather shallow. It has been extended for the short term, in many cases by 1 year, five times since we first passed it. It is a stutter step approach—start, stop; start, stop. It has been a pathetic, anemic, and weak response by a country that should be much more aggressive and bold in providing a direction to develop our renewable energy resources.

There are substantial renewable energy resources available in this country, and we need to get about the business of providing the funding for research and the aggressive incentives for a long-term determination of where we are going to head with renewables.

In 2007, I introduced legislation to encourage a broad range of renewable and clean energy approaches as well as additional infrastructure. That legislation signaled that our country should be on a course to say to the investors in the U.S. and around the world, where we are headed for a decade. Count on it. Believe in it. The production tax credit which will expire at the end of this year should be extended not for 1 year, it ought to be extended for a full decade to let America know where we are headed. We want more renewable energy that is not polluting.

Now, having said all of that, there are so many things we can do. We need much more extensive deployment of conservation and efficiency, including more efficient vehicles and buildings. We are going to increase fuel economy standards with a 10-mile-per-gallon increase in 10 years that we required with the Energy Independence and Security Act passed by Congress in December 2007. I was proud to be a part of that effort to increase fuel economy standards. We are doing a lot of things that make it easier to move forward with efficiency and conservation measures. Further, I wish to talk for a moment about an amendment that I am going to offer with respect to the advancement of clean coal technologies.

Now, I understand some say that, in order to deal with climate change, you are going to have to find a way to wean yourself off of fossil fuels. I understand they say that, but I also understand that is not going to happen in the very near term. Let me tell my colleagues what is happening with respect to energy use in this country. Almost 50 percent of our electricity comes from coal. Without questioning it, we get up in the morning, flick on a switch, turn a knob, and turn a dial. We do all of these things with our hands, and energy flows. One-half of those activities are made possible because of the electricity that comes from coal. Does anybody really think we are not going to use coal in the future? The problem is, when we use coal, we have CO_2 that is emitted into the air. This CO_2 and other greenhouse gases contribute significantly to cause global climate change. So we need to find a way to capture that CO_2 and to store or sequester CO_2 in geological formations or other means.

How do we use coal in the future? We use coal in the future by being able to capture this emitted CO_2. So how do we do that? The question isn't whether we are going to use coal. The question is how are we going to use coal in the future.

There are some who say: Well, it is not possible to capture CO_2. It is possible. Of course it is possible. At this point the technology isn't fully proven, and it is expensive. Yet, we can see several technology options ahead.

Let me describe to my colleagues a plant in North Dakota, the only one of its kind in North America. It produces synthetic gasoline from lignite coal. Let me tell my colleagues what we do with the CO_2 in that plant. We capture the CO_2 and use it for enhanced oil recovery. It is one of the world's largest examples of CO_2 capture at an industrial facility. Half of the CO_2 produced at this facility is now captured. This CO_2 is put in a pipeline under pressure and sent to Saskatchewan, Canada. Oil industry interests there pump it underground to enhance oil recovery. We are successfully using CO_2 by capturing it, keeping it out of the atmosphere, investing it underground in Canada, and enhancing their oil recovery. That makes a lot of sense, and we need more of these types of projects. Is it possible? It is very possible. That one of the world's largest applications is being demonstrated in Beulah, North Dakota.

Now, what else can we do dealing with carbon and the capturing of CO_2? If you are going to unlock the mystery of how you continue to use fossil fuels that we must use without impacting our environment and our planet, we need to have kind of a moonshot approach. We can't just tiptoe around the issue. We have to decide we are going to significantly commit funding—billions of dollars—to the research and demonstrations in science and technology.

Let me give you some examples. I was in Phoenix, Arizona recently, and I toured an electric utility called the Arizona Public Service. The organization in Arizona is producing CO_2 at a coal-fired electric generating plant. What they are doing with it is very interesting. They are taking a stream of CO_2 off their stack in a coal-fired electric generating plant and putting it in very long greenhouses, and they are producing algae. This pictures shows one example of greenhouses where they are doing it in tubes.

Most of us know what algae is. Algae is single-cell pond scum. Every kid knows what that is. You have been to a little pond where stagnant water has hung around for a while and you see green slime or single-cell pond scum called algae. Algae grows in water. What does it need to grow? It needs two things—sunlight and CO_2.

When I became chairman of the Energy and Water Appropriations Subcommittee on the Senate side, I discovered that the research that used to go on with respect to algae was discontinued nearly 15 years ago. Last year, for the first time, I reestablished funding to continue algae research.

Let me tell you what they are doing in Arizona. In Arizona, they are trying to demonstrate growing algae in these greenhouses which are next to a coal-fired electric generating plant. They take the CO_2 from the plant and use it to grow this pond scum. In these very long greenhouses where they are producing algae from the plant's CO_2, they harvest the algae and produce diesel fuel. So what they are doing is taking something that we want to get rid of to grow single-cell pond scum called algae, which increases its bulk in hours.

By the way, an equivalent acre of corn produces, in terms of ethanol fuel, about 300 or 400 gallons. An equivalent acre of soybeans I believe is around 80 to 100 gallons.

An equivalent acre of algae harvested for diesel fuel produces 3,000 to 4,000 gallons. Think of this. We use much coal to produce electricity and that increased manmade CO_2 is destructive to the atmosphere. Yet capturing the CO_2 and producing fuel is very beneficial.

An Austin, TX, company came to see me. They have two demonstration projects in Texas. They are taking flue gas off a coal plant, and they are producing several byproducts hydrogen, chloride, and baking soda. Isn't that interesting? These small demonstration projects take the flue gas from a coal electric generating plant, chemically treat it, and then produce these byproducts.

Take a look at this chart. Here is the baking soda, and it contains the CO_2. Instead of emitting it into the atmosphere, it is embedded in the CO_2. It can be put in a landfill, but you can also make cookies. I happen to like the idea of eating cookies from this process. They said: Do you want to have some cookies produced from coal? It tasted pretty good because it was produced with, among other things, the baking soda which was a byproduct from coal.

Here is another example of what we can do. I have in my hand some sandstone. You can find this in many geologic formations, including 10,000 to 15,000 feet underground in North Dakota. There also might be a very viable way to capture and store the CO_2 underground. The carbon dioxide under pressure is pumped underground, attaches itself to sandstone and is therefore sequestered. We have examples, as I said previously, of CO_2 being used in marginal oil wells.

We suck out oil all across the planet every single day. We stick straws into the Earth, and we suck out 85 million barrels a day. We use one-fourth of that oil produced every day in the United States. We have a prodigious appetite for this energy. When you stick a drilling rig into the ground and find oil, in many cases, you are only getting about 30 percent of the oil pool pumped up. At that point, it is difficult to produce any more without some extra help or advanced technology. If you pump CO_2 down into that ground under pressure, you enhance oil recovery. You have a way to get rid of the CO_2 by putting pressure on the oil to bring it up. You have gotten rid of the CO_2, protected the environment, are still able to use coal and have enhanced the recovery of oil from domestic sources.

Why do I tell you all this? I think we need to produce substantial wind and other forms of renewable energy. We also have all kinds of needs for efficiency and conservation opportunities. But, if we don't find a way to unlock the opportunities to continue to use our fossil fuels, especially coal, we will not solve the problem that is brought to us with this piece of legislation on the Senate floor. How do we solve the problem of being able to use coal in a carbon constrained future? Perhaps by producing baking soda or algae, we can end up producing more cookies or biodiesel. Perhaps it's a dozen other innovative approaches.

How do you do that? By investing in research and technological capability. This will require substantially more funding. I was visited by Craig Venter, who is one of the two fathers of the Human Genome Project and an unbelievable American. He has now turned his attention to energy. They are working on sophisticated things that I have a difficult time fully describing in simple terms. They are working on creating new kinds of organisms and bacteria that could eat coal in underground seams and produce liquid fuels. The Department of Energy's Office of Science is also studying the gut system of termites with our scientists because we know there are 200 microbes in the intestinal tract of a termite. When they eat your house, and they love to eat wood, it produces methane. Most living things do. But termites are able to break down cellulose. If we are going to have a revolution in the use of biofuels, we need to understand what these termites accomplish naturally. We are trying to figure out what is it in the gut system of termites that allows this insect to eat wood and break down cellulosic materials. If we can figure that out, we unlock another part of the mystery of how to produce more non-oil based fuels.

So here is the proposal I will offer today. It is an amendment that would shift a substantial amount of money and dramatically increase the amount of money available for research and technology for advancing coal research. We would unlock the mysteries of going from research to demonstration to commercial application of carbon capture and storage or other beneficial uses. If they don't do that, the goals of this bill will fail. If we don't solve the problem without solving how to expand technology to use coal in a near zero emissions way, we can not meet the goals outlined in this bill.

We have to make substantial investments in technology, science, and research. I was part of six of us in the Senate who said, some years ago, pushed to double the amount of money we spend at the National Institutes of Health because it is not spending, it is an investment in the future. If we invest in cures for cancer, ALS, Parkinson's, diabetes, heart disease, and so many more diseases, it will be beneficial to generations around the world. We made the commitment and doubled the amount of funding at the NIH.

We need the same kind of commitment with respect to our energy future. We need to decide we are going to make a commitment. Just as NIH deals with the health of people. This bill and the technology we need to develop relates to the health of our economy, of our country, and of the expanded opportunities in this country. We need to make a similar commitment right now.

I propose an amendment that would take the underlying bill which has about $17 billion for advancing coal research in the first 12 to 14 years. This is a good start but is not enough. I propose to shift about $20 billion to that $17 billion and try to provide about $37 billion in total. That $37 billion in this cap and trade bill would be coupled with the $500 million that I have each year through appropriations for clean coal research. By the way, this President's funding recommendation on research in fossil fuels has largely been largely flat and very inadequate to our needs. He has mostly paid lip service to our tremendous needs. There is no evidence the White House is very interested in this. Through such an amendment I propose to create a fund of at least about $3.5 billion a year, starting in 2009, because these can start with the first auctions and the funding can be available on the first opportunity after passage of a piece of legislation. If this could be accomplished, we would have about $3.5 billion a year for 12 to 14 years.

I am convinced we can do this. I am convinced that investments in these technology opportunities allow us to address the climate change challenge and still continue to use the most abundant source of energy in this country without injuring our environment. There are people out there who are some of the best and the brightest scientists and engineers in our country. We need these people working on this issue. There are many technological leaps that need to be made. The best minds should be working on ways to take CO_2, produce baking soda, and make cookies. They should be working on ways to have beneficial use of carbon, which is destructive to our environment, but can be constructive if you invest it in algae and harvest the algae for diesel fuel.

Frankly, the amount of money that has been committed to research and

technology and development has been pathetic, just pathetic. It is not just this, it is also solar, wind, and other technologies. But Jeffrey Sachs, a professor at Columbia University, has written a wonderful essay in Time Magazine this week. I commend him for saying we need a moonshot here. My amendment is going to give us that opportunity—$37 billion invested in the opportunity to unlock the mysteries of how we use our most abundant resource and still protect our environment.

We can do this, but we cannot move forward and will not move forward in a way that says to our country we need to make investments. I believe we can produce a number of zero-emission, coal-fired electric generating facilities. It will not happen by accident. I chair the Committee on Appropriations that funds all our national laboratories. The thousands and thousands of the best scientists in this country are a national treasure. We are now seeing many of them being furloughed and leaving our Federal payroll. We have so much to do, in such a short time, to unlock the opportunities to address this issue I have described. I hope we can move forward very aggressively.

Finally, in closing, I will speak at greater length on the floor today on this subject, and I may file an amendment today. But this, it seems to me, is the first key to unlock the opportunities that will give us a future in which we can protect our environment and continue to use the resources we must use. This must be part of the step if the promise of not only this bill but future bills dealing with the great challenge of global warming are to be fulfilled.

I yield the floor.

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

Mr. NELSON of Florida. Mr. President, I will speak on the climate change bill. How much time do we have under this order?

The ACTING PRESIDENT pro tempore. The Senator has 8½ minutes remaining on the Democratic side.

Mr. NELSON of Florida. Is this in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business.

Mr. NELSON of Florida. Mr. President, what I wished to share with the Senate is how I come to the table on the question of the climate change bill.

We clearly understand something is happening to the Earth. The Earth is heating up. Obviously, there are interests that are going to be affected—special interests—if we go about changing the way we are doing business, the kinds of pollutants we are putting in the air, and those business interests will claim that, in fact, they are being harmed. I understand that. That is part of the body politic we have to come together and find a solution on what will be the least detrimental to folks as we are trying to change the Government policy of all this stuff we are putting in the air. Indeed, we have been putting this in the air ever since we started changing our society in the Industrial Revolution because the burning of fossil fuels is starting to accumulate carbon in the air. That carbon is acting as a shield in the upper atmosphere, creating a greenhouse effect, that when the Sun's rays come in and hit the Earth, and they reflect off; normally, they would radiate out into space. But the fact that we are creating a cap, similar to a greenhouse, with these gases—primarily carbon dioxide—they are trapping that heat and, as a result, the Earth is heating up.

In the course of this debate, we will have a lot more scientific evidence that will come forth and tell us how many parts per million of carbon in the air you can get before it becomes almost irreversible. We certainly wish to avoid that. But that means we have to come back to the political policy and make the decisions that will prevent us from ever getting to that concentration of carbon in the atmosphere that becomes the point of no return, that at that point the Earth continues to heat up to the point that it has all the consequences—the consequences of the ice sheet in Greenland, which I have been on, which is melting, and that in itself is 2 miles thick. It is freshwater because of the hundreds of thousands of years of the rain coming and the rain turning into snow and the snow packing and, year after year, the same thing happening. It is 2 miles thick in the center of Greenland. It is all freshwater.

If that melts, the seas are going to rise somewhere between 10 and 15 feet—the entire seas of planet Earth are going to rise. What happens to Antarctica and the icecaps there? We will have testimony, and we will have scientific evidence on all this. We cannot let that happen. So we are going to have to make the policy changes; that is, we are going to have to have the political will in order to make the policy changes, and the tough thing about this is that it is not just this country. We have to get the rest of the countries to do it. But America is the one that has to lead, and in the last decade, America has not led.

Let me just show this chart. This is my State. What would happen if the seas rise? If they rise 10 feet, which is the red—here is the State of Florida. We are familiar with it, the peninsula with the Florida Keys. If the seas rise 10 to 20 feet, Florida is going to look like this, just the gray. All of this red and blue is going to be underwater.

Mr. President, I say to my colleagues, most of the population of Florida is along the coast. I don't want that to happen to my State. My State has more coastline than any other State in the continental United States. Only Alaska has more coastline than our State. That is in excess of 1,500 miles of coastline. That is where the population lives in Florida. I don't want that to happen to our State.

In the closing minutes that I have—Mr. President, will you tell me how many minutes I have.

The ACTING PRESIDENT pro tempore. The Senator from Florida has 2½ minutes.

Mr. NELSON of Florida. Mr. President, I wish to share with the Senate what I saw from the window of a spacecraft. It is very typical that space fliers, on the first day in space, will be looking for things. On the 24th flight of the space shuttle over two decades ago, I was at that window—when you can get time and you don't have much time because every minute is planned—and I was looking for things. I was looking for the cape where we were launched.

By the second day in space, your perspective has broadened and you are looking at continents. And by the third day in space, you are looking back at home, and home is the planet. It is so beautiful, it is so colorful, it is such an alive creation suspended in the middle of nothing, and space is nothing. It is an airless vacuum that goes on and on for billions of light years—and there is home. It is so beautiful.

Yet when you look at it, it is so fragile. You look at the rim of the Earth. There is a bright blue color right at the rim that fades off into the blackness of outer space. And right at the rim of the Earth, you can see the thin little film that sustains all of life, the atmosphere. Even from that altitude, with the naked eye you can see how we are messing it up. Coming across Brazil in the upper Amazon region, the color contrast will show you where they are destroying the rainforests.

I came away from that profound experience of seeing home from a different perspective, with a new feeling that I needed to be a better steward of what God has given us—our home, the planet. If we continue to abuse the planet, Mother Nature will not work in syncopation and in balance.

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

Mr. NELSON of Florida. For that reason, I am supporting this Lieberman-Warner bill.

I thank the Chair.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that the first half of our morning business time, the 30 minutes, be divided equally among myself, Senator CHAMBLISS, and Senator SESSIONS.

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

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I first wish to raise the concern I have that this extraordinarily complex piece of legislation, I have been advised that this 342-page bill we have on our desks that we all assumed was the working document to which we have been drafting amendments, is actually not going

to be the document we are going to be working from as early as this afternoon. I have been informed—and I ask colleagues whether this is, in fact, the case—that there is actually another bill, not 342 pages long but 491 pages long, that will be laid down this afternoon by Senator BOXER.

It is very difficult for any of us to be prepared when the target continues to move. To those who are concerned, as the Senator from California and the majority leader have been about the speed with which we address this bit of legislation, this does nothing but slow us down and make our job harder. I hope that is not the case, but that is what I am reliably informed.

To me, it is counterintuitive to say the least that we would undertake to pass legislation with a pricetag of $6.7 trillion that will actually raise gas prices by 147 percent when families in my State and across the country are already paying an extra $1,400 a year for gas prices as a result of congressional inaction. Actually, I guess it is wrong to say congressional inaction because Congress has actually acted to impose a barrier to developing America's natural resources right here at home to the tune of roughly 3 million barrels of oil a day which, if it was made available and Congress would simply get out of the way, that would be additional supply which would bring down the price of oil which would give us some temporary relief as we transition to a clean energy future for our country and for the world.

By that I mean by developing things such as greater use of nuclear power, using good old-fashioned American ingenuity, research and development to develop clean coal technology and the like.

In the near term, I think we all have to acknowledge the obvious fact that oil is going to continue to be part of our future, but hopefully it will be a bridge to a future of clean energy independence, but not unless Congress acts. Congress is the problem.

I suggest when we look around for the causes of our current energy crisis that Congress simply look in the mirror because we are the problem. It is unfortunate that when the Senate had an opportunity recently to vote on the American Energy Production Act that only 42 Senators voted for it. That was when gas was about $3.73 a gallon. Today the average price of a gallon of gas is $3.98 a gallon.

I asked the question then, and I will ask it again today: Is the Senate going to reject an opportunity to develop America's natural resources and bring down the price of gasoline at the pump when gasoline is at $3.98 a gallon? How about when it is at $5 a gallon or $6 a gallon? Where is the tipping point at which Congress is finally going to wake up and realize it is the reason Americans are paying too much at the pump?

Instead of dealing with that urgent need that affects every man, woman, and child in this country, this Congress has decided to head down another path, and that path is bigger Government, more taxes, higher energy costs for electricity and gasoline, and with the uncertainty that any of this will actually have an impact on climate, especially given the fact that countries such as China and India, of a billion people each, are not going to agree to impose this on themselves. So America is going to do this, presumably, while our major global competitors are not, and we are going to suffer not only those higher prices but job losses, reduction in our gross domestic product, and a competitive disadvantage with the rest of the world. Why would we do that to ourselves?

At the same time, we see this Rube Goldberg bureaucracy that would be created. Yesterday, Senator DORGAN said this bureaucracy would make HillaryCare pale in comparison with its complexity as reflected on this chart. This is the kind of huge expansion in Government power over our lives and over the economy that is unprecedented in our country, and I suggest is the wrong solution, is the wrong answer to what confronts us today.

In my State in Texas, it has been estimated under that Boxer climate tax legislation that as many as 334,000 jobs would be lost as a result of the increased costs and taxes associated with this bill, with a $52.2 billion loss to the Texas economy, and an $8,000 additional surcharge on each Texas household. That is over and above the $1,400 that each Texas family is already paying because of congressional inaction on oil and gas prices. Electricity costs, 145 percent higher; gasoline, 147 percent higher.

I don't know why, at a time when the American people and the American economy are already struggling with a soft economy in many parts of the country, why we would do this to ourselves. It simply does not make any sense to me.

I would like to have an explanation from our colleagues who are advocating this particular legislation how they can possibly justify this bill. What could be the possible rationale for legislation that would do this to my State and have this sort of Draconian impact on the economy of our country?

I have heard some talk that said that gas prices have increased during the time President Bush has been in office. This is what has happened since our friends on the other side of the aisle have controlled both the House of Representatives and the Senate. We see there is a huge spike in gas prices during a Democratic-controlled Congress. But this should not be a partisan issue. This is a matter of the welfare of the American family and of the American economy. Why in the world would we not want to work together to try to develop the natural resources that God has given us to create that additional 3-million-barrel supply of oil so we can reduce our dependence on imported oil from foreign sources?

The alternative proposed by our colleagues on the other side of the aisle is, OK, we are going to impose higher taxes on the oil industry which, of course, would be passed along to consumers and raise the price of gasoline even more or they say we are going to have another investigation into price gouging when the Federal Trade Commission has investigated time and time again and found no evidence to justify a charge of price gouging when it comes to gasoline prices or they say we are going to sue OPEC, the Organization of Petroleum Exporting Countries, which has to be the most boneheaded suggestion I have heard because, of course, what in the world would you ask the judge to order if you were successful in suing OPEC? I presume to open the spigot even wider so we would be more dependent on foreign oil and not less.

It is time for a real solution. This bill is not it. I call on my colleagues to do what we can to open America's natural resources to development and bring down the price of gasoline at the pump.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is the time agreement at this stage?

The ACTING PRESIDENT pro tempore. The Senator is allocated 10 minutes.

Mr. SESSIONS. Mr. President, our Nation wants progress toward energy security, affordable energy. It wants to reduce pollution and it wants to fight global warming. There is no doubt about that. It wants us, this Congress, to do something. But it wants us to do the right things, wise things, prudent things, not wrong things.

I traveled my State this past week, all week, from every corner of it. My wife and I traveled around and we talked to a lot of people. One thing that is absolutely clear to anybody who has eyes to see and ears to hear is that the American people are terribly concerned about surging gasoline and electricity prices that are rising, and this is hurting them. This is not an academic matter we are talking about. Average families, carpooling and driving to work, are going to the gas pump and finding that when the month is over, their bill is now $50, $75, or $100 more for the same amount of gasoline that they bought 2 or 3 years ago, and it impacts their budget. They have less money to pay other bills with, to fix the brakes on the car, or purchase a set of tires, or take a trip, or have a medical expense, or buy a new suit of clothes. These things are reduced when we have now added to their normal expenses $50, $75, or $100 a month for fuel.

Some of that, I believe, we can do something about; some of that we may not. We have to be honest with our constituents. But they want us to do something. They are not happy, and they should not be, that we are importing 60 percent of the gasoline and oil that we will need to run our country

from foreign countries, many of which are hostile to us. We are transferring out of our country $500 billion to purchase that oil. It is the greatest wealth transfer in the history of the world. No one has ever seen anything like it before, and it is, in my opinion, without any doubt a factor—a major factor; perhaps the major factor—in the economic slowdown we are seeing today and making us less competitive, and it is reducing and threatening the health of our economy.

Now, when you talk to people in my State, and I think any State that you would consider, and you tell them: Well, we are going to be talking about energy matters next week, and we have a cap-and-trade bill that is on the Senate floor, our good and decent and trustworthy citizens, the ones who still have a modicum of confidence in Congress, you know what they think? You know what they think? They think we are going to set about in Congress to do something about surging energy prices, to contain the increase in gasoline prices, to reduce our dependence on foreign oil and this incredible wealth transfer leaving our Nation's security at risk. They think we are going to take steps to strengthen the American economy.

Why shouldn't they? Isn't that what they pay us to do? But, oh, no, they would be shocked to learn that the Democratic leadership, the leadership of that great Democratic party which claims to represent middle-class Americans, is uninterested in these matters but is now attempting to pass legislation that will raise taxes, substantially raise energy costs, gasoline prices, by 50 cents plus a gallon, will cause worker layoffs, and will hurt our economy and leave us less competitive in the world marketplace. That is what this bill will do. It is the opposite of what the American people, our dutiful citizens who send us here, would expect us to be doing at this time.

On Monday, my good friend, Senator REID, the Democratic leader—and I do admire him, and he has a tough job, there is no doubt about it. I know he can't make everybody happy—seemed hurt Monday that the Republican Leader MITCH MCCONNELL said bringing this bill up demonstrated he was out of touch. Well, I say that is maybe too nice a term. Maybe ''clueless'' would have been a legitimate term. Senator REID is such a wonderful guy. He comes from Searchlight, NV. I suggest he go back to Searchlight and talk to real people. What are they going to say, that they want us to raise prices of gasoline? Give me a break. They are not going to tell him that in Searchlight, just as they didn't tell me in Alabama to come here and pass higher taxes on gasoline, to create bureaucracies the likes of which we have never seen, to create high energy prices, to drive up the price of energy by this complex, sneaky cap-and-trade tax system that the Wall Street Journal calls the greatest wealth transfer since the income tax, or to create a bureaucracy that is going to monitor this complexity throughout the country.

It is an unbelievable 342 pages, this bill that is now before us, and it is not the right thing. It would represent an injection of Washington into the most marvelous thing we have, in many ways, in our country—the free American economy. It would be an injection of Washington into that economy of unprecedented proportions.

The goal of this legislation is to reduce CO_2 emissions in our country, they say, by 71 percent by 2050. That means to reduce the amount of carbon fuels we use by 71 percent by 2050. But the population is increasing in our country during this time significantly, by every poll that I think is accurate, and when you calculate that, it means we are going to reduce carbon emissions per American—per capita—by 90 percent. It means virtually the elimination of coal, natural gas, and gasoline and oil—eliminate those from the American economy. We do not have the science and the technology to get us there as of now, yet this bill would put us on a direct glidepath toward that direction.

So the fact that this is a tax, that it would drive up energy costs—indeed is a sneaky tax on the American people—is indisputable. Nobody disputes that. To borrow a phrase from former Vice President Gore, the debate is over on that question. This bill will increase the cost of energy, and high energy prices will reduce economic output, reduce our purchasing power, lower the demand for goods and services, make us less competitive in the world, and ultimately cost American jobs. That is a fact. Supporters will argue that it creates a fund to alleviate high energy costs for low-income Americans by reallocating some of the trillions of dollars to people, according to the political whims of, I guess, this Congress, to decide who will win and who will get money back and who won't get money back. The current increase in gasoline prices alone amounts to about 50 cents a gallon, as I indicated, under this legislation. And, amazingly, it does nothing, zero, to produce any more clean American energy and to lower the price of gasoline to produce our energy here at home. I worry about that.

In the years to come, we are going to be using a lot of oil and gas and coal. We could use clean coal to create liquid fuels that we could burn in our automobiles. All of that absolutely can be done to reduce our dependence on foreign oil. Let me tell you, there is a big difference economically, if you take a moment to think about it, in sending $500 billion to Venezuela and Saudi Arabia and UAE to buy oil with than if we spent that money at home creating American jobs for American workers.

I tell my colleagues that this is a bill that is unjustified and unwise. It is change, but change in the wrong direction, and I urge its defeat.

I yield the floor.

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

Mr. CHAMBLISS. Mr. President, I first of all commend my colleague from Alabama, and I associate myself with his remarks because he is dead on target.

I also rise today to discuss the Climate Security Act that is before the Senate. First, I thank all of our colleagues who have been responsible for bringing this bill to the floor because we need to debate this issue. It is a critical issue that is important to all Americans, not only this generation but future generations. I have two grandchildren, and I want to make sure we leave our grandchildren an America better than we inherited it. So it is a critically important debate.

The Climate Security Act will require the transformation of the U.S. economy to reduce greenhouse gas emissions in an attempt to lower the average world temperature in 2050 and beyond. I note, however, that in a study done by the University of Georgia, released last year, it was determined that over the past 100 years the actual temperature in America had been reduced by 1 degree, not raised any at all but actually reduced.

It is estimated the Climate Security Act will generate increased revenues of $6.7 trillion using allowances and auctions. A large portion is given directly to various Federal and State programs outside of the normal budget and appropriations process. However, this amount of revenue must come from somewhere, and unfortunately, under this bill, it is going to come from you, me, and from American individuals and families who will pay higher costs for the energy we use to live.

Economic models have overwhelmingly shown this bill will affect consumers directly through higher gasoline and electricity prices, resulting in lower household incomes and millions of jobs being lost in America. Moreover, the national economy will be harmed as gross domestic product is expected to drop considerably over the next 40 years, should this bill be enacted.

We also know this bill will constrain the supply and significantly raise the cost of transportation fuel. Like many of my colleagues, I spent the Memorial Day recess traveling around my home State. The average price of a gallon of diesel was $4.77 per gallon, and regular gasoline averaged $3.98 per gallon. These are the highest prices ever recorded in my home State of Georgia, and this is my constituents' No. 1 issue.

So it troubles me, as we are seeing almost $4 per gallon gasoline in my home State, that some in this body want to enact legislation that would further increase the price of a gallon of gas. I hear from hundreds of Georgians every day who are struggling to fill their tanks to get to work or to take their kids to school or to run their necessary errands.

I will be honest, I don't know how the average American, the average Georgian in particular, is coping with this issue—with the rapid increase in the price of a gallon of gas.

EPA models show that the gasoline prices will rise by a minimum of 53 cents per gallon if this bill were implemented. Why would we do that to the American people, who are already hurting at the pump?

Regrettably, the legislation before this body would do nothing to increase our domestic supply of oil and help alleviate the lack of supply of gas that is driving the prices up.

Instead, this bill will only keep prices rising. The Energy Information Agency study predicts that gasoline prices will increase anywhere from 41 cents per gallon to $1 per gallon by 2030 due to this legislation. Some estimates have gasoline prices rising by as much as 145 percent in my home State of Georgia. This is unacceptable to the people of my State and unacceptable to the people of this country.

Nobody disputes the fact that the United States is dependent on foreign sources of oil. We currently import 60 percent of our oil—actually a little greater than 60 percent—and nobody disputes that this problem has been in the making for decades. Over the past 30 years, the United States has reduced our domestic exploration options and left our refining capacity stagnant.

The rising cost of fuel requires a multi-pronged strategy to respond. That is why we must take commonsense action and increase our domestic supply of oil by exploring where we know there are resources available and encouraging the development of alternative fuels, such as cellulosic ethanol, to decrease our reliance on foreign oil.

We must find both short-term and long-term solutions to provide energy security for our Nation and give relief to Americans.

This bill will attack citizens at the pump and increase their electricity costs, thus exacerbating job losses to overseas markets.

Higher energy costs to businesses and the necessity to invest in expensive low carbon technologies will force companies to raise the prices of their products, opening the market up to low-cost international competition, or move businesses to China or Mexico, where environmental regulations are lacking. Millions more jobs will be lost in America as a result. One study estimates that between 1.1 and 1.8 million jobs will be lost by 2020 as U.S. companies close or move overseas. Another study shows that up to 4 million jobs will be lost by 2030 inside the United States if this legislation becomes law. It has been estimated that in Georgia alone we may lose as many as 155,400 jobs, should this legislation be enacted.

Manufacturing jobs will be one of the hardest hit sectors as the Energy Information Administration projects that manufacturing output will decline by up to 9.5 percent in 2030. This country has already lost 19 percent of its manufacturing jobs since 2000. This legislation will only help push those jobs outside of our borders.

The cost to American families will be too much for many to bear. An EPA study estimates that the cost per household in Georgia will be as much as $608 in 2020, and nearly $4,400 per year in 2050. The median household income in Georgia is $64,000. CRA International states that the average increased cost to families is $1,740 per family in 2020.

Workers keeping their jobs would be subject to much lower wages, due to increased competition and increased costs. Even with lower incomes, families would be expected to pay more to heat their homes and fill up their cars. The Environmental Protection Agency has stated that electricity prices will increase an additional 44 percent by 2030. In Georgia, the estimated cost will be 135 percent higher if this legislation is enacted.

This will be devastating to families across the country.

According to Housing and Urban Development, poor families spend almost five times as much of their monthly budget in meeting their energy needs—19 percent—as wealthier Americans, who spend approximately 4 percent.

Increases in energy prices due to carbon limits would hit the poor five times harder, which certainly will be unsustainable. This bill, by some estimates, will hit the average Georgia household in an amount equal to $7,231.

The effects this legislation will have on consumers is outrageous: higher gasoline prices, higher electricity prices, lower household incomes, and job losses.

In closing, let me touch on some specific aspects of the bill. While the bill includes a market-based cap-and-trade system——

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator has 1 minute remaining.

Mr. CHAMBLISS. I believe this bill could be more fair and equitable. We also should work to make it more predictable for businesses and understandable to taxpayers and consumers. One of the greatest challenges to any climate bill will be to ensure that it does not stymie economic growth and protects American jobs. We need to continue to seek the best way to generate the greatest benefits for the lowest cost. We cannot burden our children and our grandchildren with increased energy costs.

A climate bill must be flexible to adjust to changing science, economic conditions, and the actions of other countries. The Climate Security Act attempts to encourage other countries to reduce emissions, but does not appear to be flexible enough to ensure Americans are not disadvantaged because of the inaction of other nations.

The details of the Climate Security Act will greatly affect every American and are extremely important. Have no doubt about it, a vote for cloture on this bill is a vote to increase gas prices by a minimum of 53 cents per gallon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent the remainder of time for our business for the next 27 minutes be allotted to me.

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

Mr. CARPER. Mr. President, I want to take a moment on the heels of the comments of my friend and colleague from Georgia to look at some of the hard and fast numbers. We can conjecture here all we want about what is going to happen to the price of gasoline going forward. He suggested it is going up by 100 percent or 150 percent—who knows? Here is what happened. This we do know. We do know the price of gasoline starting back here in 2001 was at about $1.50 a gallon and has risen today to almost $4 a gallon. We do know that. We can conjecture until the cows come home about what might happen in the future, but we do know what happened in the past under the watch of the current administration. It is not pretty. If we want to make sure this trend continues, we will not come up with ways to reduce our consumption of oil; we will not produce more energy-efficient cars, trucks, and vans; we will not reduce the amount of miles we travel in our communities and our States; we will not find a whole host of ways to conserve energy; we will not come up with ways to conserve energy through renewables. If we don't do any of those things, this kind of thing will continue. Our challenge here today and the way to make sure this doesn't continue is to pursue legislation along the tracks of that which is before us today and this week.

I begin today by commending the work of Senator BOXER, Senator LIEBERMAN, Senator WARNER, and others in developing this global warming legislation. Let me say to my colleagues, your initial bill was a good start. I believe the version that has been brought before the Senate this week represents a significant improvement over that original proposal. The leadership of this troika—it is actually tripartisan leadership—a Democrat, a Republican, and an Independent—your leadership gives me hope we will pass landmark legislation on this front, not this week, not this month, probably not this year, but in the not too distant future when hopefully we have a new administration, regardless of who is President, who is more amenable, more supportive, more understanding of addressing global warming. I plan to do all I can in the meantime to make sure we do not lose that opportunity.

As a lot of my colleagues may know, addressing global warming has been an important issue for me since my early days in the Senate. I think the facts are indisputable today. Our planet is growing warmer. We human beings are a major contributor to that.

My passion on this issue began about a dozen or so years ago when I first met two doctors, Dr. Lonnie Thompson and Dr. Ellen Mosley-Thompson, as they received something called the Commonwealth Award for Science in Wilmington, DE for their pioneering work on global warming. The Thompsons are natives of West Virginia, as am I, and they are both professors at Ohio State University, where I received my undergraduate degree, and both are world renowned for their research on the effects global climate change is having on glaciers and ice fields throughout the world. Measuring levels of carbon from ice core samples that go back nearly 1 million years in time, they focused on glaciers and ice caps atop mountains in Africa and South America. They have concluded that many of them—that being the mountains and glaciers, the ice caps on the mountains and glaciers—will probably melt within the next 15 years or so because of global warming. They fear little can be done to save them. It is up to us in this body to prove the skeptics wrong, to show we can do something, we can pull together and we can address this threat to our planet.

Three years ago during our Senate debate on this same issue, I stressed that the Arctic sea ice had shrunk by 250 million acres over the past 30 years, an area about the size of California, Maryland, Texas—and maybe Delaware—combined.

Today, I am sad to say, the Arctic sea ice has shrunk by not 250 million acres but 650 million acres, an area the size of Alaska and Texas combined or the size of 10 United Kingdoms combined. If we continue down this path on which we have started, the consequences for our planet and our country and our people will be catastrophic. It is up to us to ensure that America leads the world down a different path. We must and we should.

The EPA estimates that unless global warming is controlled, sea levels will rise by as much as 2 feet over the next 50 years. I have heard even greater amounts over the next 100 years. For island nations and coastlines, that could mean entire cities and beaches are wiped out. It is up to us in this body to ensure that those beaches and those cities, those coastlines, are preserved.

I have a chart here I want to share with my friends. For those of you who have not been to Delaware, this is Delaware: About 100 miles end to end, and from east to west, maybe 50 miles here. This is the outline of our coast. This is Lewes. This is Cape Henlopen. This is Rehoboth Beach, Dewey Beach, Bethany Beach, Fenwick Island, the Nation's summer capital. This is where the beach is today. Fifty years from now, if we don't do anything about global warming, sea level rises will have been 2 feet and this will be the beach in Delaware. This is Dover, DE, our State capital. This past Sunday we hosted 150,000 people from all over the country—NASCAR race. In 50 years from now, if we are not careful, this will not be Dover, it will be Dover Beach. We won't be having NASCAR races at Dover Beach. We may be having sailing regattas, we may have motorboat races, but we will not be having stock car races unless we do something about it, so this is imperative for a lot of reasons, including some that are close to my heart.

Since our last Senate debate on this issue we have seen the scientific community come together on this issue. The Intergovernmental Panel on Climate Change has undeniably affirmed that the warming of our climate system is linked to us, human activity. We also know the United States is one of the world's two largest emitters of greenhouse gases, along with the Chinese. In fact, they may have overtaken us by now. We account, in this country, for almost 20 percent of the world's greenhouse gas emissions and for almost one-quarter of the world's economic output. I believe our Nation has a responsibility to reduce our emissions of CO_2. In short, we have a responsibility to lead.

Unfortunately, we have not seen a whole lot of leadership coming from the White House or enough from the Congress on this front. At least not yet. That has to change and that change is starting, I hope, this week. Others, in the meantime, have begun filling the void. We have another chart here. This is a chart of our country. There is a lot of green, light green, dark green, and blue. The light green areas are the areas where the States are actually developing their own climate action plans. They have been waiting for us. They have given up on that. They started to take the bull by the horns. Light green is where States have something in progress in terms of developing their climate action plans. The dark greens are the States where they completed action. The blues are where they have revisions in progress—about 38 States. They have been waiting for us. They are tired of waiting for us, and I don't blame them. One of those States is Delaware. We have a plan in my State and a lot of other States will soon have plans to reduce their own carbon emissions.

The States are not the only ones filling the void of Federal inaction. Fortunately, our Nation's businesses, a number of them, are doing the same thing. Companies such as DuPont, a global manufacturer headquartered in my home State of Delaware, have taken steps to reduce their own carbon emissions.

DuPont CEO Chet Holliday has said:

> As a company, DuPont believes that action is warranted, not further debate. We also believe the best approach is for business to lead, not to wait for public outcry or government mandates.

Contrary to concerns that combating global warming will hurt American businesses, DuPont's actions have had major positive impacts on its bottom line. In the mid-1990s, as part of a climate change initiative, DuPont began aggressively maximizing energy efficiency. That initiative has allowed DuPont to hold its energy use flat while increasing production. As a result, DuPont reduced its greenhouse gas emissions by more than 70 percent. By doing so, the company actually saved $3 billion—billion, with a ''b.'' But a patchwork of State initiatives combined with good corporate stewardship, however welcome, is not enough. We must have a comprehensive national approach, not only to give a signal to corporate America that this is a priority, but to the world, the United States is prepared at long last to be a leader on this front as well.

I have enough faith in American technology, American ingenuity and know-how, to believe we can provide that leadership without endangering our Nation's economic growth.

In fact, if we are smart about it, we will end up strengthening our Nation's economy, we will end up creating hundreds of thousands of new green jobs and we will end up creating products and technologies we can sell and export around the world.

I would quote Thomas Edison on opportunity. This is what Thomas Edison loved to say about opportunity: A lot of people miss out on opportunity because opportunity comes along wearing overalls and is disguised and looks a lot like work.

You know, some people look at global warming, our dependence on foreign oil or emissions or bad stuff in the air, and they see a problem. I see an opportunity. It is an opportunity that brings with it economic advantages and the possibility of creating jobs and products that flow from that, including technology and jobs and products.

Well, that is one of the big reasons I support the approach of the Lieberman-Warner Climate Security Act, to provide a solid framework for creating a national, mandatory program to dramatically reduce greenhouse gas over the next 40 years or so.

I am pleased to see Chairwoman BOXER's substitute makes several improvements over the bill we passed in the committee last year. Specifically, I applaud the chairwoman's efforts in strengthening the recycling and cost-containment sections of the bill.

Let me take a minute here, if I can, colleagues, to focus on the importance of recycling and combating global warming.

A lot of times people say: What can I do as an individual to help on global warming? As it turns out, everybody can recycle. Everybody can do that. Here are a couple of reasons why.

In 2006, the United States threw away literally, in cans of trash, some 82 million tons of material, with a recycling rate of about one-third—we recycled about a third of that stuff. Let me back up. Let me say that again. In 2006, the United States recycled about 80 million tons of materials. That is about one-

third of all that we would otherwise throw away, offsetting the release of some 50 million tons of carbon. That is equivalent to the emissions we save by recycling some 39 million cars each year, because we recycle. However, we only recycle about one-third of what we could. However, each year Americans discard enough aluminum to rebuild our entire domestic airline fleet every 3 months.

Put simply, increasing recycling cuts greenhouse gas emissions. To encourage recycling, the bill compels States to bolster recycling programs by requiring that no less than 5 percent of carbon credit revenues allocated to States must be used for improving recycling infrastructure to help States and local communities recycle more. I wish to thank the chairwoman again for working with me on this important issue.

Let me talk about cost containment next. I am also pleased with the cost-containment provisions Senator BOXER included in the substitute, such as the extra pool of allowances available in the early years to help contain high prices and the allowances that are returned to customers to keep energy prices down. I believe these provisions are moving us in the right direction to address any runaway costs that might occur in a new market.

Although this bill is a good start, I believe we can make some significant improvements in it, particularly in the area of pollution control, in the areas of output allocations and transit, encouraging people to get out of their cars and take a bus, take a train to get where they need to go.

Let me start off by addressing the four p's. It stands for the four pollutants. I appreciate that this bill acknowledges that dangerous air pollutants, including sulfur dioxide, nitrogen oxide, and mercury, are emitted by the power sector in this country. However, acknowledging a problem is not the same as solving that problem. I believe that in addition to reducing greenhouse gases, we must additionally pass a comprehensive bill that also reduces these other three harmful pollutants.

As some of my colleagues know because I have driven you crazy over the last 5 or 6 years on this, visiting many of your offices, 12 of my colleagues and I introduced the Clean Air Planning Act of 2007, or CAPA. We believe CAPA provides an aggressive, yet achievable, schedule for powerplants to reduce emissions and alleviate some of our worst air-related health and environmental problems, such as ozone, acid rain, mercury contamination, and, of course, global warming. This multi-pollutant approach fits perfectly within the framework of this comprehensive global warming bill. I believe we would be foolish to address only one pollutant coming out of our Nation's smokestacks, however important it is—carbon dioxide—while others—sulfur dioxide, nitrogen oxide, and mercury—threaten our health and our environment too.

My State of Delaware, along with the States around us—Maryland, Virginia, Pennsylvania, and New Jersey—we are at the end of the Nation's tailpipe. We continue to breathe dirty air. During the summer months, when ozone pollution is at its worse, more than 10,000 Delawareans cannot work or carry out daily activities. Nationally, some 27 million children age 13 and younger are being exposed to unhealthy levels of ozone.

We have another chart here. Not only do we have problems with folks breathing bad air, which is harming their lungs and their respiratory systems, for young children being carried in the mother's womb, mothers ingest large amounts of fish that contain mercury. This year some 630,000 infants will be born with high levels of mercury exposure. As a result, they could have brain damage. A number of them will have developmental delays, some will have mental retardation, and some of them will have blindness.

Sulfur dioxide emissions, meanwhile, from powerplants will cause 24,000 Americans to die this year—24,000 this year, 462 this week, 66 today, and 1 or 2 during the time I am speaking here will die because of exposure to sulfur dioxide emissions from powerplants. I do not know how many people are going to die from climate change, from global warming, from CO_2 emissions in this country in this year. I can tell you how many will die from sulfur dioxide—24,000. Twenty-four thousand. That is almost as many people who live in Dover, DE—24,000 people. Fossil fuel-fired powerplants are the single largest source of pollution that is causing these health problems.

If we do not act to tighten our emissions of these pollutants, too many communities will continue to live with the air that is unhealthy to breathe and mercury will continue to pollute our communities and bring harm to pregnant women and to children.

I believe it is not only the right thing to do but also the economic thing to do. Strict caps for all four pollutants, not just carbon dioxide, can help drive technology toward a comprehensive mitigation rather than a piecemeal approach. That is why I am introducing an amendment, along with Senator LAMAR ALEXANDER of Tennessee, that achieves similar reductions for sulfur dioxide, nitrogen oxide, and mercury that are in CAPA but are adjusted to fit the Lieberman-Warner timetable.

The bottom line is, as we develop an economywide solution to global warming, we cannot lose sight of the simultaneous need to enact stricter caps on mercury, nitrogen oxide, and sulfur dioxide from powerplants.

Next, let me turn to something called output allocations, the way we allocate the credits to polluters that emit carbon dioxide. I applaud this bill's provisions that provide important funding for zero- and low-carbon technology as well as funding to encourage the commercialization of carbon capture and sequestration for coal-fired generation of electricity.

However, I believe we are going to use coal for a long time. We have to figure out how to capture the other major pollutants as well, and the sooner the better. I believe the Boxer substitute can do better to support clean and efficient power generation. I am concerned this legislation still provides too many subsidies to dirty, less-efficient power generation at the expense of new, clean technologies.

Global warming legislation should make wind and other renewable energy products more economically viable. Affordable clean energy should be one of our main goals.

Unfortunately, this bill still continues on the same old paradigm of rewarding the historical polluters by distributing pollution allowances on an ''input'' basis. This means allowances to emit CO_2 in this bill are allocated based on historic emissions and the fuel being used rather than with respect to the efficiency with which power is generated.

Output-based allocation is an important policy tool to ensure that existing powerplants—particularly coal-fired plants—are made far more efficient and clean within a reasonable period of time. That is why I am planning on offering an amendment to change the distribution of allowances in the fossil fuel-powered sector from an input allocation to an output allocation.

It seems to me, colleagues, here we are trying to figure out how to apportion those allowances to emit CO_2. Why not provide more allowances to those utilities that create more electricity by using less energy? That is what we should be doing. Unfortunately, what we do in this bill is we provide more allocation to emit CO_2 to powerplants that use more energy rather than less energy. We should really provide the allocation and distribution of allowances—to some extent, at least—to reward those that provide a lot of electricity without using a lot of energy.

In addition to providing allowances to efficient fossil fuel facilities, my amendment—our amendment—would also provide allowances for new entrants generating electricity from other renewable forms of energy.

I have a couple of thoughts on this one. I and some of my colleagues are strong supporters of safe—underline ''safe''—and secure—underline ''secure''—nuclear power and believe it must be a prominent part of any global warming solution.

The resurgence of nuclear power in the United States gives us a unique opportunity to rebuild a carbon-free energy industry and create, in doing so, tens of thousands of highly skilled jobs for building the plants and operating them in the future. But to do this, we must provide support and incentives to the nuclear manufacturers to redevelop the workforce—especially facilities—and capacity to participate and ultimately lead the world in quality nuclear manufacturing. That is why I

have joined Senator WARNER and Senator LIEBERMAN in an amendment we will offer that provides a sense of the Senate that supports workforce training for the nuclear industry.

Next, transit. Finally, I wish to discuss a very important provision in the Boxer substitute that funds transportation alternatives.

I talked to you earlier about the importance of getting us out of our cars, trucks, and vans and getting us to take alternative forms of transportation that use less energy and produce less pollution. The transportation sector is responsible for about 30 percent of our Nation's carbon dioxide emissions, almost one-third. That is why Congress passed legislation that I coauthored with a number of my colleagues last year—Senator FEINSTEIN and others—to increase auto fuel economy from an average of 25 miles per gallon to 35 miles a gallon by 2020. The bill before us today also includes a low-carbon fuel standard and funding for alternative fuels.

Let's look at this chart here on my left. This line right here shows what CO_2 emissions are from our car, truck, and van fleet starting in 2005 by incorporating the new CAFE standards for 35 miles per gallon by 2020. Here is where we end up in CO_2 emissions for cars, trucks, and vans. Great progress. Unfortunately, if we keep driving more and more every year, the great reductions in CO_2 which could be recognized here are going to end up with no reduction at all unless we do something about vehicle miles traveled and reduce the amount of time we spend in our cars, trucks, and vans rather than continue to see that grow as we have over the last decades.

Living in sprawling areas without transit literally can double a family's greenhouse gas emissions. The negative consequences go beyond impacting our environment. With gas prices approaching $4 a gallon, longer commutes and increased distances required for errands costs money too.

Public transportation has saved Americans from an additional 286 million hours of sitting in traffic. So we included a provision in this bill—Senator CARDIN was very active on this—to use some of the auction proceeds to provide people with an alternative to driving, additional alternatives to people to driving. This provision in the bill would provide transit to more communities and would also expand transit where it already exists. That is good for our environment, it is good for our pocketbooks, and it is good for our peace of mind.

While this provision is important, we need to find a way to give communities a greater say in how they can spend their transit dollars. Transit is needed across our Nation. However, many communities would benefit from improved bike and pedestrian infrastructure, be they sidewalks, crosswalks, traffic calming, bike lanes—you name it. In rural areas, increasing freight rail capacity might be the most effective way to reduce vehicle pollution. Ideally, I think we ought to leave it to the local communities to determine which strategy works best for them and therefore allow all communities to take steps to address this portion of transportation pollution. Having said that, the provisions in this bill are a good first attempt to address this problem. We ought to do those, but we can do more and should do more.

As the only Member of the Senate who serves on all three transportation-related committees, I look forward to attempting to bring those three committees together and agree on a comprehensive approach to reducing carbon emissions from the transportation sector before we address climate change next year.

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

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. CARPER. I thank the Chair.

In closing, I appreciate the significant progress that has been made already to improve this legislation. I applaud the efforts of my colleagues, Senators BOXER, LIEBERMAN, and WARNER, for the work they and their staffs and our staffs have done. The authors of the bill can be proud and their staffs should be commended, our staff should be commended.

We have seen forward-looking companies such as DuPont show leadership and vision to develop a business plan for operating in a carbon-constrained economy. We have seen States such as California, Delaware, and a few others take action to reduce our carbon emissions.

What we have not seen yet is leadership from our Federal Government. While we continue to do nothing, or too little, our international competitors are already developing new technologies and preparing for the future.

President John Kennedy once said:

> There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction.

I recognize that despite the hard work of our staffs, Members, and leaders on this issue, there is a good chance this conversation will need to continue next year. It will and it should. I believe we must act on this issue next year, if we ultimately are unable to find common ground this year. That is why I am committed to joining Senators BOXER, LIEBERMAN, and WARNER in leading discussions today and throughout the year and bringing together all involved interests and parties to forge a path forward toward a solution that can pass the Congress early in the next administration. As Members of the Senate, we have a responsibility to ensure that our country provides leadership for the world in which we live on any number of fronts. The time has come for us to fulfill that responsibility with respect to global warming.

For some people, this is a political exercise. They will offer amendments to try to embarrass one side or the other, maybe embarrass the authors of the legislation, to basically ensure we don't get anything done, to tie us in knots and walk off and leave this legislation behind at the end of this week or sometime next week. That would be unfortunate. The American people know we have a problem. The problem is, the planet is getting warmer. If we don't do something about it eventually, we will not be able to turn it around. It is important for us to get serious. The American people want us to figure out how to work together. Our next President, whoever she or he might be, is going to provide us with much stronger, more positive leadership on this front. It is incumbent on all of us—Republicans, Democrats, and one Independent—to figure out how we can work with that next President and with ourselves, with folks in the business community, the environmental community, to come up with a plan of action to reduce and eventually eliminate the threat that global warming poses to our planet but to do so in a way that seizes on what Tom Edison said: Some people do actually miss out on opportunity because it comes along wearing overalls and looks a lot like work. This is one of those opportunities. We should seize the day—as we say in our State, carpe diem—not squander the opportunity but make the most of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, good morning. Let's be clear as we begin this discussion. I, along with a vast majority of my colleagues, support cutting carbon emissions. We want to cut down on any kind of air pollution we have. We have done a great job over the years in improving our air, and we need to do more. But we must cut carbon without raising prices on gasoline, diesel, electricity, all the things that drive our economy. When American families are suffering record pain at the pump, a home mortgage crisis, and a soft economy, this is not the time to put the Government in a position of raising energy prices far higher than anything we have ever seen.

How much would Lieberman-Warner raise energy prices? We can quote from the sponsors of the legislation themselves. This is what the junior Senator from California has said Lieberman-Warner would raise: $6.735 trillion. It takes two charts to put up all the zeroes that this would increase energy prices and, thus, tax American consumers. As we can see, too big to fit on any one board.

The bill's sponsors claim they are trying to hit energy companies with the cost of this program. Does anybody doubt what will happen when we increase taxes on producers? That has to be passed on. It will be passed on to families, workers, farmers, truckers in

the form of higher energy bills and more pain at the pump. The bill's sponsors point to the customer relief they intend in the form of $800 billion over 40 years for tax relief and $900 billion to utilities to help consumers. That would still mean only $1.7 trillion was returned to an American public paying $6.7 trillion in higher energy costs. That is a $5 trillion loss. That complicated Soviet-style scheme would be based on the wisdom of some small group of bureaucratic czars who would decide who gets the money. It seems they are writing Congress out of the responsibility of handling the Treasury. They want to go around and turn a small group of wise men into the ones who decide who gets the allowances, who gets the relief, and where any relief will go.

The problem with the $6.7 trillion in higher energy prices is gas prices are already at record levels. Gas prices topped $4 in many parts of the country and are approaching that in the rest. Drivers are suffering at the pump. I was back in Missouri and traveled all over the State, from one corner to the other, over the Memorial Day recess. I heard firsthand from commuters, farmers, average citizens, businesses looking at absolute catastrophe from these higher energy prices. They are all fed up with higher gas prices. Regrettably, higher gas prices, higher diesel prices are the result of Congress's action or inaction in blocking for 30 years the production of new energy in the United States.

I visited truck stops in Joplin in southwestern Missouri and Palmyra in the northeast part of the State. I heard from truckers about the record diesel prices. Things are getting so bad that many are laying off drivers. Some are even going out of business. This is a real problem for our country. When truckers suffer, we all suffer. If they go out of business, we will not have trucks to deliver the goods. Transportation costs make up a significant part of the cost of almost every consumer item. When diesel prices go up, prices go up, and families will pay. In many areas, we may not have the trucking infrastructure to deliver the goods we need.

How much will Lieberman-Warner increase our pain at the pump? The Environmental Protection Agency estimates Lieberman-Warner will increase gas prices by 53 cents per gallon by 2030 and by $1.40 per gallon by 2050. Supporters of this bill tell us this is no big deal; it only represents 2 cents a year. A good statistician can try and make any number look not quite so bad. I can't speak for folks in other States, but I can tell you the folks back home have a minimum amount of high enthusiasm for Congress taking more action to raise prices.

Mr. President, $1.40 is $1.40. That increase in the price of gasoline is totally unacceptable, particularly when it comes with increases in prices in all other forms of energy. Yet that is the path the supporters of this legislation want us to trod.

Some Senators say that since gasoline prices have risen 82 cents since the beginning of the year, it is OK that Lieberman-Warner will only raise prices another 53 cents to $1.40. Does anybody ever stop and think that we are going in the wrong direction? We ought to be talking about what we can do to increase supply, to bring prices down, not figuring out how to come up with a cockamamie scheme that is going to increase prices even more. I find the logic a little bit disturbing, if you can call it that. The 82-cent rise in gas prices over the last year has not been OK with the people in my State. A further 53-cent increase by 2030 in gas prices is not OK. A further $1.40-increase in gas prices is not OK with the people in Missouri. I can tell you that if we don't change the path we are on now, the increase in prices will be even greater.

The bill's sponsors say the demand for oil will go down under Lieberman-Warner. Such a claim seems fantastical, until you examine the source of the study. It is a study by the International Resources Group. That name seems normal enough. But then looking at a copy of the study, it shows it was guided by the close involvement of the Natural Resources Defense Council. They are the ones who are behind it. The NRDC study used by the other side assumes we will get 50 or 60 percent of our energy by 2050 from renewable sources such as wind and solar. I am all for clean wind and solar power. But nobody in their right mind will believe we will go to generating 50 percent of our power from wind and solar. That isn't going to happen. You talk to the experts. I have listened to experts, experts who are very knowledgeable about biofuels and others. They say biofuels can help. Wind and solar can help at the margin. But we are still going to depend upon fossil fuel for most of our energy costs, particularly our transportation costs.

On oil demand, the NRDC study makes more outlandish assumptions. They predict the fleet efficiency for cars and light trucks will go up to 52 miles per gallon. Congress just finished raising CAFE standards to 35 miles per gallon. Now the NRDC says: No problem, we will move it up to 52 miles per gallon. That would mean we would have a fleet of golf carts hauling our produce. I wonder how many golf carts it would take a farmer to deliver the hay to cattle in the field, how many golf carts to pull a wagon full of corn, how many golf carts to take a large family to school. A fleet of golf carts is a wonderful thing.

The NRDC says we will get 52 miles per gallon by moving the vehicle fleet to hybrid and plug-in vehicles. That is another startling assumption, 100 percent hybrids and plug-ins. Don't get me wrong. I am a big fan of the potential of hybrid cars using advanced vehicle battery technology. These are things we ought to be working for.

Over the recess, as part of my six-city tour of Missouri I mentioned earlier, I visited the Ford assembly plant in Kansas City, where they make the hybrid Escape SUV. Kansas City is a national leader in hybrids and battery technology. We have the Ford hybrid SUV plant. We have a GM plant assembling hybrid sedans and SUVs, and we are an international leader in all kinds of battery technology, starting from the original lead batteries to lithium-ion batteries to lithium-ion polymer batteries.

All these things will help. But Ford is only making about 20,000 of these cars a year. They don't have enough batteries to meet the needs. I wish to expand on the use of advanced vehicle batteries for hybrids and plug-ins. I believe we need to jump start it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. If it comes out of the Republican time.

Mr. BOND. How much time remains on the Republican side?

The PRESIDING OFFICER. There is 17 minutes.

Mr. BOND. I ask my colleague how much time he needs.

Mr. VITTER. I need about 8 minutes.

Mr. BOND. I ask unanimous consent for 2 additional minutes.

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

Mr. BOND. If we can get a domestic manufacturing supply base for hybrid batteries to get the volume up and the prices down, that would be good. Right now we are all depending upon a Japanese battery manufacturer. We need to have those batteries manufactured in the United States and not be dependent solely on an external source. That is a twofer. We could expend the use of clean cars, burning gasoline only occasionally, expand the number of blue-collar manufacturing jobs—good for the environment and good for workers. But I do not think we can rely on the idea that we will achieve 100 percent hybrid and plug-in use during this bill. The NRDC study also assumes massive new production from carbon captured from powerplants and used for enhanced oil recovery. I support this too. But to think we can cut oil imports by 58 percent because we are expanding domestic production from burned-out wells through enhanced oil recovery is beyond the possible.

So if we set studies aside by environmental groups supporting the bill and manufacturing groups such as NAM opposing the bill, that leads us to the mainstream Government agencies such as EPA. They say gasoline prices will rise 53 cents per gallon by 2030, $1.40 by 2050. If you add a $1.40-per-gallon Lieberman carbon surcharge to the current price of $4-a-gallon gasoline, you get gas prices at $5.50 a gallon.

I can tell folks back home right now there is no way I can accept the Lieberman-Warner offer of $5.50-a-gallon gasoline. When I tell my Missouri constituents we are on the floor debating a bill, when we have $4-a-gallon

gasoline, and the bill would significantly increase energy costs rather than increasing supply that would reduce the price of oil, they cannot believe it.

We are on the wrong track. We need to cut carbon. We do not need to increase energy prices on the American public.

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

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I have been allotted 8 minutes, and I ask the Chair to notify me when 6 minutes of that 8 have expired.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. VITTER. Thank you, Mr. President.

Mr. President, like my colleague from Missouri, last week I traveled all around my home State. I had about nine townhall meetings and many other meetings of all kinds in every part of the State.

In these townhall meetings, gas prices—the price at the pump—was not the first question that always came up. It was the first eight questions that always came up. In fact, of all of the discussion I had in all of these townhall meetings put together, about two-thirds of that entire discussion—that entire time—was about rising gasoline prices and energy prices. It is obviously affecting folks all across the country, certainly including in my home State of Louisiana.

In early 2006, when this new Democratic Congress was sworn into office and came into power, the average price at the pump was $2.33 a gallon. The new leadership vowed they would do something about those sky-high prices. Well, apparently they did because now the average price at the pump is $3.98 a gallon—a staggering increase in a relatively short amount of time.

So in this context, when Americans all over our country, certainly including Louisiana, are suffering from these sky-high prices that continue to rise—as they go into the summer driving season, many hoping to take family vacations, realizing they cannot this summer because of these costs—I think a very reasonable question to ask is, What is this Lieberman-Warner climate change bill going to do to an already dire situation with regard to energy prices?

Unfortunately, I have concluded it is going to make that already dire situation much worse. It is going to add on to gasoline prices, as my colleague from Missouri has stated. It is going to add on to electricity and other energy prices significantly.

On the job site, it is going to also encourage and exacerbate a very worrisome trend of exporting jobs to other countries. After all of that, it will do little or nothing with regard to the fundamental climate change challenge because it mandates nothing on the part of other industrialized powers such as China and India.

Several economic studies have specifically examined these questions. Let's start with the price at the pump.

The Energy Information Administration estimates that this bill will cause gasoline prices to increase—in addition to everything that is going on now—between 41 cents a gallon to $1.01 a gallon by 2030. Now, again, we are facing dramatically rising prices at the pump now, and there seems to be no end in sight, in large part because we in Congress have not acted in a bold manner to increase supply and do other things to help ourselves at home. Yet this bill would move us even further in the wrong direction: between 41 cents and $1.01 more per gallon by 2030.

According to the EIA, the average American uses 500 gallons of gasoline every year. The average vehicle is driven more than 12,000 miles per year. So even now, at $4 a gallon, a 12-gallon gas tank costs over $50 to fill, and we are going to increase that significantly? That is moving in the wrong direction.

What about electricity and other important sources of energy? According to the Environmental Protection Agency, this bill will increase those prices—electricity prices—by 44 percent by 2030. Again, our consumers are struggling under energy prices right now, including electricity.

Winters are a tough time for folks in the Northeast. In my part of the world, summer is the time of peak electricity load, and that is a real price burden right now. Yet we are considering a bill that is going to increase that, an already challenging and dire situation, by 44 percent?

Then, what about the jobs picture. We debate in this body all the time how we can keep and expand and grow manufacturing jobs in this country, how we can get away from the trend of exporting those jobs overseas. Yet this bill will only make that problem worse as well.

The higher energy prices caused by the bill will force U.S. manufacturers to compete unfavorably with lower cost countries overseas. Realistically, companies will move their manufacturing base out of the United States to an even greater extent, and many American jobs will leave with them.

This country has already lost 3 million manufacturing jobs since 2000. We cannot afford to lose more. But what does the rigorous analysis of this bill's impact show? Well, the National Association of Manufacturers says up to 1.8 million jobs additionally—in addition to all of those figures I have already quoted—could be lost by 2020 and 4 million jobs additionally could be lost by 2030.

The PRESIDING OFFICER (Mr. CASEY). The Senator has 2 more minutes.

Mr. VITTER. Thank you, Mr. President.

Switching from coal plants to natural gas will drive job loss, particularly in the chemical and fertilizer industries. The chemical industry is extremely important to my State. Over 100,000 chemical jobs have already been lost in the last 5 years due to the high price of natural gas. Out of 120 new chemical plants under worldwide construction, only one is being constructed in the United States.

So like the price of gasoline, like the price of electricity, on the jobs front we have a very dire, challenging situation already, and this bill would make it far worse.

The real kicker to all of this is that after all of that damage to Americans, to their lifestyles, to our economy, what would this bill do in terms of climate change?

I am very concerned it would do little or nothing because, of course, it mandates no action on the part of other major powers and energy consumers around the world, specifically China and India. Think about it. As we push these jobs overseas, out of our country, where are those jobs going? They are going to countries such as China and India that would not be taking similar action, that would be continuing to build coal-fired powerplants and use outdated technology, that would contribute to the climate change problem. So much higher gasoline prices, much higher electricity and other energy prices, significant job loss—and what impact on the problem are we trying to address? In my opinion, little or none.

Mr. President, I hope all of our colleagues on both sides of the aisle hear from the American people, hear from them about the challenges they face right now as they fill up their automobiles, as they try to take summer vacations, as they struggle with other energy prices, as they hope to keep their jobs right here in America.

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. VITTER. If our colleagues hear that message, I am confident they will vote down this dangerous bill.

Thank you, Mr. President. I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Does the Senator from New Mexico have time under the regular order?

The PRESIDING OFFICER. There is 5 minutes remaining under morning business.

Mr. DOMENICI. Mr. President, on Monday, I came to the Senate floor and discussed the rising price of gasoline and the additional increases that will result from the Boxer bill. These are not talking points. They are facts from several economic studies done by the EIA, the EPA, and many other groups.

Later today I will speak on the accomplishments we have already had in working together to advance policies that will strengthen our energy security and reduce our greenhouse gas emissions. We have not been asleep. We

have done quite a bit. I will also speak about the bill before us and the many concerns I have about its effectiveness, or lack thereof.

Right now, I want to speak on the impact this bill will have on the American economy. Like many Senators, I believe global climate change is a great challenge that our Nation should address. I joined Senator BINGAMAN in expressing that sentiment in a bipartisan Senate resolution 3 years ago. That does not mean anybody has produced a bill or legislation that matched up, in my opinion, with the concerns. The way we are doing it in this bill is one way. It has never worked any place it has been tried. I do not know why it should be expected to work in America.

I have great respect for the Senators who have drafted cap-and-trade legislation, but I remain deeply concerned about the steep costs and dire consequences this bill will have on our Nation's economy. I am troubled it will have very little, if any, environmental benefit.

To those who are continuing to say this is an absolute environmental necessity, I hope they will try to gather from the experts who have looked at it just how much environmental benefit we will get from this bill.

The EPA, the Environmental Protection Agency, has concluded this bill would reduce global greenhouse gas by just over 1 percent by 2050. According to the IPCC's own benchmark, such a reduction would reduce average temperatures by one-tenth of 1 degree Celsius in 2050. These rates of reduction are far below the levels needed to mitigate the most serious effects of global climate change.

Now, again, Mr. President, fellow Senators, I am not here just giving a speech. I am trying to give you facts. If facts are the things that come from studies by experts, we have facts on this bill. I repeat, the rates of reduction are far below the levels needed to mitigate the most serious effects of global climate change.

I am troubled by the various studies on this bill. Everyone has concluded it will increase energy prices and decrease economic growth. Especially in a time of record energy prices and economic slowdown, our Nation simply cannot afford this bill. That is not just speculation or clamor. It is a true probability that we cannot afford it.

While these studies confirm that the bill will have a negative impact on our economy, they also reveal significant uncertainty as to what that impact will be. According to CRA International, the only group that included the low carbon fuel standard in its study, motor fuel prices could increase by more than 140 percent by 2015. The EIA projects that the bill could reduce industrial activity by up to 7.4 percent by 2030. The Heritage Foundation estimates that 600,000 jobs could be lost by 2026.

Another cause for concern on the economic side is the estimate of the impact on gross domestic product. While all studies project a negative impact on GDP, estimates vary from a low of $444 billion, I say to my friend, the occupant of the chair, to a high of $4.8 trillion. That range of $4.5 trillion is as massive as it is inconclusive. It is equivalent to $15,000 for every American. A careful review of these studies should shake everyone inside of this Chamber.

We must realize that cap and trade is neither our best option nor the only option for reducing greenhouse gas emissions. In fact, the Congressional Budget Office Director recently testified that a rigid cap-and-trade program is up to five times less efficient than a carbon tax.

The experience of the European Union, which instituted an emissions trading scheme in 2005, should be highly instructive in this debate.

The EU's emissions have continued to rise under cap and trade, by about 1 percent per year. While the EU's system has failed to reduce emissions, it is having an adverse economic impact with energy prices rising and other carbon intensive businesses fleeing to the developing world.

Europe's difficulties are not the only example of the shortcomings of cap and trade. Last December, it caught my attention when, during an interview on the Charlie Rose Show, former President Clinton lamented the fate of the Kyoto Protocol, saying: 170 countries signed that treaty and only 6—6 of 170—reduced their greenhouse gases to the 1990 level, and only 6 will do so by 2012 at the deadline.

Our best projections, combined with the precedent of failing cap and trade regimes already in place, show that America should take a different path. We have been told that this bill is a market-based approach, but then we read a section that says, ''an emission allowance shall not be a property right'' and, ''nothing in this Act or any other provision of law shall limit the authority of the Administrator to terminate or limit an emission allowance.''

Let me explain. These are allowances that are being paid for, in most cases, and the CBO treats them as revenues and outlays. And, the proponents of the bill expect these allowances to be traded like stock and other securities. However, the bill fails to even provide a property right for allowances and permits the EPA Administrator to take allowances or limit them at any time, and in any way. This is the very opposite of a market-based approach, and I will have an amendment in the coming days to remedy this problem.

Furthermore, this bill allows nonemitters to hold possession and trade these allowances. Presumably they will enter into contracts, derivatives, swaps, and other complicated arrangements that may undermine the oversight, transparency, and integrity of the market. This is precisely one of the factors that led us to today's mortgage crisis, and maybe this bill creates that blueprint for carbon.

My concerns with this bill are no different today than those that were shared by the full Senate in 1997, when we passed a resolution expressing our opposition to the Kyoto Protocol if brought to the Senate for ratification. Our economy expanded by 5 percent in the quarter before that vote. In the midst of robust growth, the Senate overwhelmingly rejected the idea of a treaty that did not include developing nations or ''could result in serious harm to the United States economy.''

With many factors now limiting our economy, and with China's emissions today much greater than in 1997, our resolve should be stronger. High energy prices, a housing crisis, and a credit crunch limited our growth to 0.9 percent last quarter. Clearly, we have plenty of challenges to overcome. Our dependence on foreign energy is great, our trade deficit is high, our national debt continues to rise, and our dollar is weak.

As we debate this Boxer bill, we should ask ourselves two questions: What will it achieve, and at what cost? I believe the answer to the first question is very little—even by 2050, this bill will not provide meaningful global environmental benefit. The answer to the second question, however, is too much—this bill will disrupt our economy, add to consumers' pain at the pump, and weaken our Nation's ability to compete in the global marketplace.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, there will now be a period of 15 minutes of debate equally divided with respect to the conference report to accompany S. Con. Res. 70.

Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, as we begin the debate, first I thank my colleague, the ranking member of the Budget Committee, Senator GREGG, for his continuing graciousness and his professionalism as we have sought to find a way to conclude our work on the budget for this year. I also thank his staff. We appreciate very much the relationship we have and the very constructive dialog between us as we have searched to find a way to bring this debate to a close.

With that, I wish to describe the conference agreement in general terms. This agreement, we believe, will strengthen the economy and create jobs. It will do that by investing in energy, in education, in infrastructure. It

will expand health coverage for our kids. It will provide tax cuts for the middle class. It will restore fiscal responsibility by balancing the books by 2012 and maintaining balance in 2013. It also seeks to make America safer by supporting our troops, by providing for our veterans' health care, and by protecting the homeland and rejecting the President's proposals for deep cuts in law enforcement, the COPS program, and for our first responders.

The tax relief in this budget is significant. This conference agreement extends the middle-class tax relief, provides for marriage penalty relief, the extension of the child tax credit, the 10-percent bracket. It also provides for alternative minimum tax relief so more than 20 million people in this country don't get caught up with additional tax obligations. It provides estate tax reform, it allows energy and education tax cuts as incentives to reduce our dependence on foreign oil, and it provides assistance for families who are struggling to pay college costs. It also provides for significant property tax relief and, of course, for the important extenders package.

The record under this administration has been a record of debt and deficits as far as the eye can see. This chart shows very clearly what has happened to the debt under this administration. This President, at the end of his first year, had a debt of $5.8 trillion. We don't hold him responsible for the first year because he inherited that budget. But over the 8 years he is responsible for, the debt has gone from $5.8 trillion to $10.4 trillion—almost a doubling of the debt in this country. This President's fiscal failures are manifest. They are written across the pages of the economic history of this country.

This budget seeks to take the country in a different direction. Under this budget, we reduce the debt as a share of the gross domestic product each and every year, from 69.3 percent of GDP to 65.6 percent by the end of the fifth year. The same is true of the deficit picture under this budget. I am proud to report that we balance the books by the fourth year of the budget. We maintain balance in the fifth year. While the President's budget balances in the fourth year, it swings right out of balance once again in the fifth year. We don't believe that is a responsible course.

Under this conference report, spending goes down as a share of gross domestic product, from 20.8 percent of gross domestic product in 2009 to 19.1 percent of GDP in 2012 and 2013.

We will hear a lot from the other side about spending in this budget and we will hear claims that this takes spending through the roof. Let's compare the spending in this conference report with what the President proposed. In this conference report, total spending is $3.07 trillion in 2009. The President has $3.04 trillion. That is a difference of 1 percent. Again, the conference report shows spending of $3.07 trillion, the President proposed $3.04 trillion, a difference of 1 percent. Where did the difference go? Well, it went in those areas I have discussed: energy, education, and infrastructure, all of them critical needs.

On the revenue side, the President proposed $15.2 trillion of revenue over the 5 years of this budget. We have $15.6 trillion of revenue—a modest difference, a 2.9 percent difference in revenue. We believe that can be accommodated without any tax increase. There is no assumption of a tax increase in this budget. In fact, as I have identified, there are substantial middle-class tax cuts in this budget. In addition, we believe this modest increase in revenue over what the President has proposed can be provided by aggressively going after the tax gap—the difference between what is owed and what is paid—by going after the offshore tax havens, as well as closing down abusive tax shelters. We believe that difference can be easily accommodated in those ways.

Now, I predict that my colleague, for whom I have great respect and real affection, will stand up here momentarily and he will tell all of us this is the biggest tax increase in the history of the United States. He may even say that is the biggest tax increase——

Mr. GREGG. Will the Senator yield?

Mr. CONRAD. Momentarily.

Mr. GREGG. I was going to say: in the world.

Mr. CONRAD. We have agreement on that. My friend is going to stand up here and say: ''The biggest tax increase in the history of the world.''

I wish to recall his words from last year. Last year he said about our budget: It includes, at a minimum, a $736 billion tax hike on American families and businesses over the next 5 years—the biggest in U.S. history.

Here is what happened. There was no tax increase.

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

Mr. CONRAD. Let me conclude on this thought. Here is the record. We had tax cuts of $194 billion. That is the record. That is what happened. No tax increase; tax reductions. If anybody wonders, go to your mailbox and look at the checks you have received from the United States Government. That was passed by a Democratic Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that my brief statement not take away from the 15 minutes that has been allotted to the two managers of this budget conference report.

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

Mr. REID. Mr. President, I wish to have the record spread with how we work together here, not as much as we should, but we do it often.

As everyone knows, Senator KENNEDY is ill. He has had brain surgery. He is now in a hospital in North Carolina. Senator BYRD has taken ill. He is in a hospital in Virginia. My Republican colleagues stepped forward. Senator WARNER said: I will pair with Senator KENNEDY. That is something we used to do a lot. We don't do it as much as we used to. But I will pair, said Senator WARNER, with Senator KENNEDY. That way he is recorded as if Senator KENNEDY were here, he would vote opposite of Senator WARNER and therefore it cancels out the votes.

I called Pete Domenici at home last night and said: Pete, as you know, Senator BYRD is sick. Would you pair with him? He didn't hesitate a half a second. He said: Of course I will.

Now, I want everyone to understand how much I personally, as do we all, appreciate these men stepping forward and doing this in a time of need. It would be easy for them to say wait until we get everybody here and we will have a vote.

But in addition to that, JUDD GREGG last night said: I would be happy to pair with someone if that is necessary. This is above and beyond the call of duty. Senator CONRAD has spoken many times about his affection for JUDD GREGG. They have worked so closely together for so long. I also feel he is one of America's very good Senators. Very few people are as well prepared as he is to come to the Senate. He has been a Member of the House of Representatives, he has been Governor of his State, and now a Senator. He and I don't agree with a lot of the votes we do here, but as far as him being a good legislator, he is truly a good legislator.

So Senator GREGG, Senator DOMENICI, and Senator WARNER I would acknowledge are very outstanding not only Senators but human beings.

Mr. CONRAD. Mr. President, on a point of personal privilege, I thank the leader for coming and making the statement he has. People see this body and sometimes they see it at its worst. This, in many ways, is the Senate at its best: Senator DOMENICI agreeing to withhold his vote to pair with Senator BYRD who could not be here because of illness; Senator WARNER, whom I asked yesterday to pair and who readily agreed he will pair with Senator KENNEDY who could not be here. This is to me an act of graciousness, it is thoughtful, it is respectful, and it is exactly what one would expect of Senator DOMENICI and of Senator WARNER.

I wish to say a special note about Senator GREGG who told me yesterday if we couldn't find someone else to pair with Senator KENNEDY or Senator BYRD, he would be willing to do that. When I told my staff, I told them that is class. I wish to say publicly what I said to my staff privately, that Senator GREGG has demonstrated the highest example of what the Senate should be about and I thank him for it.

Mr. REID. Mr. President, I ask unanimous consent that my statement and that of Senator CONRAD's not take away from the time of Senator GREGG because he needs all the time he can get to show that this is the biggest tax increase in the history of the world.

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

Mr. GREGG. Mr. President, let me thank the majority leader and the chairman for their kind words. They would have done the same thing were they in my position, if somebody on our side were ill. I know they would have, because I know the type of people they are, and I thank them for their generous comments relative to my willingness to help on that issue.

I especially want to acknowledge, as they have, Senator WARNER and Senator DOMENICI. This is Senator DOMENICI's last vote on the budget, and Senator DOMENICI and the budget are inextricably identified together. He basically wrote the Budget Act along with Senator BYRD, who regrettably can't be here and whom he is pairing with, and for 30-plus hours now, he has been overseeing the budget as the godfather of it. For him to pair on this matter on this last vote on the budget is a very gracious act, as Senator CONRAD has pointed out.

I also thank Senator CONRAD and his staff for their courtesy and their professionalism. It is always afforded to us as Republicans by the majority staff and we very much appreciate it. We obviously disagree fundamentally on where this budget is going, but that doesn't mean we can't proceed in an orderly manner. As I have said before, although I strongly disagree with this budget, I feel equally strongly that this Nation needs a budget, even though in this instance it is something I will point to as a mistake. But we could have done a lot better.

As a practical matter, I respect the efforts put in by the majority and the majority staff, and especially the chairman of the committee who worked tirelessly on this and defends it very effectively. He has said I will say this is the largest tax increase in the history of the world. Let me confirm that, and let there be no mistake about it—there is the largest tax increase in the history of the world in this budget. We are talking trillions here, which is hard to understand for anyone. It is a concept that is alien to all of us. But this budget talks in the trillions.

This will be the first budget that pushes debt over $10 trillion. That is a lot of money. Two trillion dollars will be added to the debt as a result of this budget. This will be the first budget that takes non-emergency discretionary spending over $1 trillion. I suggested we draw the line and say, at least for 1 year, we will hold back and not go over $1 trillion. That idea was rejected.

This budget has buried in it a $1.2 trillion tax increase. Yes, it would not occur this year, but it is assumed in the budget. That is how they get to balance in the budget. It is assumed in the outyears. That tax increase will translate, when it kicks in, in 2011, into real increases in taxes for Americans. Although most of us cannot understand $1 trillion, we can understand the fact that for families earning $50,000, with two children, their taxes, under this proposal, over the next 5 years will go up $2,300. For retired people—and there are 18 million of them—their taxes will go up over $2,000. For 47 million small businesses in America today—the engines of the economy, of economic growth, the people who create the jobs in this economy—their taxes will go up $4,000. That is a lot of money. That is money they should be able to keep, and it should not come to the Federal Government. That tax increase should not go into place.

This bill has taxes in it that presume that the capital gains tax will essentially double for many Americans. The dividends tax will definitely double. Rates will jump dramatically. The 10-percent rate will be repealed. The estate tax will jump dramatically.

This bill essentially assumes a major tax increase on working Americans and on small business. In my opinion, that is a huge mistake. The other huge mistake that this budget has in it is it makes no effort at all to control the accounts that are going to essentially bankrupt our Nation for our children, which are the entitlement accounts. We know we are sending this Nation over a fiscal cliff. We know that if we don't act, our children and grandchildren will not be able to afford this Government because of the cost and burdens of Medicare, Medicaid, and Social Security.

We know the baby boom generation is alive and is going to be moving into retirement. Yet this bill takes no action—no action at all—to try to remedy this very serious fiscal problem, which is going to occur on the watch of this bill. This is a 5-year budget. So this is a very serious failure of taking responsibility on a key issue of fiscal policy.

In addition, of course, we have strong differences over the amount of spending in the bill. It crosses the trillion-dollar line. The Senator from North Dakota named some of the important things to spend money on. Yes, they are important, but we need to set priorities. Rather than simply increasing spending, we ought to look at programs now on the books, which are not as high a priority as we need, and move the money from those programs into the programs we want to spend more money on. This budget assumes that of all the Federal programs on the books—$1 trillion of discretionary spending—none will be eliminated, not one.

Let me tell you, there are programs we can eliminate, and we should have made that tough decision. So we have strong opinions that this budget doesn't go where it should go. It fails in the issues of tax policy, entitlement policy, and spending policy. Obviously, the other side of the aisle is the majority—and, remember, they were in the majority last year too—so they have the right to pass their budget. I point out that last year they claimed they were going to give us a tax cut, and they didn't do it. They took credit for the amendment that said they were going to give a tax cut, but it was never passed. This year, they are taking credit for the same amendment, and I suspect it would not pass again.

What will pass is the tax increase of $1.2 trillion in this bill on working Americans. That will come to fruition because the majority assumes this budget event. This budget doesn't work without those new revenues. It is a failure, in our opinion, and that is why we oppose it.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report to accompany S. Con. Res. 70.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DOMENICI. Mr. President, on this vote, I have a pair with the Senator from West Virginia, Mr. BYRD. If he were present and voting, he would vote ''yea''. If I were permitted to vote, I would vote ''nay''. I, therefore, withhold my vote.

Mr. WARNER. Mr. President, on this vote, I have a pair with the Senator from Massachusetts, Mr. KENNEDY. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' I, therefore, withhold my vote.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mrs. CLINTON) are necessarily absent.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 48, nays 45, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—48

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

NAYS—45

Alexander	Brownback	Coleman
Allard	Bunning	Corker
Barrasso	Burr	Cornyn
Bayh	Chambliss	Craig
Bennett	Coburn	Crapo
Bond	Cochran	DeMint

Dole	Inhofe	Shelby
Ensign	Isakson	Smith
Enzi	Kyl	Specter
Graham	Lugar	Stevens
Grassley	Martinez	Sununu
Gregg	McConnell	Thune
Hagel	Murkowski	Vitter
Hatch	Roberts	Voinovich
Hutchison	Sessions	Wicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Domenici, against	Warner, against

NOT VOTING—5

Biden	Clinton	McCain
Byrd	Kennedy	

The conference report was agreed to.

Mr. CONRAD. 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.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I again thank all our colleagues. This is a significant vote because this is the first time in an election year since 2000 that we have been able to pass a budget. That sets a good example for the future.

I, again, especially thank Senator DOMENICI. This is his last vote on a budget. He, out of respect for this institution, respect for Senator BYRD, respect for the budget process, agreed to pair with Senator BYRD. We thank Senator DOMENICI for that gracious act.

And Senator WARNER, I deeply appreciate your willingness to pair with Senator KENNEDY, who, as we all know, is ill and recovering. You are a pro's pro, and we deeply appreciate the respect that you have shown for our colleague, Senator KENNEDY.

Again, I thank all of the staff who have worked so hard. I again want to conclude by thanking the ranking member, Senator GREGG, for all he did to allow us to complete work today.

Mr. ENZI. Mr. President, we are all familiar with the phrase ''all you can eat.'' There are restaurants everywhere that specialize in feeding us until we burst. Needless to say, that isn't a good idea. Eating until you just can't eat any more isn't just a waste of resources, it is likely to have a severe impact on your future health—and your current waistline!

We are in a similar fix here in the Congress. Our country is in a sinkhole of debt and it's almost as if we have adopted a philosophy of ''all you can spend'' around here. Spending is out of control and we are doing more than just wasting resources—we are destroying the future of our children and our grandchildren. Our friends on the other side of the aisle don't seem to see what a terrible problem we face. Just like that all you can eat line, our colleagues are heading back to the buffet for one more full plate and leaving the bill for our children to pay. As the old adage says so well, you can pay me now, or pay me later—and our colleagues have chosen to leave the bills for later. We ought to know better.

This week the Senate is considering the conference report for the fiscal year 2009 budget resolution, a blueprint that is supposed to provide us with guidance for spending that reflects the priorities of the Congress. As stewards of the public trust, the Congress needs to make responsible choices that leave a fiscally sound country to our children and our grandchildren. Unfortunately, the budget resolution conference agreement we are debating this week doesn't confront any of the tough choices that face our country.

I will say once again that we cannot sustain the current level of spending without inflicting grave damage on the fiscal health of our country. This conference agreement rejects the President's proposals that slow the growth of spending in mandatory programs, as well as keep a handle on discretionary spending.

It does nothing to shore up the government's fiscal house, and instead leaves the tough choices to future Congresses and the next administration. Yet every day, Americans sit at their kitchen tables and tighten their own budgets to pay for gas, food and other necessary expenses—while we can't even impose meaningful discipline on spending here in Washington.

As stewards of the public trust, we owe it to all American taxpayers to use the funds they provide us in the most efficient way possible. If we do that, then we provide future generations with a strong economy.

As an accountant, I particularly welcome the opportunity to look at the overall spending priorities of our Nation. Fiscal year 2009 ought to be another tight year for spending. This year the Federal deficit is projected to be close to $350 billion—under the Conference Agreement—which will pale in the face of major demands on resources as the so-called baby boom generation begins to reach eligibility for Social Security and Medicare. We must realistically deal with issues like increasing health care costs, tax policy, burgeoning energy costs, as well as continuing national security obligations. Americans deserve more than another ''pass the buck'' budget.

Mr. President, here is the truth about what the Democratic budget resolution would do. It will: raise taxes by $1.2 trillion meaning that 43 million families with children will pay $2,300 more each year, and 18 million seniors will pay $2,200 more; increase spending by $210 billion over 5 years. For fiscal year 2009, exceed the President's requested budget by $24 billion; would allow the gross debt to climb by $2 trillion by 2013; last year's budget grew our national debt by $2.5 trillion. It ignores entitlement reform—there is no attempt to tackle the $66 trillion in unsustainable long-term entitlement obligations that face our country. The President's budget proposed to reduce the rate of growth in one of our most expensive entitlements, Medicare. This would not cut Medicare at all—it would simply reduce the rate of growth. This conference report rejects even slowing the growth in entitlements. For these reasons alone, the conference report ought to be rejected.

Congress ought to be considering a budget that reduces the national debt, promotes honest budgeting, and encourages true economic growth by reducing energy costs, reducing taxes, and reducing health care costs and increasing access for all Americans.

Last year, the majority also promised to abide by pay-go rules and actually pay for all new spending. Well, as far as I can see this has not happened, and in fact, pay-go enforcement rules have been weakened through a variety of different mechanisms and smoke and mirrors that taxpayers have ended up with billions in new spending.

Congress must take seriously the warnings from the General Accounting Office and the Congressional Budget Office about Federal expenditures spiraling out of control. We need to make procedural and process changes to directly address these problems. One of the many procedural reforms that I believe would promote fiscal responsibility is a 2-year budget process, known as biennial budgeting.

In fact, in his budget for fiscal year 2009, the President once again proposed commonsense budget reforms to restrain spending. He has several recommendations, including earmark reforms and the adoption of a 2-year budget for all executive branch agencies in order to give Congress more time for program reviews. Implementing these overall recommendations would be a step in the right direction.

The budget process takes up a considerable amount of time each year and is drenched in partisan politics, while other important issues end up on the back burner. The Federal budgeting and appropriations system is broken, and lends itself to spending indulgences taxpayers cannot afford. We only have to look to the mammoth spending bills that nobody has time to fully read or understand before they are passed into law. Last year's omnibus appropriations bill is an example of a system that promotes fiscal recklessness.

This conference report is a missed opportunity. There is a crucial need to enact procedural and process changes that will enable us to get this country on the right budgetary track again. We simply cannot risk the economic stability of future generations by continuing to ''get by'' with the status quo. The risks are far too great.

The conference report we are debating today is a hollow, tax and spend, big government budget. It makes no tough choices.

FISCAL YEAR 2009

Mr. DOMENICI. Mr. President, I would like to thank Chairman CONRAD and the other members of the Budget Committee for their kind words and

well wishes that have been directed toward me during our work on this the final budget resolution during my tenure in the Senate.

As most of you know, I have worked on many budgets and numerous other initiatives during my 36 year career. However, important work still remains for the Budget Committee. If I had more time I would without a doubt seek to address entitlement spending. I had pledged to work with Chairman CONRAD on his bipartisan bill and I am disappointed that we may not have time to take it up this year.

This budget, like many before it, fails to address the 800 pound gorilla in the room, otherwise known as entitlement spending. After 2010, spending related to the aging of the baby-boom generation will begin to raise the growth rate of total outlays. The annual growth rate of Social Security spending is expected to increase from about 4.5 percent this year to 6.5 percent by 2017. In addition, because the cost of health care is likely to continue rising rapidly, spending for Medicare and Medicaid is projected to grow even faster—in the range of 7 or 8 percent annually. Total outlays for Medicare and Medicaid are projected to more than double by 2017, increasing by 124 percent, while nominal GDP is projected to grow only 63 percent. The budget currently under consideration does not offer solutions, much less even address, entitlement spending or reform. I do not support this budget in its current form because it does not offer any meaningful solution for entitlement spending.

I offer this piece of advice to my colleagues serving on the Budget Committee: tackle entitlement spending. The Budget Committee should propel itself to the forefront of this debate and use the tools that only this committee has at its disposal to address the number one issue on the minds of the American public. With true leadership, this committee has the potential to turn mere Senators into heroes if they choose to address the entitlement programs. I urge Senators to come together and find a solution in the near future before it is too late to resolve this crisis.

Mr. LEVIN. Mr. President, I am pleased an agreement has been reached on a budget resolution conference report. It is the duty of Congress to approve the Nation's fiscal blueprint, and this year's budget report presents a responsible plan that rightfully prioritizes job creation and programs to support the safety, health, and education of America's children.

Our economy has long been suffering and is in need of a boost. This budget will help start to undo the damage caused by the administration's misguided fiscal policies and stave off additional cuts proposed by the administration that would affect important programs that are especially needed in this time of economic distress.

This budget rejects the President's failed policy of paying for tax cuts by adding to the debt burden of our children and grandchildren. The fiscal year 2009 budget that President Bush sent to Congress in February would have us pursue the same failed priorities and policies that have proven so woefully wrong for Michigan and for our Nation. The President's proposal would dig us even deeper into the massive deficit ditch we are already facing. The President's proposal would provide even more tax cuts to the wealthiest among us, while at the same time it would cut funding for critical programs important to my State's economy and the well-being of the State of Michigan. This includes cuts to, among other things, health care funding, including Medicare and Medicaid; decreased funding for important investments in education; and the elimination of the Technology Innovation Program, formerly called the Advanced Technology Program, and the Manufacturing Extension Partnership, which helps small and mid-sized manufacturers compete in a global economy.

We need to break from those failed policies by forgoing irresponsible tax cuts for the wealthiest among us and making important investments in America's future; we must work to put our country back on track and begin the long process of climbing out of this deficit ditch.

That is why I am glad this resolution provides for a balanced budget by 2012. It also furthers our strong pay-go rules, which require that all mandatory spending and revenue provisions be deficit-neutral. It sets the course to fully offset a repair of the alternative minimum tax, which would otherwise cause nearly 20 million middle class taxpayers to be subject to a tax they were never intended to be subjected to. It also assumes middle income tax relief, including marriage penalty relief, the child tax credit, and the persistence of the 10 percent bracket.

I am pleased that this resolution includes my proposal to establish a deficit-neutral reserve fund to promote American manufacturing. Congress needs to act to revitalize our domestic manufacturing sector. The administration has stood by passively while 3 million manufacturing jobs were lost to America.

This resolution also seeks to close the tax loopholes costing the Treasury large amounts of revenue and which have shifted an unfair burden to middle income taxpayers. Shutting down abusive tax shelters and offshore tax havens are two of the major tax gap initiatives assumed in the budget resolution. Additionally, this budget would reject many of the cuts in funding proposed by the President for essential health care and education programs. I believe this budget resolution, while only a blueprint for future action, sets us on a course of fiscal responsibility and paves the way for important investments in America's future.

I am also pleased that this conference report retains an amendment I co-authored which, taken together with the underlying clean energy reserve fund, will support extension of the current production tax credits for renewable electricity and biodiesel fuel, the small-producer biodiesel tax credit, and clean renewable energy bond authority. It also proposes new tax credits for cellulosic ethanol and plug-in hybrid vehicles. I will continue to work to enact these necessary incentives.

Major bipartisan efforts will be needed to make true progress on the long-term fiscal problems we face. But this resolution represents a good start by proposing an end to the financing of unaffordable tax cuts for the wealthiest among us, as well as funding prudent investments to promote the health and well-being of our children.

Mr. CARDIN. Mr. President, I rise in strong support of the fiscal year 2009 budget resolution conference report. As a member of the committee, I want to recognize Chairman CONRAD and thank him personally for his untiring efforts to craft a blueprint that will get our Nation's fiscal house back in order.

Perhaps more than at any time in our history, it is imperative that Congress focus seriously on our Nation's budget situation. The competing demands of an aging population, our current international commitments, growing competition in the global economy, our widening trade deficit, and shrinking revenues all require that we address our fiscal situation with urgency. Revenues are at a historic low point, while the demographics of the country are driving spending higher on needs that the private sector is ill-equipped to address. Now there is widespread consensus among working families that—regardless of the official definition—we are in a recession.

Employment growth during this administration has averaged fewer than 50,000 jobs a month—the lowest monthly rate for any administration since Dwight D. Eisenhower's and less than one-quarter the average of 237,000 jobs per month created during the Clinton administration.

Inflation-adjusted hourly wages have decreased by 1.3 percent since August 2003. Even median annual household income has decreased by $1,700, or 3.6 percent, after accounting for inflation. These are aggregate statistics, but behind each of them are millions of families who are falling behind as a result of inadequate investment in the right priorities.

For too long, we have been moving in the wrong direction. Over the past 7 years, the Bush administration has sent us budgets with the wrong priorities. They have contained drastic cuts to education and health care programs. They did not provide for investment in our nation's public transit systems, bridges, and roads. They did not address energy efficiency. They ignored veterans' health care needs and actually attempted to make it more difficult for veterans to access the health

system we promised our troops. And they neglected the programs that help working families thrive, including child care, housing, community development, and job training. Recent Congresses supported those budgets, and exacerbated the fiscal crisis by enacting irresponsible tax cuts that America could not afford—tax cuts that overwhelmingly benefitted the wealthiest Americans, while providing very little help for working families. Last year, under new leadership in Congress, we passed a budget that began to change course. This budget continues that effort, and I am pleased to support it.

This conference agreement targets tax relief where it is most needed—at working families. This includes an extension of the child care tax credit, marriage penalty relief, and the 10 percent individual income tax bracket.

Equally important, this budget resolution is fiscally responsible. It will return us to a balanced budget, with a surplus of $22 billion in 2012 and $10 billion in 2013.

Even as crucial domestic programs have suffered under this administration, the Nation's debt has increased from $5.8 trillion at the end of President Bush's first year in office to in excess of $9 trillion.

If we fail to change course, we will leave our children and grandchildren an insurmountable legacy of debt. The fiscal policies of this current administration have erased the $5.6 trillion surplus that was projected in 2000 and replaced it with a projected deficit of nearly $4 trillion over the next 10 years.

The borrowing necessitated by deficit spending has jeopardized our economic position in the world, and it has clouded the outlook for generations of Americans to come. We have had to turn to foreign governments to borrow money. Our foreign-held debt has increased by more than 100 percent during this administration. In fact, in just one year, the total has increased from $2.1 trillion to $2.5 trillion. According to the Treasury Department, as of March 2008, the United States now owes more than $600 billion to Japan, nearly $500 billion to China, more than $200 billion to the United Kingdom We owe $150 billion to oil exporting nations, up from $112 billion last year. These levels of foreign-held debt threaten our independence as a nation, and they are unsustainable.

That is why it is so important that we make the difficult budget choices that can return us to a balanced budget, and that this resolution contain tools needed to get there, including pay-go.

This resolution calls for $3.1 trillion in spending for the next fiscal year. It rejects the President's cuts to entitlement programs, and it funds domestic discretionary programs at $21 billion above his budget request. This means that we can begin to make much needed improvements in the programs that help build our nation.

The many important areas that this budget addresses are particularly crucial in these difficult economic times for America's families. We provide for a reserve fund that will improve access to affordable housing for working families, we add $40 million for emergency food assistance and we improve unemployment compensation.

In health care, I want to mention two specific areas. This budget makes room for critically needed increases in health research funding. The National Institutes of Health is headquartered in Maryland, and its grants fund research in my state and across the nation. Unfortunately, this is the sixth year in a row that NIH has been essentially flat-funded. I have the privilege of meeting often with biomedical researchers from my home state. They are working to find treatments and cures for our most challenging diseases—cancer, diabetes, arthritis, ALS, and others.

During the period when Congress doubled NIH funding—between 1998 and 2003—researchers' chances of securing NIH funding for a worthwhile grant proposal was one in four. Since 2003, their chances have dwindled to one in eleven. Undergraduate and graduate students alike are beginning to question their career choices and wonder if there is a future for them in biomedical research. With medical research inflation at nearly 3.5 percent, we must increase the agency's funding by at least that amount in order to break even. To make progress in the fight against disease, we must increase our spending substantially. I am pleased that our resolution rejects the President's planned cuts for this critical agency and makes room for additional funding.

This budget resolution also makes room for improvements to pediatric dental care. I have come to the floor of the Senate on several occasions to talk about a 12-year-old named Deamonte Driver. He lived just 6 miles from here in Prince George's County, MD. The Driver family, like many other families across the country, lacked dental coverage. At one point, his family had Medicaid, but they lost it when they moved into a shelter, and their paperwork fell through the cracks. When advocates for the family tried to help, it took more than 20 calls just to find a dentist who would treat him.

Deamonte began to complain of headaches in January 2007. An evaluation at Children's Hospital found that he had an abscessed tooth, but the condition was advanced and he needed emergency brain surgery. He later experienced seizures and a second operation. Even though he received additional treatment and appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25, 2007. At the end, the total cost of his treatment exceeded a quarter of a million dollars—more than 3,000 times the $80 it would have cost for a tooth extraction.

There is no excuse for us, in the wealthiest nation on Earth, to watch a child die for lack of access to basic dental care. It is difficult to find dentists to treat low-income children for two reasons. First, because there is a shortage of pediatric dentists—only 4.3 percent of dental school graduates in 2001 reported pediatric dentistry as their specialty of choice; and second, because the reimbursement from public programs such as Medicaid and SCHIP is low.

Our budget rejects the President's cuts to dental training programs, and it is my hope that we will continue to work to increase the number of pediatric dentists and improve reimbursement for public programs. But there are thousands more children, like Deamonte's brothers who also need dental care—who cannot wait for us to recruit and train more dentists. I thank both Senator WHITEHOUSE, who joined me in offering an amendment in committee to address this issue, and the members of the Budget Committee who unanimously supported it. My amendment would establish a deficit-neutral reserve fund in the budget for legislation to improve access for low-income children who are in either Medicaid, SCHIP, or are uninsured. As a result, this budget will allow Congress to fund legislation to improve oral health care and more appropriately reimburse the providers who are willing to treat low-income children. These are the offices, clinics, and dental schools whose doors are open to underserved patients, but whose ability to treat large numbers is compromised by inadequate payments.

This budget also funds critical investments in homeland security. The President's budget reduced funding for important first responder programs, including the SAFER—Staffing for Adequate Fire and Emergency Response—grant program. The SAFER grant program directly funds fire departments and volunteer firefighter interest organizations to help them increase the number of trained, frontline firefighters. This budget rejects those cuts and will give firefighters needed resources to protect our communities.

I am proud that this resolution also addresses another issue that is critically important for Maryland. It calls for pay parity between civilian and military employees. With tens of thousands of Federal employees in Maryland, I have witnessed the additional burdens placed on our civil servants, particularly since the 2001 terrorist attacks on our Nation. These dedicated employees are called upon to assume greater risks with lower comparable pay to private sector wages. In addition, many Federal agencies now face a human capital crisis, with thousands of our most experienced employees eligible to retire in the next few years. Pay parity is necessary if we will be able to recruit and retain a quality Federal workforce, and this budget provides for it.

Finally, I also note that this budget supports our veterans. We rightly reject the President's misguided proposals to increase enrollment fees and copayments for veterans' health care services. We increase funding for the Department of Veterans Affairs so that we can improve VA health care facilities and improve access to rehabilitation, mental health services, traumatic brain injury services, and speed the processing time for disability claims.

Again, I thank Chairman CONRAD for his leadership in helping to bring forth this agreement. As he has said previously, it truly marks a new path forward for our country. I urged my colleagues to support it.

I yield the floor, and 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. COCHRAN. 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. COCHRAN. Mr. President, I ask unanimous consent———

Mr. CONRAD. Will the Senator withhold for one moment?

Mr. COCHRAN. I am happy to withhold for my friend from North Dakota.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I have been asked to request that we go into a period of morning business until 12:45, with the time equally divided.

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

Mr. CONRAD. I thank the Chair, and I thank very much my colleague and my friend, Senator COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi.

CLIMATE SECURITY ACT

Mr. COCHRAN. Mr. President, my staff members and I hear from Mississippians every day about the crippling effects of high energy prices. We all understand the need for increasing clean energy supplies, and I hope we can continue to work to do that and to develop other innovative solutions to deal more effectively with this great problem. But the bill we are considering will not accomplish that goal. Instead, the legislation will have a detrimental effect on our economy. It will contribute to a higher overall cost of living, and it will be especially harmful to lower income families.

According to projections by the Energy Information Administration and the Environmental Protection Agency, energy costs are projected to rise because of this legislation. Energy prices are already at an all-time high. We cannot afford to increase these costs even further. By 2030, increased costs for delivered coal could range between 405 percent and 804 percent, natural gas prices could rise between 34 percent and 107 percent, and gasoline prices could go up between 17 percent and 41 percent. Although the substitute amendment we are considering imposes yearly cost ceilings, these high prices will still be realized unless improbable advancements in alternative energy production, such as 70 new nuclear reactors and 68 billion gallons of ethanol, are produced.

Various projections of this bill show not only will prices increase, Americans could lose jobs as industries struggle to keep costs down. I am proud of the new era of manufacturing that my State of Mississippi is entering, but I don't want Mississippians to lose the jobs we have fought so hard to obtain. The Environmental Protection Agency and the Energy Information Administration suggest that this bill could reduce the gross domestic product of the United States by as much as 7 percent by 2050 and could reduce the manufacturing output of the United States by almost 10 percent in 2030. A reduction in output means that industry will need fewer workers in order to keep their costs down. A need for fewer workers will result in job losses, and unemployment rates in my State are already too high.

I believe the Senate should spend time considering the best use of America's natural resources while being mindful of the environment. However, if we are going to mandate reductions in greenhouse gases, there are certain principles we need to keep in mind. The Senate must consider the costs we will impose on the consumers we represent. The legislation we have before us goes beyond what is required to reduce emissions and imposes harsh, costly restrictions on the industries and businesses we count on to keep our economy healthy.

The bill provides that only 30 percent of annual emissions reduction obligations can be met using credits and offsets. Only half of that amount can be from domestically generated credits, through a complex formula, and the remainder of the available credits would come from outside the United States. Many of these credits and offsets will likely come from the agricultural sector. Mississippi farmers are already engaged in better and more efficient practices, such as no-till farming, new irrigation efficiencies, and reforestation of marginal lands.

Another troubling aspect of the legislation is the creation of a massive new mandatory spending regime that would direct nearly $3.3 trillion in auction revenues over the next several decades to dozens of specific programs, some that already exist but some that are new. These mandatory programs will not likely receive the proper oversight and control that the annual appropriations process provides. It is unreasonable to think we can know today whether it will be appropriate in 2050 to allocate 3.42 percent of auction revenues for Department of the Interior adaptation activities or to allocate 3.1 percent of auction revenues in 2030 for cellulosic biomass programs.

As ranking member of the Committee on Appropriations, where we have annual hearings and review the needs and the constraints we are dealing with under the budget for appropriating funds, I cannot support this approach that pretends to project what the appropriated amount should be years and years from now.

It is my hope we will be able to help restore a strong economy, create an energy infrastructure that provides for low-cost electrical and motor fuel prices, and foster a responsible attitude about our natural resources and the environment. However, the legislation we are now considering will not bring Americans lower energy costs or, realistically, a cleaner environment.

Unless major changes to this legislation are considered, I cannot support this bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I could give these remarks now or I could have given them when we were on the bill because they address something that is disturbing a number of Senators. That concern is that the majority leader may be thinking of filling the tree, which means he is not going to allow us to offer a significant number of amendments to this bill. That is, from what I can tell, something that we should not do, and he should not do. As someone who knows him well and works with him well, I think it would be a mistake to fill the tree on a bill like this, and let me give a few examples from my own experience.

When we used to do business the way the Senate does business, not filling trees but filling many days with legislation of importance, we had a Clean Air Act, Mr. President. The manager of the bill was Ed Muskie. The Clean Air Act; Ed Muskie. The first bill of that sort that came to the floor. I was a brand new Senator. I was on the committee. Very interesting. I spent a great deal of time on the Senate floor just listening and watching. That bill was on the floor of the Senate 5 weeks—5 weeks not 5 days—with 168 amendments considered and 162 acted upon. Of those, 60 were Democratic.

Now, imagine this bill before us, which is far more important in terms of the ramifications to the American economy, to the costs that will be added to energy, to the trial run that we are taking upon ourselves to try to curtail carbon, which we don't even know will work, yet it will put into the marketplace trillions of new dollars that are allocations. There are certificates, not issued by the Treasury of the United States but, rather, issued under the mandate of this program. All of the language in this bill as to who gets those allocations, as though we walked around and walked the streets and tried to see who might need them and

who might support the bill and provide these allocations, that deserves as much time as the Senate wants to spend offering amendments. It is probably the biggest, most complicated bill we have had, certainly in the 36 years that I have been a Senator.

Secondly, we tried an energy bill. We finally passed it after the third try, but we didn't try to fill the tree. That is language for saying we are making it so that it can't be amended, so that it will move rapidly because all avenues for amendment are filled, and thus the tree is filled. That is where the language comes from. The leader has the authority to do it, or whoever can be recognized ahead of him, if they want to do that.

I will cite another example. We finally passed a very good comprehensive energy act 3 years ago. That bill was on the floor of the Senate for 3 weeks—3 weeks not 3 days. This bill that we are talking about has been on the Senate floor only 3 days, 4 days, and already we are considering closing off debate. I have been here 35 years, and I have never seen anything like this—thinking of filling the tree on a bill of this magnitude, this complexity, and, I might say, with the certainty of having mistakes. It is just as certain as we are standing here and you are sitting there presiding that this bill has to have many errors in it, many things we will regret passing if we don't amend it, talk about it, and analyze it.

Having said that, and having examples of precedent here, when we behave like a Senate, where we were not unwilling to take 100 amendments on a bill when you considered that, and you didn't say: Oh, the Senate is closing its doors, we are dead, we used to say: We are live. We are going to get it done. Senator Muskie made his name on that one bill because it was here 5 weeks. Nobody ever questioned his capacity, after that, to handle legislation. I use that as an example when I tell people how do you become a Senator. You have an opportunity to come to the floor to manage something for anywhere from 3 days to 3 or 4 weeks. I had that chance three times on budgets. Before anybody ever knew me, I had the opportunity to come down here and do that. People found out I could manage a bill. That is part of the Senate. That happened to Senator Muskie—5 solid weeks and 100 amendments to get a Clean Air Act through here.

This bill is bigger, more important, more comprehensive, and maybe more difficult for the American economy and American people than the Clean Air Act. It needs time, not tree building, not trunk building, not closing off opportunities to amend.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There remains 14 minutes.

OIL SPECULATION

Mr. DORGAN. Mr. President, I heard my colleague on the other side of the aisle, from Louisiana, on the floor of the Senate, with the usual sharp partisan scalpel, talking about what the price of gasoline was when this Congress was seated, the new Congress—presumably with a Democratic majority was his point—and what the price of gasoline is now, suggesting somehow that the Congress has conspired in increasing the price of gasoline. In fact, nothing could be further from the truth. But I want to explain my concern about what is happening with the price of gasoline and the price of energy in this country. I also want to make the point while I do this that those, including perhaps my colleague who was speaking earlier this morning, who have always felt that regulation was a four-letter word, ought to understand that part of what we are experiencing today is regulatory agencies in the Federal Government taking a Rip van Winkle nap while they ought to be regulating, while they ought to be watching on behalf of the public interest what is going on.

We have people who came to Government who did not like Government, who aspired not to do anything. A good example of that is the folks who were put in place prior to Enron, running roughshod on wholesale electricity prices—which we later found out was a criminal enterprise. People on the west coast were bilked out of billions and billions of dollars. Why? Because regulators were not watching and didn't care, because they were regulators who were selected by the very companies they were regulating. In fact, I am told that Ken Lay actually was conducting some interviews on behalf of the administration.

Ken Lay is dead. He is gone. He came before my committee. I chaired the hearings on the Enron scandal over in the Commerce Committee. He came before the committee. We subpoenaed him. He raised his hand, took an oath, sat down and took the fifth amendment. He has now died but many of his colleagues in Enron are spending years at minimum security prisons somewhere around the country.

Effective regulatory oversight is very important. It is unbelievably important. Let me explain why that is the case with respect to the price of gasoline and the price of oil.

Here is what has happened to the price of gasoline. These are oil prices, but gasoline prices track them. This is the price of a first month contract on the NYMEX. You can see what is happening—up, up, and up.

Is there a reason that oil prices should go up like that? Let's explore that a bit. Stephen Simon, senior vice president of ExxonMobil, testified a month and a half ago before the House of Representatives. Here is what he said:

> The price of oil should be about $50–55 per barrel.

A big oil executive saying the price of oil ought to be about $50 or $55 a barrel.

Here is Clarence Cazalot, the CEO of Marathon Oil. He says:

> $100 oil isn't justified by the physical demand in the market.

An oil executive saying the current price at $100—it is much higher now—$100 is not justified.

During a question-and-answer period he suggested a more reasonable range for crude oil prices was between $55 and $60 a barrel.

This is from the Newark Star Ledger on January 8.

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

Again, an oil company executive.

Fadel Gheit, senior energy analyst at Oppenheimer, with 30 to 35 years experience:

> There is absolutely no shortage of oil. I'm convinced that oil prices shouldn't be a dime above $55 a barrel.
>
> I call it the world's largest gambling hall. . . .

He is talking about the futures market now, for oil.

> I call it the world's largest gambling hall . . . It's open 24/7 . . . Unfortunately, it's totally unregulated . . . This is like a highway with no cops and no speed limit and everybody's going 120 miles an hour.

Fadel Gheit came and testified before our Energy subcommittee and said the same thing. There is no justification for the current price of oil.

Then what is happening? This is what a market looks like at NYMEX. It is hard to see much order there, but I have actually visited that market. It is a bunch of traders on the floor who wear colored jackets and logos and have pieces of paper. It doesn't look like anybody can keep track of what they are doing. They apparently are doing it well. At any rate, in this market, which is supposed to provide liquidity for the price of oil—that is you have a market where you have people who hedge and people who buy contracts and so on—there is now an orgy of speculation, an unbelievable amount of speculation.

Let me show what has happened with respect to speculation. This line shows the percentage of oil owned by speculators, January 1996 to April 2008. This is oil purchased by people who do not have any interest in having oil. These are speculators. They buy things they will never get from people who never had it, expecting to make money on both sides of the trade.

This market is now infested with speculators. We heard testimony yesterday that said the largest holder of home heating fuel in the Northeast, in the United States of America, is Morgan Stanley, an investment bank. Does anybody here think that Morgan Stanley decided as part of its corporate charter we aspire to gather a bunch of heating oil because we want to be in

the heating oil business? No. It is an investment bank that is in the speculative business.

Hedge funds and investment banks are deep into speculation in these futures markets, very deep. Investment banks for the first time, as I understand it, are actually buying storage capacity to take energy, that is heating fuel and oil, off of the market and put it in storage to keep it in the market. They believe it would be more valuable in the future than to convert it to dollars, which they think will depreciate. So they buy oil and store oil because they are speculating.

The question is, What do we do about that? If, in fact, the fundamentals aren't at work here—and, by the way, there is no free market. Everybody says: What about the free market? Let the free market work. There is no free market. That is absurd. You have a cartel, a bunch of folks who represent the OPEC countries. They all have ministers—Mr. Minister this, Mr. Minister that. They go lock a door someplace and this cartel decides how much they are going to produce and what price point they want. You have a cartel at the front end. Second, you have bigger oil companies. They have all merged. They all like each other so they all married and the fact is nobody cared much how big they got and now they have two names, ExxonMobil, ConocoPhillips, the list goes on. So they are bigger, stronger, and they have more muscle in the marketplace. Cartel, bigger oil companies—and third and most important you have an unbelievable amount of speculation in a market that ought to work but doesn't work anymore at all.

Who is injured? The country is damaged. Our economy is damaged. Everybody who drives up to a service station and wants to use a gas pump to fill their car with gas is now actually siphoning money right out of their pocketbook right into the bank account of the major oil companies, right into the bank account of the OPEC countries. They have ''permagrin.'' They love this. They smile all the way to the bank because they are depositing our money. But it is injuring our country, damaging our economy, and hurting American consumers.

So if this is not just about fundamentals, and if the fundamentals don't justify the current price, what then can we do? We have done at least a couple of little things. I introduced a bill we have now passed and the President has now signed it—he didn't like to sign it, but he signed it—that said at least stop putting 70,000 barrels a day underground of sweet light crude. That is a law. They have not stopped doing it because they are filling out the current contract until the end of June, but 70,000 barrels of sweet light crude will go into the supply line when that goes into effect at the end of this month.

What can we do to end and wring out the speculation? Let me say, first, we need oil. I am not here to trash oil. We need oil. I understand that. We put in place in 1960 generous tax breaks that are permanent to say: If you are looking for oil or gas, we want to give you some tax incentives to do that. That is what this country did a long time ago.

I was on an oil rig about 2 weeks ago in the area of our country that has the largest oil play, I believe. It is called the Bakkan Shale in western North Dakota and eastern Montana. It is fascinating what they are doing. The reason I say we need oil—I encourage drilling. I was one of four Senators who helped open up Lease 181 off the Gulf of Mexico. We are now going to get more oil and gas off of that area and still protect our environment.

Let me talk about the sophistication of the drilling rig I visited 2 weeks ago. They drill down 10,000 feet, make a big curve with the same rig, and drill out 10,000 feet. They are searching for a seam that is 100 feet wide called the shale seam. They divide that seam into three parts—the upper part, middle part, and lower part. They go down 2 miles with a drilling rig, make a big curve, go out 2 miles, and they are targeting only the middle part of a 100-foot seam to get oil and they end up 2 to 4 feet from where they expect to be with their drill bit. It is unbelievable technology. There is a lot going on and I commend them for it. We want to encourage them. We want more production, but we cannot sit around here, as a Congress, and say it doesn't matter what the current price is.

If the price at the pump is $4, the price of a barrel of oil is $125 or $130 or $135, it doesn't matter. It matters to the airlines that went belly up recently. I had a discussion yesterday with an executive who told me the name of an airline he thinks may well be liquidated in the next couple of weeks. I was flabbergasted. We have had a good many airlines file for bankruptcy recently. We have trucking companies all across this country, especially mom-and-pop truck businesses, that cannot afford to buy fuel and have gone belly up and many others will. We have people who can't afford to put gas in their tank to drive to work. That is unbelievable to me.

If it were about fundamentals, I would understand this, but this has nothing to do with fundamentals of supply and demand or the free market. It has to do with an unbelievable amount of speculation. We have a right, in my judgment, we have a responsibility, to begin wringing that speculation out of those futures markets.

There are a number of ways to do that. I have talked before about a piece of legislation that would increase margin requirements for those who want to engage in speculation. If you want to buy stock on margin, you have to put up 50 percent of the money. That is a requirement—50 percent of the money. If you want to go buy an oil contract, 5 to 7 percent. If you want to control $100,000 worth of oil, it will cost you $5,000 to $7,000. If you want to control $100,000 worth of stock on margin, it will cost you $50,000.

It seems to me first we ought to identify a way to decide what is speculation and what is not and then go after a way to wring out the speculation from these markets. I understand markets need to work, they need liquidity, they need to have an opportunity for legitimate hedging. I understand all of that. But I also understand what has happened here is we have galloped into this box canyon with speculators making massive amounts of money.

The other day I was on the floor and I talked about a man who has been involved in hedging and betting—mostly betting, not hedging—and has made a massive amount of money. He doesn't have any interest in oil. He has never had oil run through his fingers. He has probably never changed the oil in his car, let alone wanting to buy oil. He wouldn't have a place to store it if he got it. He is very interested in gambling on the contracts, back and forth, to make money.

That is what Mr. Gates said. As I indicated, Mr. Gates is a fellow who has over 30 years' experience. I have talked to him by telephone a number of times. Mr. Gates says: This is the world's largest gambling hall. It is open 24/7, totally unregulated.

Now, we have seen speculation and bubbles exist in our country before. We have seen them in history. There are books written about bubbles and speculation. You know when tulips were sold for $25,000 a piece, 400 and 500 years ago, it did not matter so much, nobody needed to have a tulip to do well during the day.

But oil is different. The price of oil affects every American, every consumer, every business. It affects our economy. What are we going to do if this price keeps moving and if we do not find a way to wring the speculation out of this and bring it back to where supply and demand or where a real marketplace would render the price to be?

How many airlines will go bankrupt? Will trucking companies be able to purchase fuel? What will consumers do? What will it mean to the economic growth potential of this country?

I am working on a piece of legislation that does a couple things, that addresses this speculation in a way to free it, to wring it out of the futures market. The futures market should exist. It is a legitimate market. The futures market for oil is necessary. You need to hedge. But we need to find a way to have complete transparency, to be able to regulate both here and also on the intercontinental exchanges. We probably need to increase the margin requirements and say to speculators: Your day is over. Your day is done. This market will exist, but it will exist without you.

I intend to work on that amendment with my colleagues in the coming days and offer it and hope we push it to a conclusion.

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. Without objection, it is so ordered.

LIEBERMAN-WARNER CLIMATE SECURITY ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S. 3036 be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Mr. MCCONNELL. Reserving the right to object—I withhold.

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

The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3036) bill to direct the administrator of the Environmental Protection Agency to establish programs to decrease emissions of greenhouse gases, and for other purposes.

AMENDMENT NO. 4825

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I send the Boxer substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 4825.

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

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read.

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

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read.

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

Mrs. BOXER. Mr. President, I have a unanimous-consent request.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, in order to debate global warming legislation to get us to lower gas prices, I ask unanimous consent that reading of the amendment be dispensed with so we can get back to the business of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, this is a brand new substitute bill comprised of 491 pages that very few people have even had a chance to see. I think this is an opportunity for us to learn what is actually in the legislation so that we can do our job and consider it and vote accordingly.

I do object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. I reiterate my request because the reason given by my friend is wrong. We have had a summary available for 2 weeks.

I ask unanimous consent that reading of the amendment be dispensed with.

Mr. CORNYN. Regular order, Mr. President.

The PRESIDING OFFICER. The clerk will continue the reading of the amendment.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, in order to proceed with this piece of legislation which would reduce carbon pollution that causes global warming, I ask unanimous consent to dispense with further reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the amendment.

The journal clerk continued with the reading of the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, in order to continue with this tripartisan legislation which is agreed to by an Independent, Republican, and a Democrat, which will save the planet from the ravages of carbon pollution and global warming and make us energy independent, I ask unanimous consent that further reading of the bill be dispensed with.

The PRESIDING OFFICER (Mr. SCHUMER). Is there objection?

Mr. ALLARD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the amendment.

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

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

Mr. SALAZAR. Addressed the Chair.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Colorado.

Mr. SALAZAR. Madam President, given the lateness of the hour and the hard work of all our staff today, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Is there objection?

Mr. CORKER. I object, Madam President.

The PRESIDING OFFICER. Objection is heard. The clerk will continue reading.

Mr. SALAZAR. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, would it be in order for this Senator from Colorado to ask a question of the Senator from Tennessee?

Mr. CORKER. Madam President, regular order, if we could.

The PRESIDING OFFICER. Regular order is the reading of the amendment. The clerk will read the amendment.

The assistant Parliamentarian (Leigh Hildebrand) continued with the reading of the amendment.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Nevada, the majority leader.

Mr. REID. Mr. President, the American public has had the opportunity for the last 8 hours to watch what is wrong with the Republican minority. No wonder an election in a heavily Republican House district, the seat of the former Speaker of the House of Representatives, Dennis Hastert, goes Democratic big time; a House seat in a special election in Louisiana, which has been Republican for a long period of time, went Democratic; and a seat in the State of Mississippi, in a special election, went Democratic. All you have to do is look at the picture of what has been going on here today to understand why.

It seems the Republican minority wants to do anything they can to maintain the status quo. They do not want legislation, and they have proven that time and time again. I want everyone to understand that because of the Republicans, we are going to have to have a vote. In a short time, I am going to call a live quorum and people are going to have to take off their pajamas, turn off their TV sets and head for the Capitol, and they should do that because that is what we are going to have, as the terminology is here, in a few minutes.

Now, I want also people to kind of get the other picture. The Thursday before our recess, 13 days ago, we were working on a package of nominations. I worked with the Chief of Staff of the President of the United States, Josh Bolten. We cleared a lot of names. The vast majority of them, 80-some, were Republicans, Republican nominees. There were a handful of Democrats, five—I don't know how many. It was all done. I thought we had worked this out with the Chief of Staff, the President's Chief of Staff. But lo and behold, at the last minute, no. So I thought, well, we would start early this time. So a couple days ago I started working again with Josh Bolten, and the last couple days, in fact 3 days, we have been working. He has had somebody work with my Chief of Staff and my appointments person, and I thought we

were making a lot of headway. We did another deal. We learned at the last minute that the Republicans don't want it. They do not want their own people, one of whom was a Secretary of the Cabinet.

So this is the stall that is taking place, for reasons that are—well, the American people can see.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 2 Leg.]

Boxer	Reid	Salazar

The PRESIDING OFFICER. A quorum is not present.

Mr. REID. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Ms. STABENOW), the Senator from Virginia (Mr. WEBB), the Senator from Rhode Island (Mr. WHITEHOUSE), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Alaska (Mr. STEVENS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''no.''

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

The result was announced—yeas 27, nays 28, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—27

Baucus	Harkin	McCaskill
Boxer	Johnson	Nelson (NE)
Brown	Kerry	Pryor
Cantwell	Klobuchar	Reed
Casey	Kohl	Reid
Dodd	Leahy	Salazar
Dorgan	Levin	Sanders
Durbin	Lieberman	Schumer
Feingold	Lincoln	Tester

NAYS—28

Allard	Dole	Sessions
Barrasso	Enzi	Snowe
Burr	Graham	Sununu
Chambliss	Grassley	Thune
Coburn	Hutchison	Vitter
Coleman	Inhofe	Voinovich
Collins	Lugar	Warner
Corker	Martinez	Wicker
Craig	McConnell	
DeMint	Murkowski	

NOT VOTING—45

Akaka	Cornyn	Menendez
Alexander	Crapo	Mikulski
Bayh	Domenici	Murray
Bennett	Ensign	Nelson (FL)
Biden	Feinstein	Obama
Bingaman	Gregg	Roberts
Bond	Hagel	Rockefeller
Brownback	Hatch	Shelby
Bunning	Inouye	Smith
Byrd	Isakson	Specter
Cardin	Kennedy	Stabenow
Carper	Kyl	Stevens
Clinton	Landrieu	Webb
Cochran	Lautenberg	Whitehouse
Conrad	McCain	Wyden

The motion was rejected.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

Mr. REID. Mr. President, I ask my colleagues to be patient for a short time.

First of all, these valiant people who are sitting in front of the Presiding Officer have been required today to read for more than 8 hours—total, without any breaks, 8 hours—for no reason other than the Republicans are trying to maintain the status quo in everything.

Talk about this picture: reading an amendment that is done extremely rarely. We had our staff check, and it is done every decade or so. This was a bill of some 500 pages. The bill has been available for people to read long before today. The substitute amendment has been ready long before today.

As I said earlier this week, manmade pollution is causing the Earth to warm. The science is crystal clear. We have for more than 100 years been taking carbon out of the Earth and putting it into the sky. It is causing our Earth to have a fever. Our Earth is sick, and we must look at the sickness and try to do something about it.

The warming is clear. It has already harmed our environment and our economy. We know that. The scientists know that. You can see it all around us. It is causing more frequent and more intense drought, wildfires, and floods.

Western wildfires. I look around this room, and I see Senator BAUCUS, I see the Senator from California and the Senator from Washington. In the last 30 years, 72 more days of wildfire season—72 more days—lightning striking in those 72 days. More fires. Fires are more intense.

Floods, tornadoes. At least 110 people have been killed in the United States so far this year by tornadoes, putting this year on track to be by far the deadliest year in the history of tornado deaths. The average for recent years is 62 tornado fatalities for the entire year. We are just completing May, and we are already at 110 deaths. January had 84 tornadoes. The 3-year average for the month is 34. It is approximately three times the average. February had 148 deaths compared to a 3-year average of only 25. Multiply that, Mr. President. That does not include the records that are unverified for March, April, and May. One tornado season does not make a long-term climate trend. We understand that. But it should give Senators pause and should make them want to limit these kinds of global warming risks.

Global warming is easily the gravest long-term challenge that our country and the world faces. It is the most critical issue of our time. The American people have a right to expect their legislature, their Congress to address this issue. That is why we decided a number of months ago that the Senate should take up climate change on June 2. We did so to let the American people know that the Senate was prepared to act, and put all Members of this body on notice we were going to act. Senators should begin preparing for this important debate, is what we said, so we could hit the ground running and truly legislate on this most important issue.

Late last month, I sought permission to proceed to the climate change bill and was informed by the Republicans that they would object to this request; and they objected. Had the minority, the Republicans, not objected last month, the Senate could already be in its third day of legislating on this important bill.

But where do we find ourselves? We find ourselves confronting an orchestrated effort by the Republican leader to delay and obstruct. We have seen this play a record number of times before this body. In 10 months we all know they broke the 2-year filibuster record.

We are now, I believe, at 72 filibusters for this Congress. There is one difference in this instance. We have actually been provided with a copy of a page from the Republican playbook and how they intend to thwart this body from acting on this important legislation. This was provided to us by a lobbyist involved in Republican strategy meetings. Let me read verbatim what this e-mail says. It is too bad the press galleries are bare because it is almost midnight:

The thinking now is to still use as much of the 30 hours post-cloture on the motion to proceed for debate on thematically-grouped amendments. The goal is for a theme (example: climate bill equals higher gas prices) each day, and the focus is much more on making political points than in amending the bill, changing the baseline text for any future debate or affecting policy.

Let me repeat the last sentence:

The goal is for a theme (example: climate bill equals higher gas prices) each day, and the focus is much more on making political points than in amending the bill. . . .

That is what they say. So this Republican strategy memo could not be more clear. The Republican plan for dealing with the greatest challenge facing this world and this Nation is more about making political points than legislating. Those are not my words; that is what they say in their memo.

But there is more to this cynical strategy that is completely out of touch with this body's obligations and the American people's expectations. Continuing from a Republican strategy memo, I will quote:

GOP anticipates a struggle over which amendments are debated and eventually finger-pointing over blame for demise of the bill. In the GOP view, this will take at least the rest of this week, and hopefully into next week.

Mr. President, you could not make anything up more cynical. This is the truth and they say truth is stranger than fiction, and this certainly is. They go on to say:

At some point, Reid will have to move from the bill, and GOP plans to oppose UC and potentially force debate on debatable motions, and vote against cloture on any such motion. While Reid will eventually be able to circumvent by moving to a privileged vehicle or using some other parliamentary maneuver, the bottom line is that the GOP—

The Grand Old Party—I bet President Abraham Lincoln would be happy about this one—

very much wants to have this fight, engage in it for a prolonged period, and then make it as difficult as possible to move off the bill.

Again, as they say, they want to make political points. Anybody watching this debate will know the Republicans have fully executed this strategy. What did they do today to execute in making political points? That is some political point. It is routine here to not read the amendments, but they said ''we object.'' So we proceeded to have the amendment read. They executed this strategy and they have done it well, and they tried to make political points. I have no reason to doubt that they are prepared to go the final mile to stretch out the final consideration of this bill before finally killing it.

In case anybody needed more proof about their desire, I offered, with our staffs, several consents that would have stopped the obstruction we have witnessed in the past few days. My consents would have allowed the Senate to move forward to complete action. Isn't that an interesting concept? A bill is offered—and I have been around here a long time, and some people have been here longer than I have, but I defy anyone to say they have ever laid down a perfect piece of legislation.

That is why we have the amendment process. A bill was laid down and we thought there should be an opportunity to try to make the bill better. That certainly wasn't what they had in mind. In keeping with the strategy spelled out in this Republican memo, their response was that we are not going to allow this; we are going to object, object, and object. Their obstructionism is disappointing to me personally and, obviously, to the American people.

I repeat what I said earlier this evening. Is it any wonder that Speaker Dennis Hastert's long-time Republican district, in a special election, went Democratic? Is it any wonder a long-time Republican district in Louisiana went Democratic? Is there any reason to not understand why the special election in Mississippi went Democratic? Of course not, because the American people are seeing what is going on here. The American people want us to do things.

Do you know what the Republicans get glee out of doing? They are happy that our approval rating is about the same as the President's. Isn't it wonderful that they are a part of this body, 49 of them, and there are 51 of us, and they are boasting about the fact that the people don't think much of Congress. Why don't they? Look at this Republican memo. That should give you some inclination as to why the American people feel the way they do.

This important legislation has been worked on very hard on a bipartisan basis. Is it perfect? Of course not. Shouldn't we be able to move to try to amend this and have the old-fashioned debate to move forward on it? I commend Senators BOXER, WARNER, and LIEBERMAN. They have worked so hard, and I appreciate their caring about this issue.

At this point, I think we have some very serious problems here. I will go through this. We have been told what the answer is going to be. Specifically, to every request that we have given to staff as to how to proceed on this bill, there is an objection.

I want everybody here to know what I have gone through a little bit. Listen to this. The Thursday before we went out, I worked very long and hard and spent hours working with the President's Chief of Staff, to work out some way to move forward on these nominations. We had more than 80 Republicans and a handful of Democrats. I thought if you have the President's Chief of Staff working on something for several days, that should be sufficient. But guess what happened. I am here late at night with loyal Lula, and everybody else is gone. We asked unanimous consent and there was an objection. I called the Chief of Staff and said, ''What's this all about?'' Nothing happened. Remember, one of them—I personally asked Chairman DODD to do a special meeting to get the Secretary of Housing out of the committee. He held a special meeting in the President's room back there. We did that for the President of the United States, so he would have a Cabinet officer in Housing. Today was the culmination of 3 days of work with the President's Chief of Staff on nominations. We added more people than they requested. We only have 5; they are way over 80 now. I thought we had it all worked out. We called JOE BIDEN, who had a hold on somebody. JOE, the man that he is—always willing to go the extra mile to work things out—said go ahead. The person was Jim Glassman. Some of us know who Jim Glassman is—not exactly a bipartisan person who has been around Washington. He was going to replace Karen Hughes in that position in the State Department. We worked very hard to get that completed and released. The reason we worked so hard is Mr. Bolten said they would appreciate us doing this because if we don't do it tonight, he is going to withdraw. We went the extra mile and worked for a couple of hours getting him cleared. We thought we had a deal. I give it to Lula Davis, the secretary of the majority, and she submits it to the minority and we wait all day.

Listen to this. They have rejected it. Guess what. Out of nowhere, they want three district court judges. I have not talked to the chairman of the Judiciary Committee. Senator LEAHY has always been good on district court judges. But they want three district court judges, and I had never even heard their names. How unfair could they be?

So again, Mr. President, wherever you are—probably sleeping, as you should be—you are not going to have a Secretary of Housing because the rules around here seem to be only for one side. I worked very hard to try to get this done. We are going to continue to try for some basic fairness. We have an obligation ourselves. All of the nominations don't come from the White House. We have nominations ourselves to fill various positions. We will have a new President in 7 months. I have the obligation and the honor of submitting names to the White House. We have some people we wish to get, too. It is not just a one-way street, even though they may think it is.

I think that what we have seen here is outlandish, unfair, unreasonable, and

not in keeping with this body. I have been here a while, and we work on comity. We work together. That isn't the way it is now. I understand how upset the Republicans were in November of 2006 when we got the majority. Quite frankly, Senator SCHUMER and I worked closely, and we thought we might be able to get the majority, but we weren't certain. We got the majority and we were happy—but it is a slim majority. My friends on the Republican side have to get over it. We are in the majority, as slim as it might be. For the next 7 months, I am committed and I will try to work with the President. It has been difficult to do for 7 years and 5 months, but I am never one who is without patience. I will continue to try to move forward on nominations and anything else we can work on together.

Mr. President, I ask for the yeas and nays on the substitute.

The PRESIDING OFFICER (Mr. TESTER). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4826 TO AMENDMENT NO. 4825

Mr. REID. Mr. President, I have a perfecting amendment to the substitute at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4826 to amendment No. 4825.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments)

At the end of title XIII, insert the following:

SEC. 1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the ''Convention'').

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear ''common but differentiated responsibilities'' for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a ''binding international agreement'' with participation by all countries with major economies in ''goals and policies that reflect their unique energy resources and economic circumstances''.

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4827 TO AMENDMENT NO. 4826

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4827 to amendment No. 4826.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments)

For the amendment, strike all after the word ''SEC'' on line 2 and insert the following:

1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the ''Convention'').

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear ''common but differentiated responsibilities'' for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a ''binding international agreement'' with participation by all countries with major economies in ''goals and policies that reflect their unique energy resources and economic circumstances''.

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

The provisions of this section shall become effective in 7 days after enactment.

AMENDMENT NO. 4828

Mr. REID. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4828 to the language proposed to be stricken by amendment No. 4825.

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

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

The amendment is as follows:

At the end of the bill, add the following:

The provision of this Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4829 TO AMENDMENT NO. 4828

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4829 to amendment No. 4828.

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

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

The amendment is as follows:

In the amendment, strike ''5'' and insert ''4''.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the substitute amendment, and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4825 to S. 3036, the Lieberman-Warner Climate Security Act.

Barbara Boxer, John Warner, Joseph Lieberman, Tom Harkin, Robert Menendez, Bill Nelson, Thomas R. Carper, Sheldon Whitehouse, Charles E. Schumer, Frank R. Lautenberg, Dianne Feinstein, Joseph R. Biden, Jr., John F. Kerry, Robert P. Casey, Jr., Patrick J. Leahy, Richard Durbin, Harry Reid.

Mr. REID. Mr. President, I ask that the mandatory quorum call be waived.

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

AMENDMENT NO. 4830

Mr. REID. Mr. President, I move to commit the bill to the Environment and Public Works Committee with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Environment and Public Works Committee, with instructions to report back forthwith, with an amendment numbered 4830.

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

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

The amendment is as follows:

At the end, insert the following:

This section shall become effective 3 days after enactment of the bill.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4831

Mr. REID. Mr. President, I have an amendment to the instructions at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4831 to the instructions of the motion to commit.

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

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

The amendment is as follows:

On line 1, strike ''3'' and insert ''2''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4832 TO AMENDMENT NO. 4831

Mr. REID. Mr. President, I have a second-degree amendment to the instructions at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4832 to amendment No. 4831.

The amendment is as follows:

In the amendment strike ''2'' and insert ''1''.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is finally debating legislation, S. 3036, addressing the serious problem of climate change. For years, Congress and the White House have ignored or downplayed the scientific consensus and failed to act on this pressing issue. That delay is inexcusable.

The details of S. 3036 are as complicated as they are important, and, given the potential implications for our economy, our energy policies and our planet, we need to take the time to make sure we get them right. A number of questions have been raised about elements of the bill we are considering, and I look forward to considering amendments to address some of these concerns. But one thing is clear, and that is the need to establish a cap-and-trade program to reduce total domestic greenhouse emissions.

To avoid the significant costs and consequences of climate change, leading scientists inform us that we must stabilize global atmospheric concentrations of greenhouse gases below 450 parts per million and prevent the temperature from increasing above 3.6 degrees Fahrenheit above pre-industrial levels. To achieve these reductions, I am a cosponsor of legislation introduced by Senator SANDERS, S. 309, that would require that such emissions be reduced by 80 percent from 1990 levels by 2050.

I hope that this debate marks a new recognition of the need for meaningful Federal action to address a threat that has been neglected for far too long. Though the challenge before us is great, the cost of inaction is even greater.

Mr. BAUCUS. Mr. President, the amendment I am filing to S. 3036, the Lieberman-Warner Climate Security Act of 2008, is aimed at preserving the legislative process. With an issue as complex and wide-ranging as climate change, there are several committees within the Senate that not only have an interest but a responsibility to deal with some aspects of the cap-and-trade system we develop. This amendment will assure that the appropriate committees of the Congress will have the opportunity to consider those aspects of a cap-and-trade proposal within their jurisdiction.

Mr. President, the amendment I am filing to S. 3036, the Lieberman-Warner Climate Security Act of 2008, is designed to use the revenues generated from the auctioning of the greenhouse gas allowances for tax relief.

A cap-and-trade system proposed in this legislation will generate billions of dollars. The Congressional Budget Office estimates that the Boxer substitute will generate $902 billion in revenues during the initial 10 years of the program.

As chairman of the Finance Committee, I have a responsibility to direct Federal revenues to the purposes that the committee, initially, and the Senate, ultimately, consider in the best interest of the country.

Ms. COLLINS. Mr. President, I am proud to be an original cosponsor of the Lieberman-Warner Climate Security Act. This bill addresses the most significant environmental challenge facing our country. The scientific evidence clearly demonstrates the human contribution to climate change. According to recent reports from the Intergovernmental Panel on Climate Change, increases in greenhouse gas emissions have already increased global temperatures, and likely contributed to more extreme weather events such as droughts and floods. These emissions will continue to change the climate, causing warming in most regions of the world, and likely causing more droughts, floods, and many other societal problems.

In the United States alone, emissions of the primary greenhouse gas, carbon dioxide, have risen more than 20 percent since 1990. Climate change is the most daunting environmental challenge we face and we must develop reasonable solutions to reduce our greenhouse gas emissions.

I have observed in person the dramatic effects of climate change and had the opportunity to be briefed by the preeminent experts. In 2006, on a trip to Antarctica and New Zealand, for example, I learned more about research by scientists at the University of Maine. Distinguished National Academy of Sciences member George Denton took us to sites in New Zealand that had been buried by massive glaciers at the beginning of the 20th century, but are now ice free. Fifty percent of the glaciers in New Zealand have melted since 1860—an event unprecedented in the last 5,000 years. We could clearly see the glacial moraines, where dirt and rocks had been pushed up in piles around the glacial terminus in 1860. I thought it was remarkable to stand in a place where some 140 years ago I would have been covered in tens or hundreds of feet of ice, and then to look far up the mountainside and see how distant the edge of the ice is today.

In Antarctica, I visited the Clean Air Station at the South Pole. Being the farthest place on Earth from major emissions sources, the South Pole has the cleanest air on Earth, and thus provides an excellent place to measure the background quality of the Earth's air.

By analyzing carbon dioxide in ice cores, scientists have been able to create reliable measurements of atmospheric carbon dioxide going back over hundreds of thousands of years. The measurements of carbon dioxide at Clean Air Station provide a reliable comparison to document the impact of human activity on increasing carbon dioxide concentrations in recent years compared to the last hundreds of thousands of years. The melting is even more dramatic in the Northern Hemisphere. In the last 30 years, the Arctic has lost sea ice cover over an area 10 times as large as the State of Maine, and at this rate will be ice free by 2050. In 2005 in Barrow, AK, I witnessed a melting permafrost that is causing telephone poles, planted years ago, to lean over for the first time ever.

I also learned about the potential impact of sea level rise during my trips to these regions. If the West Antarctica Ice Sheet were to collapse, for example, sea level would rise 15 feet, flooding many coastal cities. In their 2007 report, the IPCC found that due even just to gradual melting of ice sheets, the average predicted sea level rise by 2100 will be 1.6 feet, but could be as high as 1 meter, or almost 3 feet. In Maine a 1-meter rise in sea level will cause the loss of 20,000 acres of land, include 100 acres of downtown Portland—including Commercial Street, a major business thoroughfare along the water. Already in the past 94 years, a 7 inch rise in sea level has been documented in Portland.

The time has come to take meaningful action to respond to climate change. My colleagues worked tirelessly in recent months to develop legislation that will preserve our environment for future generations while providing reasonable emission reduction goals, offsets, and incentives for the industries covered by the bill.

I applaud the leadership of my colleagues from Virginia, Connecticut, and California in bringing this bill to the floor this week.

RURAL COOPERATIVES

Mr. NELSON of Florida. Mr. President, I rise to engage in a colloquy with my friend, the junior Senator from Connecticut. I was pleased to cosponsor the Lieberman-Warner Climate Security Act shortly after it was introduced last October, and I followed its progress through the Environment and Public Works Committee with interest.

Today, the full Senate will begin considering that bill, and Senator BOXER, the chairman of the Environment and Public Works Committee, will offer a substitute amendment that she has worked out with Senators LIEBERMAN and WARNER. I have a question for my friend from Connecticut regarding this substitute amendment.

As the Senator from Connecticut knows, many rural electric cooperatives in this country serve the role of local distribution companies. The committee-reported version of the Climate Security Act included rural electric cooperatives among the local distribution companies that receive emission allowances over the entire 42-year life of the program. In Florida, electric cooperatives serve more than 1,000,000 Floridians in 58 of our 67 counties. Most of these rural electric cooperatives own fossil fuel-fired powerplants.

I was recently in Florida and held a series of town hall meetings across the State and heard from rural cooperatives that are concerned about the way emission allocations are distributed under the substitute amendment.

Can my friend from Connecticut address their concern and explain how allowances are available to rural cooperatives under the Boxer-Lieberman-Warner substitute amendment?

Mr. LIEBERMAN. Mr. President, I thank my friend, the senior Senator from Florida, for his question.

I would be glad to address the concern that rural electric cooperatives in Florida have brought to him.

Let me reassure him, and them, that the substitute amendment does include rural electric cooperatives among the local distribution companies that receive free emission allowances over the entire 42-year life of the program.

And let me reassure him, and them, that the substitute amendment does include rural electric cooperatives among the fossil fuel-fired powerplant owners that receive free emission allowances over a transitional period that lasts from 2012 through 2030. As in the committee-reported version of the bill, the separate allocation of free emission allowances that is exclusive to rural electric cooperatives in the substitute amendment is additional to the free emission allowances that rural electric cooperatives receive as local distribution companies and as fossil-fuel-powerplant owners. Under the substitute amendment, as under the committee-reported bill, rural electric cooperatives in Montana and Virginia are the only rural electric cooperatives in the country that receive free emission allowances solely from an exclusive allocation and not also from the bill's local-distribution-company and fossil-fuel-powerplant allocations. Indeed, there is a provision in the substitute amendment, section 552(c)(2)(C) that would be mere surplussage if the case were otherwise.

Mr. NELSON of Florida. Mr. President, I thank my friend from Connecticut for the clarification.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 743, S. 3044, the Consumer-First Energy Act of 2008, at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

CLOTURE MOTION

Mr. REID. Mr. President, in light of that objection, I now move to proceed to Calendar No. 743, S. 3044, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008.

Harry Reid, Barbara Boxer, Charles E. Schumer, Sheldon Whitehouse, Robert P. Casey, Jr., Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed of Rhode Island, Claire McCaskill, Christopher J. Dodd, Amy Klobuchar, Patrick J. Leahy, Barbara A. Mikulski, Frank R. Lautenberg, Carl Levin.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur on Tuesday, June 10, at 12 noon with 20 minutes immediately prior to the vote equally divided and controlled by the two leaders or their designees, with the majority leader controlling the final 10 minutes.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. 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 dispensed with.

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

Mr. REID. I now ask that the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The cloture motion is withdrawn.

Mr. REID. 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 dispensed with.

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

Mr. REID. Mr. President, I have already expressed my appreciation to the staff for all their hard work. I have been informed by the minority that we need not be around here tonight having to vote on our ability to adjourn, so Senators, if they wish, can leave now and the two of us will terminate business. I thank everybody for their patience. I am sorry they had to come back tonight.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6124

Mr. REID. Mr. President, I ask unanimous consent that at 4 p.m. on Thursday, June 5—that is tomorrow—the Senate proceed to the consideration of

Calendar No. 753, H.R. 6124; that there be 60 minutes of debate divided in the following manner, and upon the use or yielding back of the time, the Senate vote on passage of the bill: Senator DEMINT, 30 minutes; Senator COBURN, 20 minutes; 10 minutes total to be controlled by the bill managers, Senator HARKIN and Senator CHAMBLISS; further, that no amendments be in order to the bill.

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

Mr. REID. Mr. President, let me explain, this is the never-ending farm bill. We are going to try it again. Tomorrow we hope we can pass it and send it to the President quickly. We hope to send it to the White House in the next day or so. The House has already approved it. This will take care of the clerical error we had previously.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I hardly know where to start, but let me start with the issue of judges.

The reason it was necessary to make our hard-working and dedicated clerical staff here read the amendment today was to make the Senate understand that commitments are important. The most important thing Senators have—the currency of the realm, if you will, in the Senate—is their word. When you give your word, you are supposed to keep your word.

On the issue of judicial confirmations, my good friend the majority leader and I discussed this matter publicly at the beginning of this Congress, and we agreed that President Bush, in the last 2 years of his term, should be treated as well as President Reagan, Bush 41, and President Clinton were treated in the last 2 years of their tenures in office because there was one common thread, and that was that the Senate was controlled by the opposition party.

What has become contentious around here in recent years is the confirmation of circuit judges. So we agreed we ought to try to hit the average for each of those Presidents in the last 2 years of their terms, and the average was 17. The low number was President Clinton, with 15. That was the goal. It was clear by April of this year that there was no intent to meet that goal, and so we had a skirmish here on the floor over going to a bill. We reached an agreement. The majority leader indicated we would do three circuit judges before the Memorial Day recess. We did one. That commitment was not kept.

Now, the Senate is not the House. The minority does have rights in the Senate. Most things that are accomplished in the Senate are accomplished on a bipartisan, cooperative basis. Members of the Republican conference believe strongly that commitments ought to be kept. So by the reading of the amendment today, people got a chance to think about the importance of commitments in this body that can only function when our word is kept. Other efforts will be made to drive that point home.

And just keeping the commitment that was made for May—that was not kept—is not enough. We are seven judges away from equaling President Clinton in the last 2 years of his term—15. Time is ticking away. That commitment should be kept for the good of this institution.

I think it is important to remind our good friends on the other side of the aisle that the shoe might be on the other foot. They might be making the nominations. Why would they want to set a precedent such as this that could come back to bite them so quickly? There is a growing sense of anger on this side of the aisle over this issue, and what tends to go around comes around in the Senate. This is a precedent we ought not to set, and I think the adults on the other side of the aisle understand that this is a precedent that ought not to be set for the good of either party. So we will be continuing to look for opportunities to make the point that commitments ought to be kept.

Now, with regard to the underlying bill, let me disabuse our colleagues or anyone else who may be listening of the notion that members of the Republican conference are not interested in having amendments on this bill. This is the most massive reorganization of the American economy since the 1930s—some believe a $6.7 trillion tax increase. Looking at Kentucky alone, it could mean up to $6,000 a year for my people, and the GAO says a 53-cents-a-gallon gas tax increase over the next 20 years.

No matter how you look at this—my good friend the majority leader says this is necessary to save the planet—no matter how you look at it, it is an important bill. This is an important bill. This is no small bill, and we are being put in the position, with the tree being filled tonight and with cloture being filed, to have this massive, significant bill in effect voted on without any amendments.

An interesting parallel—and I see my good friend the Senator from Virginia, who is actually a supporter of this bill and a cosponsor of it, sitting here in the Chamber. He and I were here in 1990, as was the majority leader, when we did the clean air amendments, which was a major piece of legislation. It was not as big as this bill but a big, important bill. The Democrats were in control of the House and Senate. There was a Republican in the White House. How did we handle the clean air amendments of 1990 under George Mitchell, then the Democratic leader? We had 5 weeks of debate on the floor of the Senate and we had 180 amendments. Everybody knew it was an important measure. It deserved the attention and the participation of 100 Members of the Senate, not 1 Member—the majority leader—determining which amendments would get to be offered and in the end asking the Senate to accept a procedure under which no amendments would be offered. Now, Mr. President, by any objective standard, that is not a serious effort to legislate. You can't cram a measure of this magnitude down the throat of the Senate or the American people with that little scrutiny or observation.

With regard to the notion that somehow everybody had a chance to look at this bill, we got it at 11:15 this morning—the substitute at 11:15 this morning. You could argue that the vast majority of the Members on this side of the aisle were reading it for the first time along with the clerks. So this hasn't been laying around for months. The idea that we would go to such a measure may have been around for a while, and it was—and the majority leader did indicate we would go to this bill after the Memorial Day recess, but what was going to be in it? We learned about that this morning.

Thirdly, with regard to nominations, we were prepared to move a nominations package tonight, but the nominations package that was presented was basically negotiated between the Democratic majority and the White House. There is another entity, and that is the Republicans in the Senate. We sought to make some adjustments to the nominations package, which, interestingly enough, included some district judges who are on the Executive Calendar. Now, district judges have not typically been controversial. Are we now to believe that even district judges who have come out of the committee and are on the calendar are a matter of controversy? Is there nothing on which we can agree? Is that the Senate today?

Somebody needs to—and I think it is incumbent upon the majority leader and myself—to restore a certain level of comity around here so we can function. How in the world did the situation deteriorate to the point where district judges who have been reported out of the committee and are sitting here on the calendar are a matter of controversy?

That is where we are as of the evening of June 4, and I think we need to have some serious discussions off the floor of the Senate as to how we can unravel the problems that have been created by the mistreatment of the circuit judge nominations of the President of the United States. I think we need to remind ourselves that when we make commitments to our colleagues here in the Senate, they need to be kept. And it is time to stop this sort of spiral downward that has developed as a result of the apparent refusal to make any serious effort to keep commitments which have been made, which colleagues depend on, and which are essential to the Senate functioning the way it needs to function.

Mr. President, one final observation about the underlying bill. We have enjoined the debate on this bill and would love to be able to amend it. We think it is not a 1-week bill; we think it is

clearly a multiweek bill. If the Clean Air Act of 1990 was a 5-week bill, this is certainly at least a month bill. And at whatever point the majority gets serious about climate change legislation, then we need to set aside enough time to give the entire Senate an opportunity first of all to read it and, second, to offer serious amendments to the measure.

I think probably enough has been said today about where we are. Hopefully, tomorrow, after a good night's sleep, we can take a look at all these matters and see if we can get the Senate back on track to develop a level of comity necessary for us to function in the way in which the Senate has historically functioned.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I would hope my friend the distinguished Republican leader would stay on the floor a brief time. The chairman of the Judiciary Committee is here, the Democratic assistant leader is here, and they have a few things to say and I have a few things to say.

Mr. President, let me say, first of all, with all due respect to my friend the distinguished Republican leader, the substitute has been around for 2 weeks. The summary has been around. Anyone who had a question about this, all they had to do was call Senator BOXER, Senator LIEBERMAN, or Senator WARNER. They know this bill upside and downside. So to say they just got it today, that is how we do things here; the summary has been around a couple of weeks. Anyone who wanted to see the guts of the bill could look at it.

Mr. MCCONNELL. Would the leader yield just for an observation?

Mr. REID. I will in a short time, but let me also say this. I only point this out to show how Orwellian my friend's statements are. They wish they could offer amendments on the bill? Now, think about that for a minute. Why aren't we offering amendments on the bill? Because they won't let us. We have tried working, as I have indicated, in every possible way—two amendments, germane, relevant, five amendments. No.

So I would also say, with judges, let the world understand that there is no crisis in the judiciary. The Federal judiciary vacancy rate is the lowest it has been in decades—not a few days, weeks, months, years—decades.

I, with the consent and understanding of my friend, PAT LEAHY, the chairman of the Judiciary Committee, pledged that I would use my good faith to have the Senate consider three court of appeals nominees before the Memorial Day recess. I didn't say who they would be. And we tried very hard.

I stated explicitly that we couldn't guarantee—and that is in the record—I couldn't guarantee the outcome because it depended on factors beyond my control. The Senate did in fact confirm Virginia Supreme Court Judge Steven Agee to the Fourth Circuit Court of Appeals in May. In addition, Chairman LEAHY expedited Judiciary Committee consideration of two seats to the Michigan Sixth Circuit Court of Appeals in light of the pledge I made. These nominations were the result of many years of negotiations between the White House and Michigan Senators. This has been going on for 6 years.

Unfortunately, Republicans on the Judiciary Committee objected to expedited consideration of the Michigan nominees. One of them had already been approved to be a Federal district court judge. This is now to be a circuit court judge. He already had an ABA approval of high ranking, high approval. They said: No, we want the ABA findings again before we are allowed to do anything. As a result, it was impossible to have the Senate consider these two additional nominees before the recess, despite my best efforts.

We have treated President Bush's judicial nominations with far greater deference than President Clinton was afforded by a Republican-controlled Senate. Mr. President, 70 Clinton nominees were denied hearings or floor consideration. Three-quarters of President Bush's court of appeals nominees have been confirmed while only half of President Clinton's appellate nominations were confirmed. My friend says what goes around comes around. We are not following that because we believe we should not treat them like they treated us. I said that a long time ago, and we have not. We have been generous in what we have done. The lowest vacancy rate in the Federal system for decades is what we now have.

Last year the Senate confirmed 40 judges, more than during any of the three previous years with Republicans in charge. Let me say to my friend, and I am going to yield to the chairman of the Judiciary Committee—let me say to my friend, the distinguished Republican leader: Everyone knows, even though it sometimes has been painful for all of us, that the chairman of the Judiciary Committee wants a recorded vote on these judges. That has been a standard rule that we have had.

We have three on the calendar, and I understand two more you reported out today, or very recently. We have five district court judges. I say to my friend, the Judiciary Committee member who takes as much guff as any Member of the Senate because of this committee, he has the most sensitive issues that come before this body, and he holds up very well and is a patient man. But as I say, I ask the question through the Chair to my friend: Has anyone come to you in the last week and said they wanted to do a district court judge?

Mr. LEAHY. If the Senator will yield without losing his right to the floor, nobody has. In fact, as I listen to this colloquy, I was wondering what was going on until I read in the Washington Times the Republican fixation on judges is part of an effort to bolster Senator JOHN MCCAIN's standing among conservatives—which is unfortunate; to bring in the judiciary, the independent Federal judiciary, and make them a political tool.

I was reminded once when my children were young, one of them asked me, they said: Dad, what is the expression ''crocodile tears''? I tried to explain to them what crocodile tears are, and I couldn't help but think tonight, listening to our good friends on the other side—if my children were still young, I would say: There, now you understand what crocodile tears are.

We had, last year—and the distinguished leader has referred to this; the Democrats were in charge, me as chairman, Senator REID as majority leader—we reported 40 judicial nominations to the Senate, and all 40 were confirmed each of the 3 years prior, with a Republican majority, Republican chairman. That is more than they did.

It is interesting, in fact, since President Bush has been in office this is the third time we have been in the majority—one of those times very briefly. Republicans have been in the majority three times. Guess who moved——

Mr. MCCONNELL. Did the majority leader yield for a question?

Mr. LEAHY. If I can answer my question——

Mr. MCCONNELL. Parliamentary inquiry: Is it permissible to yield for a statement?

Mr. LEAHY. To further answer the question.

Mr. MCCONNELL. Is it permissible to yield——

The PRESIDING OFFICER. The Senator may only yield for a question.

Mr. MCCONNELL. Is a question being asked by the Senator from Vermont?

Mr. LEAHY. Mr. President, I will not ask how the distinguished Senator from Kentucky would define crocodile tears, but I ask this question of the distinguished majority leader: Was he aware that during the time when Democrats have been in charge, during President Bush's tenure, we have confirmed judges at a faster pace than when the Republicans were in charge? Was the distinguished majority leader aware of that?

Mr. REID. There is no question about that.

Mr. LEAHY. Mr. President, just one other point, if I might. Was the majority leader aware that on at least a couple of occasions, for circuit court of appeals judges, when I came back from Vermont during a recess to hold a hearing at the request of Republicans because they were anxious to get these court of appeals judges through, that the Republicans then criticized me for coming back and holding the hearings and getting them confirmed? Is the leader aware of that?

Mr. REID. I very definitely am.

Mr. President, let me say this. I would say through the Chair to my friend, the distinguished Republican leader, the district court judges, the

first I heard about them was tonight, whatever time it was—late this evening. Senator LEAHY and I are happy to take a look at these district court judges. We will work together and see what can be done with them. But I say to my friend, I would hope that you would reconsider taking us at our word. We will take a look at the district court judges. Senator LEAHY has said he has never been talked to about it. I never have been. We focused on the circuit court judges. I say to my friend, you want to talk about ''let's get back to doing things the way we used to,'' let's do the Executive Calendar. And the district court judges, we will take a look at those.

Mr. MCCONNELL. Will the majority leader yield for a question?

Mr. REID. I will be happy to.

Mr. MCCONNELL. I am aware of the rules of the Senate. Three judges on the calendar have been there since April 24. These are not people who just popped out of the committee yesterday.

Mr. REID. Mr. President, I have been here for a long time—with Senator Daschle, I was here on the floor for 6 years. I have been here for almost 4 years now in my capacity as Democratic leader. The standard operating procedure—and this is in the hearing range of the distinguished chairman of the committee who was the ranking member during part of that time—it always happened. Somebody brings to our attention: We have a judge. Can you help me with it? We don't automatically do the judges.

Nobody asked me. We never worked that way with the judges. We have a very heavy calendar, and Senator LEAHY—and I support it every step of the way. We don't do it in wrap-up. We have votes on these judges.

I say to my friend, the Republican leader, we will be happy to look at the district court judges. In the entire conversations we have had dealing with circuit court judges—I understand why they are probably more important than district court judges. They are all lifetime appointments, a pretty good deal.

I hope he would take us at our word, and we will work to try to move through these at some reasonable fashion and get these done because if we don't do it tonight, tomorrow somebody is going to object to something else. I don't think you lose one——

Mr. MCCONNELL. Can I further inquire of the majority leader, what does ''take a look at'' mean?

Mr. REID. First of all, I literally mean that. I don't know what States they are from. I don't know whether the Senators are Democrats, Republicans, States with both. We have not let that stand in our way in the past with district court judges, but there may be somebody who doesn't like one of them for some reason. You know how things go around here. I can't imagine it would be all of them.

Mr. MCCONNELL. I would ask my friend further, are district judges now controversial, too, particularly those who have been reported out of the committee and been on the calendar for 6 weeks or so?

Mr. REID. Mr. President, it was just shown to me by my valiant staff—we have a judge from Virginia. We have Warner and we have Webb from Virginia. They get along very well. I am sure that is something we will take a look at. Missouri, the Senators there work well together. We have another Senator from Mississippi—these are things we can take a look at. I can say—we are not here under oath, but I never heard of these judges until just now. We will take a look at them. I can't see why we can't work out something and get them approved in the next little bit.

Mr. LEAHY. Will the distinguished majority leader yield for a question?

Mr. REID. Yes.

Mr. LEAHY. Is the leader aware this is the first I heard that anybody wanted to? Not a single member of the Senate Judiciary Committee on the Republican side even raised to me that they wanted to move forward with them. Is the distinguished majority leader aware that when the Republicans were in the majority, when they had judges they wanted moved they usually waited to put them on until after the request had come from our side to put them on? Was the leader aware of that? Was the leader aware of the fact that nobody—nobody—has raised this? In fact, the first I heard about it was an hour ago.

Mr. REID. I say to my friend, the Republican leader, we have no intention of stalling, not taking care of district court judges. But let us take a look at them. I don't know if there is some—I don't know. They are reported out of the committee, they are on the floor, there should be no problems with them, and we will do our best to look at them. But I say to my friend, these things I want to get done tonight—this is a Cabinet officer. We have a man, Jim Glassman, Under Secretary of State, who—the President's Chief of Staff says he is going to withdraw his name. He is tired of waiting. He has to get a job someplace. I want to get these done.

As I say, there are some 80 of them or more. We will work on these. I tell you I would even give my friend, the Republican leader—Senator LEAHY and I will work on these three district court judges. I read the names. We will try to do them in the next week or so. OK?

Mr. LEAHY. As I said, at least I would like to discuss them with the ranking member.

Mr. MCCONNELL. Will the leader yield for a question?

Mr. REID. Of course.

Mr. MCCONNELL. My assumption is if they are on the calendar and made it out of the committee, they are not controversial. How about scheduling a vote? We don't have to do it tomorrow. Can we even schedule one?

Mr. REID. The Republican leader said we want to work the way we used to in the Senate. Take our word for it. We are not trying to deep six these people. This is the first time I ever heard about it.

Mr. SESSIONS. Will the majority leader yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. SESSIONS. I appreciate the many challenges the majority leader has, and a lot of difficult people. Sometimes cats are hard to herd, as Trent Lott used to say. But the deal and the concern was so great—if I could ask the majority leader—what about the understanding we thought existed that there would be confirmed an average number of circuit court of appeals judges this Congress, which would be 17 or so nominees? Is that still afoot or is that somehow being forgotten? We hear talk that maybe few if any more circuit judges will be confirmed. That is what has caused a great deal of angst on this side of the aisle.

Mr. REID. We committed to do the three judges. We got one done. We will do our best to get two done. But we have been held up doing that as the member of the Judiciary Committee understands. We had to wait for the ABA report to come in again. I don't know where that stands, but we are moving forward on those, and we are going to try to do our very best to get those done as soon as we can.

Mr. SESSIONS. If the majority leader will yield, that wasn't precisely my question. The overall question is—and there are quite a number of judges pending, and more should be moved out of committee if there is not a blockage going on. Are we going to reach—is it the majority leader's intention to reach the average as we thought an understanding existed to do?

Mr. REID. Mr. President, I try to be a very patient man. I know my friend, whom I complimented publicly on the floor, didn't mean what he said this morning about me.

I am sure if that were brought to his attention, he would ask that to be taken from the RECORD because it is in violation of the rules; basically, that I was clueless. I am sure he did not mean that, but that is what he said. And people said it is a violation of rule XIX.

I say first to my friend from Alabama, he said that. Was it something he did not really mean, that I was clueless? Because that is an insult. I would ask my friend, did you really mean that I was clueless?

Mr. SESSIONS. If I was violating a rule or saying anything to insult the majority leader, I would apologize because I do respect the majority leader. He always treated me fairly, as I think he does most people in the Senate. I think he is so recognized.

But we have a difficult challenge. But my response, the reason I was a little bit aggressive on that was because the majority leader knows that on Monday afternoon in his speech, he was very hard on the Republican leader, Senator MCCONNELL, and he said

some things about him that I thought went too far because I guess we were involved in some big important issues and we are all a little bit tense about that.

Mr. REID. I want to be careful. It is late tonight. I certainly do not want to get involved in any friction. I appreciate what my friend said because even though he and I disagree on a lot of things, I do not know of a Member of the Senate who is more sincere in what he does than the Senator from Alabama.

Mr. MCCONNELL. Can I ask a question, and maybe we can make some progress here? If we can schedule some of these I think completely noncontroversial district judges—the chairman of the Judiciary Committee is here. We would like to move the nominations package.

Mr. REID. Let me say to my friend the Republican leader——

Mr. MCCONNELL. We are not talking about clearing the judges in connection with this package, we are talking about scheduling votes, and the man you have to clear it with is right there.

Mr. REID. They are on the calendar. Let me say this one thing to my friend. We have a Judiciary Committee member here. I pride myself in not running my committees. Some leaders have tried to do that; I do not do that. I want to do the best I can in moving circuit court judges, and we have done fairly well in very trying circumstances.

So I say to my friend the Senator from Alabama, I have made a commitment to do three circuit court judges. I will live up to that to the best of my ability. I said prior to the May recess: I cannot guarantee that, but I am going to do my best. I think that it is something Senator LEAHY and I have to move forward on.

I ask my friend and I say to the Republican leader, trust us on this. I said publicly here that we will do something to try to schedule these within the next week. We have a few important things, but that does not take long to do that—an hour, an hour and a half.

I ask my friend the Judiciary Committee chairman whether we can work to try to get some votes scheduled on these three whom I noted in the next week.

Mr. LEAHY. Well, Mr. President, to answer the distinguished leader, as I always assume the Republican leader to do because this has been the practice, certainly as long as he has been in the Senate—perhaps he has forgotten—is that the chairman of these committees sets a time for a vote, and it is almost always, as a matter of courtesy, at least, discussed with the ranking minority member. I realize the hour is late and the Republican leader may have forgotten that. But it has been my practice to always discuss the time of the vote with the ranking member, as he did with me when he was chairman.

To answer the majority leader's question, of course I will be happy to talk with the distinguished ranking member of the committee and find time when they might be scheduled. I might point out, each one of those was expedited.

I would ask two brief questions—and then I will leave—of the distinguished majority leader. Was he aware that, when talking statistics, I committed not to follow the precedent of the Republicans when President Clinton was the President, their precedent of pocket filibustering over 60 of President Clinton's nominees? Was the distinguished majority leader aware that I will not follow that precedent and we will not pocket filibuster 60 or anywhere near that?

Mr. REID. I would answer my friend in addition to that, the Thurmond Rule is after June 1. There is no Thurmond Rule, is there?

Mr. LEAHY. He is right.

I ask the leader one last question on why I mentioned the Washington Times story about the motivation for this. Was he aware that one of the circuit court nominees whom we held up for a number of appropriate reasons—that even after that nominee was convicted of criminal fraud that occurred while his nomination was pending, we were still criticized for holding up that nominee? It is kind of you are damned if you do and damned if you don't.

Mr. REID. I say, we will get this done.

Mr. MCCONNELL. I think we are close to an understanding here that allows us to clear this nominations package. You have your chairman here, and I am authorized to speak for the ranking member on this issue.

Did the majority leader say, in consultation with his chairman, that we could expect to schedule these votes within the next week or so on these noncontroversial district court judges?

Mr. REID. That is what I said.

Mr. MCCONNELL. Then I think we have reached an understanding that would certainly lead me to think we ought to go forward with the nominations package you have been working on with the administration.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 376, 405, 462, 571, 572, 573, 575–581, 583–591, 593, 595–598, 600–601, except BG Thomas Lawing; 602–611, except CPT Donald E. Gaddis; 612–623; that the Banking Committee be discharged of the nomination of Steven C. Preston to be Secretary of HUD, PN1646; that the following be discharged from the HELP Committee; Institute of Peace: Stephen Krasner, PN1450; Dr. Ikram Khan, PN1449; J. Robinson West, PN1447; Nancy Zirkin, PN1446; and Kerry Kennedy, PN1448.

Corporation for National and Community Service: Eric Tannenblatt, PN1033; Layshae Ward, PN1322; and Hyepin Christine Im, PN1321; the nominations on the Secretary's Desk in the Air Force, Army, Foreign Service, and Navy; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, that no further motions be in order; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Can I have a brief quorum call?

Mr. REID. 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. 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, difficult day. Tomorrow is not going to be that easy either. We are almost into the morrow, in another minute or so. Hopefully, tomorrow will be less contentious. There are some difficult things we have to work through tomorrow. But hopefully we will get the farm bill passed again, we will have some good debate on global warming.

Everyone knows I have moved to the Energy bill to see what is with that. I would hope we can move forward—we have 3 more weeks left in this work period—and get some things done. We have some extremely important things to get done, not only the global warming thing, we have the bill that the Democrats and Republicans want to do extending a number of tax extensions which has to be done. Part of it includes things related to global warming and renewable energy. We have a doctor's Medicare fix and some other things that are extremely important we have to do this work period. Senators SHELBY and DODD have worked out an agreement on housing and reported it out of the Banking Committee on a 9-to-2 vote. So I would hope we can move forward. I am disappointed in today. But I have learned, being in the Senate, to put today behind you and move on to tomorrow.

The PRESIDING OFFICER. There is a unanimous consent request on the floor. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES POSTAL SERVICE

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2014.

DEPARTMENT OF STATE

James K. Glassman, of Connecticut, to be Under Secretary of State for Public Diplomacy with the rank of Ambassador.

POSTAL REGULATORY COMMISSION

Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2012.

DEPARTMENT OF COMMERCE

William J. Brennan, of Maine, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Lily Fu Claffee, of Illinois, to be General Counsel of the Department of Commerce.

DEPARTMENT OF STATE

Marcia Stephens Bloom Bernicat, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Marianne Matuzic Myles, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Joseph Evan LeBaron, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Stephen James Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Gillian Arlette Milovanovic, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Donald Gene Teitelbaum, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Robert Stephen Beecroft, of California, 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 Hashemite Kingdom of Jordan.

Richard E. Hoagland, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

Peter William Bodde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Patricia McMahon Hawkins, of Virginia, 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 Togolese Republic.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

Janice L. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Bureau of Consular Affairs), vice Maura Ann Harty, resigned.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8069:

To be major general

Col. Kimberly A. Siniscalchi

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 lieutenant general

Maj. Gen. Mark D. Shackelford

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 lieutenant general

Maj. Gen. Philip M. Breedlove

The following named officer for appointment as the Chief of Air Force Reserve and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8038:

To be lieutenant general

Maj. Gen. Charles E. Stenner, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Brig. Gen. John F. Mulholland, Jr.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Stephen E. Bogle
Brigadier General James G. Champion
Brigadier General Joseph J. Chaves
Brigadier General Myles L. Deering
Brigadier General Mark E. Zirkelbach

To be brigadier general

Colonel Roma J. Amundson
Colonel Mark E. Anderson
Colonel Ernest C. Audino
Colonel David A. Carrion-Baralt
Colonel Jeffrey E. Bertrang
Colonel Timothy B. Britt
Colonel Lawrence W. Brock, III
Colonel Melvin L. Burch
Colonel Scott E. Chambers
Colonel Donald J. Currier
Colonel Cecilia I. Flores
Colonel Sheryl E. Gordon
Colonel Peter C. Hinz
Colonel Robert A. Mason
Colonel Bruce E. Oliveira
Colonel David C. Petersen
Colonel Charles W. Rhoads
Colonel Rufus J. Smith
Colonel James B. Todd
Colonel Joe M. Wells

The following named officer for appointment as the Vice Chief of Staff of the Army and to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. Peter W. Chiarelli

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Harry B. Harris, Jr.

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Julius S. Caesar
Rear Adm. (lh) Wendi B. Carpenter
Rear Adm. (lh) Garland P. Wright

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. William H. McRaven

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael C. Vitale

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Raymond E. Berube

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Richard R. Jeffries
Rear Adm. (lh) David J. Smith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David F. Baucom
Capt. Vincent L. Griffith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David C. Johnson
Capt. Thomas J. Moore

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Maude E. Young

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Michael H. Anderson

Capt. William R. Kiser

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Norman R. Hayes

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. William E. Leigher

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. William E. Gortney

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Melvin G. Williams, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David J. Dorsett

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (lh) Kevin M. McCoy

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. William D. Crowder

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Peter H. Daly

DEPARTMENT OF JUSTICE

Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General.

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

DEPARTMENT OF HOMELAND SECURITY

Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

HOUSING AND URBAN DEVELOPMENT

Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development.

INSTITUTE OF PEACE

Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Ikram U. Khan, of Nevada, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

J. Robinson West, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Nancy M. Zirkin, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Kerry Kennedy, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Eric J. Tanenblatt, of Georgia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

Layshae Ward, of Minnesota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2012.

Hyepin Christine Im, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1465 AIR FORCE nominations (5) beginning LONNIE B. BARKER, and ending JERRY P. PITTS, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1615 AIR FORCE nominations (2) beginning ERIC L. BLOOMFIELD, and ending DEBORAH L. MUELLER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1670 AIR FORCE nominations (3) beginning MARY J. BERNHEIM, and ending KELLI C. MACK, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1671 AIR FORCE nominations (8) beginning JAMES E. OSTRANDER, and ending FRANK J. NOCILLA, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

IN THE ARMY

PN1603 ARMY nomination of Cheryl Amyx, which was received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1604 ARMY nomination of Deborah K. Sirratt, which was received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1605 ARMY nominations (2) beginning MARK A. CANNON, and ending MICHAEL J. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1606 ARMY nominations (2) beginning GENE KAHN, and ending JAMES D. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1607 ARMY nominations (7) beginning LOZAY FOOTS III, and ending MARGARET L. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1608 ARMY nominations (5) beginning PHILLIP J. CARAVELLA, and ending PAUL S. LAJOS, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1616 ARMY nomination of Jimmy D. Swanson, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1617 ARMY nomination of Ronald J. Sheldon, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1663 ARMY nominations (11) beginning BRIAN M. BOLDT, and ending CHRISTOPHER L. TRACY, which nominations were received by the Senate and appeared in the Congressional Record of May 8, 2008.

PN1672 ARMY nomination of James K. McNeely, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

IN THE FOREIGN SERVICE

PN1563 FOREIGN SERVICE nominations (300) beginning Craig Lewis Cloud, and ending Kimberly K. Ottwell, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1594 FOREIGN SERVICE nominations (7) beginning Carmine G. D'Aloisio, and ending Judy R. Reinke, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

IN THE NAVY

PN1613 NAVY nominations (21) beginning STANLEY A. OKORO, and ending DAVID B. ROSENBERG, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2008.

PN1618 NAVY nomination of Robert S. McMaster, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1619 NAVY nomination of Christopher S. Kaplafka, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1673 NAVY nomination of David R. Eggleston, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1674 NAVY nominations (6) beginning KATHERINE A. ISGRIG, and ending JASON C. KEDZIERSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1675 NAVY nominations (6) beginning ROBERT D. YOUNGER, and ending JEFFREY W. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from California.

CLIMATE SECURITY

Mrs. BOXER. I was hoping that I could engage my friend the majority leader as the chairman of the Environment and Public Works Committee. He has entrusted me, and my colleagues have, and I do not think we should leave here without me asking you a couple of questions because I think people who were watching this debate were very confused. I wanted to make sure I ask a series of questions to my friend, and then we will all go home because it is time to go home.

We expected to have a robust debate on the global warming bill and finally get this country off of fossil fuel, off of foreign oil, off of big oil. And we found that although my understanding was the majority leader had no idea about this, the Republican side, of course, forced the clerks to read the amendment, which took us 6 to 7 hours or so and took us all the way into the night; is that correct?

Mr. REID. I say to my friend, I have had the good fortune to be chairman of your committee twice; one of them was a very short period of time because we were in the majority for a little while. It is a wonderful committee, and I do

not know of a better committee in the whole Congress—so many important things to do and deal with. Not only is the distinguished Senator from California, who represents almost 40 million people—she is a person who is suited to be the chairman of this committee like no other committee chairman we have ever had. I know where your heart is. I have known you for 26 years. We came here in 1982 together. And this piece of legislation—you worked on it on a bipartisan basis—is a good piece of legislation. Is it perfect? The chairman acknowledged it is not a perfect bill.

But I would only say to the chairman of the Committee, I do not think the American people are confused at all. I think they know what has happened. We have seen today a situation where we have read into the RECORD the Republican's play book; that is, they are playing political games, they are stalling, they do not want to deal with the most important issues we face in the world today—global warming. They want to wait, hoping above hope that something will happen in November and that they will be in the majority.

Mrs. BOXER. Isn't it true that as a result of these dilatory tactics and slowing us down and making us waste 30 hours to proceed, to get to a motion to proceed and then doing all this, isn't it true it puts us into a terrible bind here? We know the days have to be filled with legislative work. They have stopped work to fight for the status quo. They have stopped us in our tracks on this issue. I guess what I would like to say, yes, we will go to a vote. Because the Republicans don't seem—there is a few of them over there who help us, but most of them won't help us. We may not be able to move forward on this bill. At this late time of night, I ask the majority leader to comment, and that will be the end of my questions, I know there are a lot of people out there who are still up and watching, believe me, especially a lot of people in your home State and my home State. They understand this. They understand what is happening. Eighty-nine percent of the people polled said: Do something about global warming. The faith-based groups want it. The scientists are telling us this is right.

Tomorrow or I should say later today, we will have an amazing press conference with John Warner, myself and others, with former military people testifying to the fact that global warming is one of the looming threats to our national security. Still, the other side would stop us from getting to energy independence, stopping us from getting off foreign oil, stopping us from getting off big oil and using these ludicrous arguments about gas prices when, under George Bush's watch and their watch, gas prices went up 250 percent in 7 years and, in less than 1 year, 82 cents. It is ridiculous.

I hope the people hearing us tonight will pick up their phones and call their Senators first thing in the later hours of the morning and tell them to vote yes to allow this debate to move forward.

I thank my leaders, my majority leader and the assistant majority leader, for their courage in scheduling this, for standing up for the American people, and for doing everything they could to get us to a full debate. If we don't have it now, we will have it when we have a President in the White House—and you know where I come down on that one—who is going to send over a bill here, and we will get started on this work and get it done.

I guess, because I have to ask the question, I will ask you, my friend, if you look forward to that day.

Mr. REID. I say to my friend, if not now, when? If not now, when are we going to debate this most important issue? I feel very good that this committee, led by Senator BOXER, was able to report out of that committee, under the most trying circumstances, because of the courage of one Republican by the name of JOHN WARNER of Virginia, was able to get enough votes to put this bill on the floor. I go to the playbook of the Republicans on this. Listen to this:

> The focus is much more on making political points than amending the bill.

I didn't make this up. That is what they said.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Because it is after midnight and the staff has gone through so much today reading this bill, I will make my comments brief. It is hard to believe how much time we wasted today when we could have been considering the global warming bill and passing and considering important amendments. Now we find ourselves past midnight, after wasting hour after hour, when the Republican minority asked the amendment be read, every word of it read into the record, when that was totally unnecessary, an amendment which was available to us days ago, at least in summary form weeks ago, a total waste of time. It is a continued effort by the Republican side of the aisle to slow down and stop any effort to make progress on legislation people care about across America.

It is all their party has left. GOP stands for graveyard of progress. They don't want us to do anything. Today they wasted an entire day of the Senate.

I will close by saying, what troubles me the most is that the Republican minority leader would come to the floor with this sense of urgency about three district court Federal judges, a sense of urgency, yet does not share that same sense of urgency about the global warming that is changing the world we live in. The world will little note nor long remember those three judges, as good as they may be individually, but it will remember that we wasted an entire day and perhaps wasted our best efforts this session to take up the single most important issue for the survival of the planet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will add my thoughts that it is an important issue for us to deal with, global warming, and energy security and elimination of pollution and a healthy economy not being damaged by excessive imports of oil or high prices of oil. We wish to deal with that. This bill is a tremendously large bill that dwarfs the prior Clean Air Act of 1990 in significance. I wish to say what happened tonight was the majority leader, utilizing the power of his recognition, has now filled the tree and not one amendment can be offered, as I understand the procedures, he does not agree to. When we did the Clean Air Act, some 200 or more amendments were offered, 5 weeks was spent on it, and 130 amendments, as I recall, were disposed of in some fashion. So we have this tremendous bill we want to talk about.

I would suggest it is as plain as day that as people learn more about it, they are going to be even more concerned than they are today and less supportive of it and hostile to it. That is why it looks to me like an effort is under way to put the Republican Members who would like to offer amendments and discuss the bill in a position where they have no realistic possibility to do so in a meaningful way. This will end with a whimper. The bill can be withdrawn because the majority does not want to stay on it because they can't defend the massive nature of it, the incredible intervention into the economy by Washington bureaucracies that will be created, the trillions of dollars that will have to be raised through this cap and trade, which is nothing more than a way to tax carbon. I wish to protest a moment. We know what is happening. Anybody who is sophisticated here knows this bill is not going to pass. It is losing what support it had. An effort is underway by the Democratic majority to figure a way to pull the bill and then blame the Republicans because we want to talk about it, and we want to entertain a discussion about it. We wish to offer amendments to make it better. That is the truth.

It disturbs me a little bit to hear the comments that have been made earlier. I know we have had a long day. But I wish to make clear this is not an ittybitty issue. This is a tremendous issue of great importance, both to the world, our economy, and to the environment. We need to do better. We can do better. I hope maybe in the morning things will be in a better posture. I don't think, with regard to the cap-and-trade bill, that the majority is going to want to see it go forward. That indicates a lack of confidence in their own legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. The RECORD speaks for itself. First, the Republicans insisted on the entire 30 hours, that the 30 hours be set aside for general debate on the bill before we could reach an amendment. We gave them their 30 hours for general debate and asked them during that period of time to produce the list of amendments that they wanted to consider on the bill. We gave them a list of amendments we would start with. The first was a bipartisan amendment, Senators BIDEN and LUGAR. When we asked them for amendments to the bill, once again, they failed to produce the list. It was very clear what was going on.

Then they proceeded, unfortunately, to tax the energy and stamina of the staff by having them read every word of the bill into the record, a complete waste of time. First, we burned off 30 hours in general debate with no amendments being produced by the Republican side. Then they came to the floor and took another 5 or 6 hours, maybe more, for the staff to read this into the record. This was not a good-faith effort in amending the bill or even debating the bill. That, unfortunately, is a reflection of what we have seen over and over and over, a record number of filibusters, a record number of Republican attempts to stop or slow down the debate on pending legislation. It is because, of course, they don't want us to see us enact legislation. They don't want to see us address the issues of the day. They are hoping this Congress will be as unproductive as the last Republican Congress.

We are not going to let that happen. We are still going to fight for important legislation. On this particular bill, on a global warming bill, we will have another vote. But if it goes down, if it doesn't move forward, it is because the Republicans are following their strategy that has been read into the RECORD, a strategy which focuses, as they say, ''much more on making political points than amending the bill.''

That is their strategy. It has been made a part of the RECORD. It is very clear what has happened.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

2016 SUMMER OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN. Mr President, I am pleased to acknowledge a significant milestone this week in Chicago's bid to host the 2016 Summer Olympic and Paralympic Games.

On Wednesday, June 4, the International Olympic Committee announced that it had selected Chicago as one of the four finalists for 2016.

The Chicago 2016 organizers, the U.S. Olympic Committee, and the people of Chicago deserve praise for a job well done.

Because of their fine efforts, Chicago is well prepared to face stiff competition from the three remaining cities—Madrid, Rio de Janeiro, and Tokyo.

Chicago is a diverse city with culture and history to inspire people around the world. From our beautiful downtown parks to magnificent lakefront to terrific sports venues, Chicago is a world-class city that has what it takes to bring the Olympics back to the Midwest for the first time in over 100 years.

Last October, Chicago demonstrated its ability to host a major international sporting event, when 557 boxers and several thousand other visitors from more than a hundred countries traveled to Chicago for the World Boxing Championships, a qualifying event for this summer's Beijing Olympics.

Many of these people were first-time visitors who hadn't known what to expect going in, but who fell in love with the city. Those of us who know Chicago, who have lived and worked there, were not at all surprised by the visitors' rave reviews.

As the Chicago 2016 organizing committee has so eloquently put it:

Chicago is built on a bold tradition of dreams that we turn into reality. From rebuilding our city to even greater glory after the 1871 Fire, hosting the World's Columbian Exposition and the 1933 World's Fair and transforming an old rail yard into Millennium Park, dreaming and achieving is part of Chicago's DNA.

The U.S. Government is working on several fronts to help support the U.S. bid. The Departments of State and Homeland Security are working to make the travel of legitimate Olympic athletes, coaches, and fans as smooth and hassle-free as possible.

The Senate Foreign Relations Committee recently held a hearing on ratification of the United Nations Convention Against Doping in Sport. The International Olympic Committee expects adherence to this Convention by countries that will host future Olympic Games.

I look forward to working with the Chicago 2016 organizing committee, the U.S. Olympic Committee, and my colleagues here in Congress as we move forward over the next 16 months preparing for the IOC's final decision in October 2009.

Again, I congratulate the great city of Chicago on its achievements to date, and I look forward to welcoming the 2016 Olympics to Illinois.

WILLIAM T. McLAUGHLIN

Mr. BIDEN. Mr. President, I am pleased that the Senate passed the budget plan this morning. I was hoping to be here in time to cast my vote in favor of this agreement, but I was a few minutes late. I want my colleagues to know, and the record to reflect, that I was paying last respects to one of Delaware's finest citizens and a man who was a good friend to me for the past four decades. I am speaking of William T. ''Bill'' McLaughlin, also known as ''Mr. Mayor,'' who passed away last Friday. He presided as Mayor of Wilmington from 1977 to 1984 and shaped it as the financial center it is today. This morning I attended the mass in his honor and presented the eulogy.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 308(a) 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 in the resolution for energy legislation that meets certain conditions, including that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that SA 4825, a complete substitute for S. 3036, the Lieberman-Warner Climate Security Act of 2008, satisfies the conditions of the deficit-neutral reserve fund for energy legislation. Therefore, pursuant to section 308(a), I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Environment and Public Works 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, FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,016.793
FY 2009	2,115.952
FY 2010	2,171.611
FY 2011	2,372.021
FY 2012	2,605.697
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.003
FY 2009	9.026
FY 2010	7.890
FY 2011	−22.529
FY 2012	8.601
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,501.726
FY 2009	2,521.803
FY 2010	2,574.006
FY 2011	2,709.419
FY 2012	2,833.058
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,473.063
FY 2009	2,569.070
FY 2010	2,601.608
FY 2011	2,715.269
FY 2012	2,796.763

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21, FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

[In millions of dollars]

Current Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	181,487
FY 2008–2012 Outlays	9,668
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	0
FY 2008 Outlays	0
FY 2008–2012 Budget Authority	134,696
FY 2008–2012 Outlays	114,402
Revised Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority	42,426
FY 2007 Outlays	1,687
FY 2008 Budget Authority	43,535
FY 2008 Outlays	1,753
FY 2008–2012 Budget Authority	316,183
FY 2008–2012 Outlays	124,070

REMEMBERING JOHN W. KEYS, III

Mr. BINGAMAN. Mr. President, I rise today on a sad note—to inform the Senate of the recent death of a model public servant who served our country well. John W. Keys, III, was the 16th Commissioner of the Bureau of Reclamation. He served in that capacity from July 17, 2001, to April 15, 2006, and worked closely with the Committee on Energy and Natural Resources which I have the privilege of chairing. Commissioner Keys retired 2 years ago to return to Utah and pursue his favorite pastimes which included flying. Tragically, he was killed on May 30, 2008, when the airplane he was piloting crashed in Canyonlands National Park, UT, with one passenger aboard.

Commissioner Keys' appointment by President Bush to lead the Bureau of Reclamation was actually his second stint with the agency. He returned to Federal service after previously retiring from a 34-year career with reclamation. During that time, he worked as a civil and hydraulic engineer in various positions throughout the western United States. Ultimately, he served as reclamation's Pacific Northwest regional director for 12 years before his initial retirement in 1998.

Commissioner Keys was a dedicated public servant whose knowledge, experience, and demeanor were key factors in his successful leadership of the Bureau of Reclamation. Those same skills, combined with his willingness to work with Congress on a bipartisan basis, were instrumental in addressing a wide range of water resource issues across the West. He will be sorely missed, but left a legacy of accomplishments that will ensure that he is long-remembered. I offer my condolences to his wife, Dell, and their daughters, Cathy and Robyn.

Mr. SMITH. Mr. President, I rise today to honor the memory of John W. Keys, III, who died tragically in a plane crash on Friday, May 30, 2008. John was a long-time Federal official, and a kind and thoughtful man.

John Keys was born in Sheffield, AL. He earned a bachelor's degree in civil engineering from the Georgia Institute of Technology and a master's degree from Brigham Young University. John was dedicated to his community, and spent much of his spare time serving as a search-and-rescue pilot for Utah County and as a college and high school football referee.

The majority of John Keys' life, however, was centered on his marriage to his wife Dell and his professional career at the Bureau of Reclamation, an agency of the Department of the Interior. John spent nearly 40 years working with Reclamation. From 1964 to 1979, he worked as a civil and hydraulic engineer in the Great Basin, Missouri River Basin, Colorado River Basin, and Columbia River Basin. I first met John when he served as Reclamation's Pacific Northwest regional director. In 1995, he was awarded Interior's highest honor—the Distinguished Service Award—for maintaining open lines of communication and keeping interest groups focused on solutions. After 12 years as Northwest regional director, John retired in 1998.

In 2001, John emerged from retirement to take a position as the 16th Commissioner of the Bureau of Reclamation. As Commissioner, John oversaw a venerable agency charged with the operation and maintenance of water storage, water distribution, and electric power generation facilities in 17 Western States. John placed great emphasis on operating and maintaining Reclamation projects to ensure continued delivery of water and power benefits to the public, consistent with environmental and other requirements. He was committed to honoring State water rights, interstate compacts, and contracts with Reclamation's users. This commitment helped the agency develop creative solutions to address the water resource challenges of the West.

John had retired as Commissioner in 2006. He was a highly respected and dedicated public servant. I stand today to express my appreciation for his service to the Northwest and to our country. I want to offer my sincere condolences to his wife, his daughters, and those he leaves behind.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, starting last year, I started looking at the financial relationships between physicians and drug companies. I first began this inquiry by examining payments from Astra Zeneca to Dr. Melissa DelBello, a professor of psychiatry at the University of Cincinnati.

In 2002, Dr. DelBello published a study that found that Seroquel worked for kids with bipolar disorder. The study was paid for by Astra Zeneca, and the following year that company paid Dr. DelBello around $100,000 for speaking fees and honoraria. In 2004, Astra Zeneca paid Dr. DelBello over $80,000.

Today, I would like to talk about three physicians at Harvard Medical School—Drs. Joseph Biederman, Thomas Spencer, and Timothy Wilens. They are some of the top psychiatrists in the country, and their research is some of the most important in the field. They have also taken millions of dollars from the drug companies.

Out of concern about the relationship between this money and their research, I asked Harvard and Mass General Hospital last October to send me the conflict of interest forms that these doctors had submitted to their institutions. Universities often require faculty to fill these forms out so that we can know if the doctors have a conflict of interest.

The forms I received were from the year 2000 to the present. Basically, these forms were a mess. My staff had a hard time figuring out which companies the doctors were consulting for and how much money they were making. But by looking at them, anyone would be led to believe that these doctors were not taking much money. Over the last 7 years, it looked like they had taken a couple hundred thousand dollars.

But last March, Harvard and Mass General asked these doctors to take a second look at the money they had received from the drug companies. And this is when things got interesting. Dr. Biederman suddenly admitted to over $1.6 million dollars from the drug companies. And Dr. Spencer also admitted to over $1 million. Meanwhile, Dr. Wilens also reported over $1.6 million in payments from the drug companies.

The question you might ask is: Why weren't Harvard and Mass General watching over these doctors? The answer is simple: They trusted these physicians to honestly report this money.

Based on reports from just a handful of drug companies, we know that even these millions do not account for all of the money. In a few cases, the doctors disclosed more money than the drug companies reported. But in most cases, the doctors reported less money.

For instance, Eli Lilly has reported to me that they paid tens of thousands of dollars to Dr. Biederman that he still has not accounted for. And the same goes for Drs. Spencer and Wilens.

What makes all of this even more interesting is that Drs. Biederman and Wilens were awarded grants from the National Institutes of Health to study the drug Strattera.

Obviously, if a researcher is taking money from a drug company while also receiving Federal dollars to research that company's product, then there is a conflict of interest. That is why I am asking the National Institutes of Health to take a closer look at the grants they give to researchers. Every year, the NIH hands out almost $24 billion in grants. But nobody is watching

to ensure that the conflicts of interest are being monitored.

That is why Senator KOHL and I introduced the Physician Payments Sunshine Act. This bill will require companies to report payments that they make to doctors. As it stands right now, universities have to trust their faculty to report this money. And we can see that this trust is causing the universities to run afoul of NIH regulations. This is one reason why industry groups such as PhRMA and Advamed, as well as the American Association of Medical Colleges, have all endorsed my bill. Creating one national reporting system, rather than relying on a hodge-podge of state systems and some voluntary reporting systems, is the right thing to do.

Before closing, I would like to say that Harvard and Mass General have been extremely cooperative in this investigation, as have Eli Lilly, Astra Zeneca and other companies. I ask unanimous consent that my letters to Harvard, Mass General, and the NIH be printed the RECORD.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, June 4, 2008.

ELIAS A. ZERHOUNI, M.D.
Director, National Institutes of Health, Bethesda, Maryland.

DEAR DIRECTOR ZERHOUNI: As a senior member of the United States Senate and the Ranking Member of the Committee on Finance (Committee), I have a duty under the Constitution to conduct oversight into the actions of executive branch agencies, including the activities of the National Institutes of Health (NIH/Agency). In this capacity, I must ensure that NIH properly fulfills its mission to advance the public's welfare and makes responsible use of the public funding provided for medical studies. This research often forms the basis for action taken by the Medicare and Medicaid programs.

Over the past number of years, I have become increasingly concerned about the lack of oversight regarding conflicts of interest relating to the almost $24 billion in annual extramural funds that are distributed by the NIH. In that regard, I would like to take this opportunity to notify you about five problems that have come to my attention on this matter.

First, it appears that three researchers failed to report in a timely, complete and accurate manner their outside income to Harvard University (Harvard) and Massachusetts General Hospital (MGH). By not reporting this income, it seems that they are placing Harvard and MGH in jeopardy of violating NIH regulations on conflicts of interest. I am attaching that letter for your review and consideration.

Second, I am requesting an update about a letter I sent you last October on problems with conflicts of interest and NIH extramural funding regarding Dr. Melissa DelBello at the University of Cincinnati (University). In that letter, I notified you that Dr. DelBello receives grants from the NIH, however, she was failing to report her outside income to her University.

Third, the Inspector General for the Department of Health and Human Services Office (HHS OIG) released a disturbing report last January which found that NIH provided almost no oversight of its extramural funds. But your staff seemed to show little interest in this report. In fact, Norka Ruiz Bravo, the NIH deputy director of extramural programs was quoted in The New York Times saying, ''For us to try to manage directly the conflict-of-interest of an NIH investigator would be not only inappropriate but pretty much impossible.''

Fourth, I am dismayed to have read of funding provided to several researchers from the Foundation for Lung Cancer: Early Detection, Prevention & Treatment (Foundation). Dr. Claudia Henschke and Dr. David Yankelevitz are two of the Foundation's board members. As reported by The New York Times, the Foundation was funded almost entirely with monies from tobacco companies, and this funding was never fully disclosed. Monies from the Foundation were then used to support a study that appeared in The New England Journal of Medicine (NEJM) back in 2006 regarding the use of computer tomography screening to detect lung cancer. The NEJM disclosure states that the study was supported also by NIH grants held by Drs. Henschke and Yankelevitz.

Regarding the lack of transparency by Dr. Henschke and Dr. Yankelevitz, National Cancer Institute Director John Niederhuber told the Cancer Letter, ''[W]e must always be transparent regarding any and all matters, real or perceived, which might call our scientific work into question.''

The NEJM later published a clarification regarding its earlier article and a correction revealing that Dr. Henschke also received royalties for methods to assess tumors with imaging technology. There is no evidence that the Foundation's tobacco money or Dr. Henschke's royalties influenced her research. But I am concerned that the funding source and royalties may have not been disclosed when the NIH decided to fund Dr. Henschke.

Fifth, I sent you a letter on April 15, outlining my concerns about a report on the National Institute of Environmental Health Sciences (NIEHS). That report found 45 cases at the NIEHS where extramural grants had not receiving sufficient peer review scores but were still funded. This finding is yet another example that the NIH provides little oversight for its extramural program.

Dr. Zerhouni, you faced similar scandals back in 2003 when it came to light that many NIH intramural researchers enjoyed lucrative arrangements with pharmaceutical companies. It took you some time, but you eventually brought some transparency, reform and integrity back to NIH. As you told Congress during one hearing, ''I have reached the conclusion that drastic changes are needed as a result of an intensive review by NIH of our ethics program, which included internal fact-finding as well as an external review by the Blue Ribbon Panel.''

NIH oversight of the extramural program is lax and leaves people with nothing more than questions—$24 billion worth of questions, to be exact. I am interested in understanding how you will address this issue. American taxpayers deserve nothing less.

In the interim, I ask you to respond to the following requests for information and documents. In responding to each request, first repeat the enumerated question followed by the appropriate response. Your responses should encompass the period of January 1, 2000 to April 1, 2008. I would appreciate receiving responses to the following questions by no later than June 18, 2008:

1. Please explain what actions the NIH has or will initiate to provide better oversight and transparency for its extramural funding program.

2. Please explain how often the NIH has investigated and/or taken action regarding a physician's failure to report a ''significant financial interest,'' as defined by NIH regulation. For each investigation, please provide the following information:

a. Name of the Doctor(s) involved;

b. Date investigation began and the date ended;

c. Specific allegations which triggered investigation;

d. Findings of the investigation; and

e. Actions taken by the NIH, if any.

3. Since receiving notice that the University of Cincinnati was provided incomplete information from Dr. DelBello regarding her outside income, what steps has/will NIH take to address this issue? Please be specific.

4. Please provide a list of all NIH grants received by Dr. DelBello. For each grant, please provide the following:

a. Name of grant;

b. Topic of grant; and

c. Amount of funding for grant.

5. Please provide a list of any other interactions that Dr. DelBello has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

6. Since reports appeared in the press regarding the undisclosed funding of the Foundation for Lung Cancer: Early Detection, Prevention & Treatment, what steps has/will NIH take to address this issue? Please provide all external and internal communications regarding this issue.

7. Please provide a list off all NIH grants received by Dr. Claudia Henschke. For each grant, please provide the following:

a. Name of grant;

b. Topic of grant; and

c. Amount of funding for grant.

8. Please provide a list of any other interactions that Dr. Henschke has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

9. Please provide a list off all NIH grants received by Dr. David Yankelevitz. For each grant, please provide the following:

a. Name of grant;

b. Topic of grant; and

c. Amount of funding for grant.

10. Please provide a list of any other interactions that Dr. Yankelevitz has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

11. Please provide a list off all NIH grants received by Dr. Joseph Biederman. For each grant, please provide the following:

a. Name of grant;

b. Topic of grant; and

c. Amount of funding for grant.

12. Please provide a list of any other interactions that Dr. Biederman has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

13. Please provide a list off all NIH grants received by Dr. Timothy Wilens. For each grant, please provide the following:

a. Name of grant;

b. Topic of grant; and

c. Amount of funding for grant.

14. Please provide a list of any other interactions that Dr. Wilens has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

I request your prompt attention to this matter and your continued cooperation. I also request that the response to this letter contain your personal signature. If you have any questions please contact my Committee staff, Paul Thacker at (202) 224–4515. Any formal correspondence should be sent electronically in PDF searchable format to brian—downey@finance-rep.senate.gov.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, June 4, 2008.

Dr. DREW GILPIN FAUST,
President, Harvard University,
Massachusetts Hall, Cambridge, MA.
Dr. PETER L. SLAVIN,
President, Massachusetts General Hospital (Partners Healthcare), Boston, MA.

DEAR DRS. FAUST AND SLAVIN: The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by thought leaders, like those at Harvard Medical School who are discussed throughout this letter, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. Universities require doctors to report their related outside income, but I am concerned that these requirements are disregarded sometimes.

I have also been taking a keen interest in the almost $24 billion annually appropriated to the National Institutes of Health to fund grants at various institutions such as yours. As you know, institutions are required to manage a grantee's conflicts of interest. But I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug companies.

To bring some greater transparency to this issue, Senator Kohl and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug companies to report publicly any payments that they make to doctors, within certain parameters.

I am writing to try and assess the implementation of financial disclosure policies of Harvard University (Harvard) and Massachusetts General Hospital (MGH/Partners), (the Institutions). In response to my letters of June 29, October 25, and October 26, 2007, your Institutions provided me with the financial disclosure reports that Drs. Joseph Biederman, Thomas Spencer, and Timothy Wilens (Physicians) filed during the period of January 2000 through June 2007.

My staff investigators carefully reviewed each of the Physicians' disclosure forms and detailed the payments disclosed. I then asked that your Institutions confirm the accuracy of the information. In March 2008, your Institutions then requested additional information from the Physicians pursuant to my inquiry. That information was subsequently provided to me.

In their second disclosures to your Institutions, the Physicians revealed different information than they had disclosed initially to your respective Institutions. On April 29, 2008, I received notification from Harvard Medical School's Dean for Faculty and Research Integrity that he has referred the cases of these Physicians to the Standing Committee on Conflicts of Interest and Commitment (''Standing Committee''). The Chief Academic Officer (CAO), Partners HealthCare System, also wrote me that Partners will look to the Standing Committee to conduct the initial factual review of potential non-compliance that are contained in both the Harvard Medical School Policy and the Partners Policy. In addition, the CAO stated that, in addition to the Standing Committee's review process, Partners will conduct its own independent review of conflicts of interest disclosures these Physicians submitted separately to Partners in connection with publicly funded research and other aspects of Partners Policy. I look forward to being updated on these reviews in the near future.

In addition, I contacted executives at several major pharmaceutical companies and asked them to list the payments that they made to Drs. Biederman, Spencer, and Wilens during the years 2000 through 2007. These companies voluntarily and cooperatively reported additional payments that the Physicians do not appear to have disclosed to your Institutions.

Because these disclosures do not match, I am attaching a chart intended to provide a few examples of the data that have been reported me. This chart contains three columns: payments disclosed in the forms the physicians filed at your Institutions, payments revealed in March 2008, and amounts reported by some drug companies.

I would appreciate further information to see if the problems I have found with these three Physicians are systemic within your Institutions.

INSTITUTIONAL AND NIH POLICIES

Both Harvard and MGH/Partners have established an income de minimus limit. This policy forbids researchers working at your Institutions from conducting clinical trials with a drug or technology if they receive payments over $20,000 from the company that manufactures that drug or technology. Prior to 2004, the income de minimus limit established by your institutions was $10,000.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any ''significant financial interest'' that may appear to affect the results of a study. NIH interprets ''significant financial interest'' to mean at least $10,000 in value or 5 percent ownership in a single entity.

Based upon information available to me, it appears that each of the Physicians identified above received grants to conduct studies involving atomoxetine, a drug that sells under the brand name Strattera. For example:

In 2000, the NIH awarded Dr. Biederman a grant to study atomoxetine in children. At that time, Dr. Biederman disclosed that he received less than $10,000 in payments from Eli Lilly & Company (Eli Lilly). But Eli Lilly reported that it paid Dr. Biederman more than $14,000 for advisory services that year—a difference of at least $4,000.

In 2004, the NIH awarded Dr. Wilens a 5–year grant to study atomoxetine. In his second disclosure to your Institutions, Dr. Wilens revealed that he received $7,500 from Eli Lilly in 2004. But Eli Lilly reported to me that it paid Dr. Wilens $27,500 for advisory services and speaking fees in 2004—a difference of about $20,000.

It is my understanding that Dr. Wilens' NIH-funded study of atomoxetine is still ongoing. According to Eli Lilly, it paid Dr. Wilens almost $65,000 during the period January 2004 through June 2007. However, as of March 2008, and based upon the documents provided to us to date, Dr. Wilens disclosed payments of about half of the amount reported by Eli Lilly for this period. Dr. Wilens also did three other studies of atomoxetine in 2006 and 2007.

I have also found several instances where these Physicians apparently received income above your institutions' income de minimus limit. For instance, in 2003, Dr. Spencer conducted a study of atomoxetine in adolescents. At the time, he disclosed no significant financial interests related to this study. But Eli Lilly reported paying Dr. Spencer over $25,000 that year.

In 2001, Dr. Biederman disclosed plans to begin a study sponsored by Cephalon, Inc. At the time; Dr. Biederman disclosed that he had no financial relationship with the sponsor of this study. Yet, on his conflict of interest disclosure, he acknowledged receiving research support and speaking fees from Cephalon, Inc., but did not provide any information on the amounts paid. In March 2008, Dr. Biederman revealed that Cephalon, Inc. paid him $13,000 in 2001.

In 2005, Dr. Biederman began another clinical trial sponsored by Cephalon, Inc., which was scheduled to start in September 2005 and end in September 2006. Initially, Dr. Biederman disclosed that he had no financial relationship with the sponsor of this study. But in March 2008, Dr. Biederman revealed that Cephalon, Inc. paid him $11,000 for honoraria in 2005 and an additional $24,750 in 2006.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members. Indeed at this time there are several pharmaceutical and device companies that are looking favorably upon the Physician Payments Sunshine Bill and for that I am gratified.

Accordingly, I request that your respective institutions respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

1. For each of the NIH grants received by the Physicians, please confirm that the Physicians reported to Harvard and MGH/Partners' designated official ''the existence of [his] conflicting interest.'' Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

2. For each grant identified above, please explain how Harvard and MGH/Partners ensured ''that the interest has been managed, reduced, or eliminated?'' Please provide an individual response for each grant that each doctor received from January 2000 to the present, and provide any documentation to support each claim.

3. Please report on the status of the Harvard Standing Committee and additional Partners reviews of the discrepancies in disclosures by Drs. Biederman, Spencer and Wilens, including what action, if any, will be considered.

4. For Drs. Biederman, Spencer, and Wilens, please report whether a determination can be made as to whether or not any doctor violated guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

5. Please provide a total dollar figure for all NIH monies annually received by Harvard and MGH/Partners, respectively. This request covers the period of 2000 through 2007.

6. Please provide a list of all NIH grants received by Harvard and MGH/Partners. This request covers the period of 2000 through 2007. For each grant please provide the following:

a. Primary Investigator;

b. Grant Title;

c. Grant number;

d. Brief description; and

e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than June 18, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224–4515.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

SELECTED DISCLOSURES BY DR. BIEDERMAN AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company Reported
2000	GlaxoSmithKline	Not reported	$2,000	$3,328
	Eli Lilly & Company	<$10,000	3,500	14,105
	Pfizer Inc.	Not reported	7,000	7,000
2001	Cephalon	No amount provided	13,000	n/a
	GlaxoSmithKline	No amount provided	5,500	4,428
	Eli Lilly & Company	No amount provided	6,000	14,339
	Johnson & Johnson	Not reported	3,500	58,169
	Medical Education Systems	Not reported	21,000	n/a
	Pfizer Inc.	No amount provided	5,625	5,625
2002	Bristol-Myers Squibb	No amount provided	2,000	2,000
	Cephalon	No amount provided	3,000	n/a
	Colwood	Not reported	14,000	n/a
	Eli Lilly & Company	No amount provided	11,000	2,289
	Johnson & Johnson	Not reported	Not reported	706
	Pfizer Inc.	No amount provided	4,000	2,000
2003	Bristol-Myers Squibb	No amount provided	500	250
	Cephalon	<10,000	4,000	n/a
	Eli Lilly & Company	<10,000	8,250	18,347
	Johnson & Johnson	<10,000	2,000	2,889
	Medlearning	Not reported	26,500	n/a
	Pfizer Inc.	<10,000	1,000	1,000
2004	Bristol-Myers Squibb	No amount provided	6, 266	6,266
	Cephalon	Not reported	4,000	n/a
	Eli Lilly & Company	No amount provided	8,000	15,686
	Johnson & Johnson	Not reported	Not reported	902
	Medlearning	Not reported	26,000	n/a
	Pfizer Inc.	Not reported	3,000	4,000
2005	Cephalon	Not reported	11,000	n/a
	Eli Lilly & Company	<20,000	12,500	7,500
	Johnson & Johnson	Not reported	Not reported	962
	Pfizer Inc.	Not reported	3,000	3,000
	Medlearning	Not reported	34,000	n/a
2006	Cephalon	Not reported	24,750	n/a
	Johnson & Johnson	Not reported	Not reported	750
	Primedia	Not reported	56,000	n/a
2007	Primedia	Not reported	30,000	n/a

Note 1: Dr. Biederman revealed in March 2008 that his outside income totaled about $1.6 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Biederman's disclosures.

Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' When a Physician did not list the company in the disclosure, the column reads ''not reported.'' The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

SELECTED DISCLOSURES BY DR. SPENCER AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2000	GlaxoSmithKline	Not reported	$3,000	$1,500
	Eli Lilly & Company	Not reported	12,345	11,463
2001	GlaxoSmithKline	Not reported	4,000	1,000
	Eli Lilly & Company	Not reported	8,500	10,859
	Strategic Implications	Not reported	16,800	n/a
2002	GlaxoSmithKline	Not reported	3,000	3,369
	Eli Lilly & Company	Not reported	14,000	14,016
	Strategic Implications	Not reported	29,000	n/a
2003	Eli Lilly & Company	Not reported	6.000	25,500
	Johnson & Johnson	Not reported	1,250	0
	Thomson Physicians World	Not reported	46,500	n/a
2004	Eli Lilly & Company	Not reported	Not reported	23,000
	Pfizer Inc.	Not reported	3,500	3,500
2005	Eli Lilly & Company	<$20,000	6,000	7,500
	Johnson & Johnson	Not reported	1,500	227
	Medlearning	Not reported	28,250	n/a
2006	Eli Lilly & Company	No amount provided	15,688	8,188
	Johnson & Johnson	Not reported	5,500	0
	Primedia	Not reported	44,000	n/a
2007	Eli Lilly & Company	No amount provided	6,000	16,188

Note 1: Dr. Spencer revealed in March 2008 that his outside income totaled about $1 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Spencer's disclosures.

Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' When a Physician did not list the company in the disclosure, the column reads ''not reported.'' The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

SELECTED DISCLOSURES BY DR. WILENS AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2000	GlaxoSmithKline	Not reported	$5,250	$12,009
	Eli Lilly & Company	Not reported	2,000	2,057
	Pfizer Inc.	Not reported	1,250	2,250
	TVG	Not reported	11,000	n/a
2001	GlaxoSmithKline	<$10,000	n/a	2,269
	Eli Lilly & Company	No amount provided	3,952	952
	J.B. Ashtin	Not reported	14,500	n/a
2002	GlaxoSmithKline	Not reported	7,500	10,764
	Eli Lilly & Company	Not reported	4,500	3,000
	Pfizer Inc.	Not reported	1,500	1,500
	Phase 5	Not reported	20,000	n/a

SELECTED DISCLOSURES BY DR. WILENS AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES—Continued

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2003	Eli Lilly & Company	Not reported	12,000	0
	Phase 5	Not reported	90,500	n/a
	TVG	Not reported	31,000	n/a
	Medlearning	Not reported	24,000	n/a
2004	Eli Lilly & Company	Not reported	7,500	27,500
	Phase 5	Not reported	84,250	n/a
	Medlearning	Not reported	46,000	n/a
2005	Eli Lilly & Company	<20,000	9,500	9,500
	Promedix	Not reported	70,000	n/a
	Advanced Health Media	Not reported	37,750	n/a
2006	Eli Lilly and Physician World (Lilly)	No amount provided	5,963	12,798
	Advanced Health Media	Not reported	56,000	n/a
	Primedia	Not reported	32,000	n/a
2007	Eli Lilly & Company	Not reported	9,000	14,969
	Veritas	Not reported	25,388	n/a

Note 1: Dr. Wilens revealed in March 2008 that his outside income totaled about $1.6 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Spencer's disclosures.

Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads ''no amount reported.'' When a Physician did not list the company in the disclosure, the column reads ''not reported.'' The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

MINNESOTA'S 150TH BIRTHDAY

Ms. KLOBUCHAR. Mr. President, in May, I joined Governor Pawlenty, Senator COLEMAN and our Minnesota Congressional Delegation, our State legislators and thousands of Minnesotans in celebrating Minnesota's 150 years as a State.

We are proud to be a State where—in the words of our unofficial poet laureate Garrison Keillor—all the women are strong, all the men are good-looking, and all the sesquicentennials are above average.

For 150 years, our State has been built by people who knew they had to work hard, had to be bold, and had to persevere—to overcome the adversities and hardships that confronted them.

Each one of us here is a part of Minnesota's illustrious history. And each one of us has our own story about our Minnesota heritage.

Mine has its roots in the rough and tumble Iron Range, where my grandpa worked 1,500 feet underground in the mines of Ely. He and my grandma graduated from high school, but they saved money in a coffee can to send my dad to college. The little house they lived in all their lives they got when the mine closed down in Babbitt. They loaded it on the back of a flatbed truck and dynamited out a hole for the basement in Ely. The only problem was my grandpa used too much dynamite and the neighbor's wash went down a block away from all the flying rocks.

I told the story up north a while back and some old guy stood up and yelled out, ''As if we don't remember!'' They have long memories up on the Range.

Today is a day to remember that Minnesota is recognized and admired both for our natural beauty and our hard-working people.

We are home to the headwaters of the Mississippi River and to Lake Superior, the ''greatest'' of the Great Lakes.

We are home to native peoples whose history stretches far before our statehood.

We are the State that mined the iron ore for America's ships and skyscrapers.

We are the home to Fortune 500 companies that lead the way in innovation—bringing the world everything from the pacemaker to the Post-It Note.

We are home to hospitals and medical institutions that heal the sick from around the world.

And we are now a national leader in the renewable energy that will power our future.

For 150 years, we have served our country with great honor. Back in the Civil War, it was the First Minnesota that held the line during the Battle of Gettysburg, preventing a breach in the Union lines. The price this volunteer unit paid was the highest casualty rate of any military unit in American history, and today their flag flies here in the Capitol rotunda as a reminder of their bravery and sacrifice.

Now, the Minnesota National Guard's 34th Infantry Regiment—the famed Red Bulls—traces its roots to the 1st Minnesota Volunteers and they continue to honor that tradition of service to country.

On the sports field, we are home to the 1987 and 1991 World Series Champion Minnesota Twins.

It was a Minnesotan, Herb Brooks, who coached the U.S. Hockey Team to the gold medal in the 1980 Winter Olympics—the ''Miracle on Ice.''

Of course, after years of anguish, my dad, still an avid sports fan, continues to ask if the Vikings will ever win the Super Bowl.

We brought the world music legends from Bob Dylan to Prince to ''Whoopie John,'' the King of Polka from New Ulm.

And speaking of culture, Darwin, MN, is home to the world's largest ball of twine built by one person (my husband made me add the ''by one person!''). He saw a documentary about some other ball of twine.

Then we have our many colorful politicians, from Senator James Shields, who challenged Abraham Lincoln to a saber duel, to Senator Magnus Johnson, whose Swedish accent was so thick that his nickname going into the Senate was ''Yenerally Speaking Yohnson'', to Governor Rudy Perpich and his polka-mass; to Governor Ventura and his feather boa, to Paul Wellstone and his green bus, to two of America's most beloved Vice Presidents.

In fact, I read in a national magazine way back that ours is the only State where parents bounce their babies on their knees and say, ''One day you could grow up to be Vice President.''

But, Minnesota's celebration is not just about our history. It is also about our future. That is why the involvement of young people is so important—especially our young essay winners.

I always think of our State as a ''work in progress.''

We are a State whose people have always believed—despite the cold, the snow, the windswept prairies . . . Despite all that, we have always believed that anything was possible.

We are a State that is defined by the optimism of our people. We look to the future and we believe that—with hard work, education and good values—we can make tomorrow better than today.

I am reminded of an Ojibwe prayer passed down from the ages—the prayer that our leaders and our people make decisions not for their own generation but for those seven generations from now.

That is what that ragtag brigade of Minnesota citizen soldiers did in 1863 when they held the line at the Battle of Gettysburg.

That is what Sigurd Olson was thinking as he wrote about the beauty of our State and this Earth and its stewardship.

And that is what an Iron Range miner was hoping for as he saved those dollars in that coffee can, never dreaming his granddaughter would end up in the United States Senate.

After 150 years, we celebrate the courage and forethought of those who came before us and pray that we can live up to their expectations.

Happy birthday, Minnesota!

CONGRATULATING CARRIS REELS

Mr. LEAHY. Mr. President, I rise today to congratulate Carris Reels of Rutland, VT, for receiving the 2008 ESOP Association's ''Company of the Year'' award.

Founded in 1951 by Henry Carris, and bought by his son, Bill Carris, in 1980, Carris Reels sells a full line of manufactured reel products for a wide variety of industries. Today, Carris Reels has about 550 employee owners and

eight locations nationwide. The company became 100-percent employee owned in January 2008.

One of the unique characteristics of Carris Reels is the company's steering committee, which goes beyond the basic functions of most ESOP committees and takes responsibility for allocations of benefits, quality of work-life issues, communications, training, and governance. Made up of both management and corporate employees, the Committee keeps alive the vision of former owner Bill Carris who moved the company toward employee ownership in 1995. Bill has said that organizations consist of three dimensions: spiritual, emotional, and physical. The strong business his family built and the employees now own is proof positive that these dimensions will remain a legacy at Carris Reels.

Carris Reels also is a strong supporter of the Vermont Employee Ownership Center, VEOC, a statewide nonprofit organization founded in 2001 to provide information and resources to owners interested in selling their business to their employees, employee groups interested in purchasing a business, and entrepreneurs who wish to start up a company with broadly shared ownership. To date, the VEOC has given direct assistance to over 60 Vermont businesses, employing over 1,700 Vermonters. I applaud the VEOC for holding its Sixth Annual Employee Ownership Conference in Burlington later this week.

Once again, I congratulate all of the employees at Carris Reels for this well-deserved recognition. They make great reels; they do business well; and they treat their employees right—all of these accomplishments, I believe, are related.

Mr. President, I ask unanimous consent that a copy of an article about the award from the June 2, 2008, Rutland Herald be printed in the RECORD so that all Senators can read about the success and admirable business practices of this visionary Vermont company.

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

[From the Rutland Herald, June 2, 2008]

CARRIS REELS WINS 'COMPANY OF YEAR' AWARD

(By Bruce Edwards)

Carris Reels will occupy a special place at this week's sixth annual Vermont Employee Ownership Conference in Burlington.

The Rutland-based company was recently presented with the national 2008 ESOP Company of the Year award by the ESOP Association—the national trade association for companies with employee stock ownership plans.

''Carris Reels is an example of the value and potential that employee ownership can bring to (a) company,'' J. Michael Keeling, president of The ESOP Association, said in a statement. ''The employee owners of Carris Reels strive to make their company stronger each day and it shows in the work they do and in the value they place on the individuals who make up their company.''

Founded in 1951 by Henry Carris, the company manufactures a line of reels for the wire, cable and rope industries. The 100-percent employee-owned company has 550 workers at eight locations around the country.

According to Don Jamison of the Vermont Employee Ownership Center, the state has the highest number of employee-owned companies per capita in the country. Jamison said there are approximately 10,000 ESOPs in the country, with 30 such companies in Vermont and another 10 companies that are workers co-operatives.

Jamison said one important benefit of an employee-owned company is that it ensures the company stays local. ''If an owner is exiting (selling) and is concerned about his or her employees, it can ensure that the company will continue as it has been, provided there is a new group of managers to take over responsibilities.''

He said employee-owned companies also give a direct stake to employees who reap the profits when the company performs well. ''With a combination of participation and ownership, you see a pretty significant boost in productivity gains,'' Jamison said.

He also said there are tax advantages for an owner who sells their company to employees with the potential of getting a rollover in the capital gains tax.

As an example of the productivity gains that are realized with an ESOP, Jamison said two recent winners of the Deane C. Davis Outstanding Vermont Business Award, Resource Systems Group and King Arthur Flour Co., are both majority-owned by their employees.

Jamison said while setting up an ESOP is a complex process, it can be well worth the effort in the long run for the company, its employees and the owner,

One of the conference's workshops this week is based on a Carris Reels initiative called ''Inclusive Decision-Making.''

''They're really trying very hard to make their company 100 percent employee governed,'' Jamison said.

According to the national ESOP Association, a unique component of Carris Reels is its steering committee which goes beyond most ESOP committees and assumes decision-making for a number of functions including: allocation of benefits, quality of work-life issues, communications, training and governance. The committee meets twice a year to review financial information and receives operational updates from the various departments.

The Carris committee is made up of management and employees who serve three-year terms. In addition, the ESOP Association points out that the committee keeps alive the vision of Bill Carris, the son of founder Henry Carris, who moved the company toward employee ownership in 1995. Bill Carris' long-term plan is that ''organizations consist of three dimensions: spiritual, emotional, and physical.''

The keynote speaker at the Vermont conference at Champlain College is Veda Clark, CEO of Lite Control, an ESOP-owned company in Massachusetts that is known for its employee participation programs.

The conference agenda also includes the following workshops:

Social responsibility and the employee-ownership movement, How to successfully lead an employee-owned company, Balancing short- and long-term rewards in companies with an ESOP, How to leverage employee ownership as a marketing tool, Structuring an employee-owned company for inclusive decision-making, The differences between ESOPs and worker co-operatives and which is best suited for their company, The basics of financing an ESOP; and the keys to business valuation, How to manage an established ESOP, Coping with growth in worker cooperatives, Long-term ESOP sustainability; and renewing the spirit of employee ownership.

For more information, visit www.veoc.org; e-mail info@veoc.org; or call 861–6611.

ADDITIONAL STATEMENTS

RETIREMENT OF THOMAS E. BARTON

● Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing Dr. Thomas E. Barton on the occasion of his retirement as president of Greenville Technical College.

Dr. Barton graduated from Clemson University in 1953 with a bachelor of science degree and received his doctorate in higher education administration from Duke University in 1972. While at Clemson, Dr. Barton played football under legendary coach Frank Howard. In 1987, he was honored for his athletic achievements by being elected to both the South Carolina Athletic Hall of Fame and the Clemson University Athletic Hall of Fame.

After 9 years of service in the public schools of South Carolina and Georgia as teacher, coach, and school superintendent, he became president of Greenville Technical College in 1962. When Dr. Barton began his term as president, Greenville Tech consisted of one building serving 800 students. Forty-six years later, the college boasts a 42-building, four-campus system, offering university transfer and technical programs to more than 60,000 students annually.

Dr. Barton was named Business Person of the Year by Greenville Magazine in 1995, and has consistently been chosen as one of the 50 most influential residents of Greenville by the publication. He was also named one of the top 25 community leaders by the Greenville News in 2000, 2001, and 2002. He has been awarded honorary doctorate degrees from Winthrop University, the University of South Carolina, and Clemson University. In January 2003, he was presented with the Order of the Palmetto, the State's highest award for a civilian.

A leader in community affairs, Barton has served on the governing boards of the Greater Greenville Chamber of Commerce, the Historic Greenville Foundation, and the YMCA. He is a commissioner for the Southern Association of Colleges and Schools and has chaired the board of directors of the Donaldson Air Force Base Museum and the South Carolina Technical College Presidents' Council. He has served on the Executive Committee for Friends of the Greenville Hospital System, on the Governor's Task Force on Education in South Carolina, and as honorary chairman of the March of Dimes Team Walk for Greenville. He is also an active member of the Greenville Rotary Club.

Dr. Barton has served his State and his community well as an educator and civic leader. I wish him the very best in

his retirement and ask that the U.S. Senate join me in thanking Dr. Barton for his lifelong career of service.●

125TH ANNIVERSARY OF THE FOUNDING OF PIERRE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I wish today to recognize the 125th anniversary of the founding of one of South Dakota's great cities, Pierre. Pierre is the capital of the State, and the county seat of Hughes County. Pierre boasts a robust economy and exceptional quality of life, and things are only getting better for this dynamic city.

Pierre was founded in July of 1878, preceding the arrival of the Chicago and North Western Railroads 2 years later. Taking its name from the French fur trader, Pierre Chouteau, Pierre was designated the State capital in 1889. Pierre's citizens are justly proud of their city's history, and they have undertaken numerous successful projects designed to preserve and celebrate this heritage.

Today, Pierre is the major trade center of central South Dakota and enjoys an economy mixed with government, agriculture, and plenty of good hunting and fishing with nearby Oahe Dam. The Capital's many attractions include the Capitol Building, built in 1910, and the Fighting Stallions, World War II, Korean, and Vietnam Memorials.

The 125th anniversary celebrations are to be held June 18–22, and include the 19th Annual Dakota Duck Derby, parade, fireworks, watermelon eating contest, and antique car show. The Anniversary Gala will bring together the current and past mayors of Pierre to reminisce and appreciate the history of the South Dakota capital.

Pierre combines the warmth and friendliness of a small town with the vibrancy associated with larger communities. I am pleased to recognize the achievements of Pierre and to offer my congratulations to the residents of the city on this historic milestone.●

125TH ANNIVERSARY OF THE FOUNDING OF ONIDA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the city of Onida, SD. As the county seat of Sully County, this vibrant, progressive community has been a center of commercial and civic activity since its inception.

The site which Onida is built on was chosen by Charles Agar, Charles Holmes, and Frank Brigham of Oneida NY. Within a month of raising the single place of lodging in Onida for landseekers, the city gained a grocer, hardware store, and post office. When declared the seat of Sully County, a courthouse, permanent hotel, multiple grocers, and a bank were soon to follow.

Today, Onida is a prime example of the natural beauty and recreation in South Dakota that follows the Louis and Clark Trail up the Missouri River. Its business sector encompasses a wide variety of trades from agriculture, automotive, finance, and tourist amenities. Hunting and fishing are significant draws of the area, and support many local resorts based on such recreational activity.

Onida will be celebrating its quasquicentennial during the Oahe Days in early August. Even 125 years after its founding, Onida continues to be a vital community and a great asset to South Dakota. I am proud to publicly honor Onida on this memorable occasion. The citizens of Onida are continuing to live up to their motto: miles and miles of sunflower smiles.●

125TH ANNIVERSARY OF ROSCOE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to recognize the community of Roscoe, SD, on reaching the 125th anniversary of its founding. Located in Edmunds County, Roscoe is a rural community infused with hospitality, beauty, and an exceptional quality of life.

Having come far since Sam Basford and Charles Purchase Morgan used a tent as a hotel in April 1883, Roscoe was named after Charles Morgan's good friend Roscoe Conkling. The combination of Basford, Morgan, Engle, and Elliot's land toward the creation of Roscoe led to its importance as a transportation center in 1886 for the Chicago, Milwaukee & St. Paul Railroad. From the boom of migration westward, Roscoe persevered and prospered through life's trials in the great frontier.

Today, Roscoe is still a thriving community. There are upwards of 30 active businesses operating in Roscoe, including one of the largest honeybee farms in the Nation, two farm equipment dealerships, seed dealerships, and a post. Roscoe's school is still running, and the town boasts several churches and a public library.

The people of Roscoe celebrated this momentous occasion on the weekend of July 4–6. A parade, car show, and local entertainment kick off the celebration, with picnics, art, and games in the beautiful city park. One hundred and twenty five years after its founding, Roscoe remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Roscoe on this historic milestone.●

125TH ANNIVERSARY OF THE FOUNDING OF GETTYSBURG, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor the city of Gettysburg, SD, and to recognize the 125th anniversary of its founding. Situated in Potter County, Gettysburg's history and success is a testament to the great State of South Dakota.

Gettysburg was settled in 1883 by 200 Civil War veterans, thus sharing its name with the historical Pennsylvania battle. In fact, many street, township, and community names in Potter County mimic Civil War history. The Chicago and Northwestern Railroads were a significant boost to the Gettysburg economy, and promoted a thriving agricultural and economic community. Gettysburg even boasts of the first swimming pool in the State of South Dakota being nearby.

The 125th anniversary celebration will be held June 27–29, kicking off with an all class reunion. The festivities include a parade, ping-pong ball drop, antique car show, and banquet. For activities outside the celebration weekend, the Gettysburg Country Club's fantastic golf course and Dakota Sunset Museum are a testament to the city's progressive nostalgia.

Mr. President, it has been my honor to represent the citizens of Gettysburg as a Member of Congress since 1986. I am proud to publicly recognize Gettysburg and congratulate the community on this achievement. As the people of Gettysburg take this opportunity to appreciate how far the city has come from its beginnings, I know they will understand the important role Gettysburg plays in making South Dakota the great State that it is.●

125TH ANNIVERSARY OF THE FOUNDING OF HOVEN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Hoven, SD. After 125 years, this progressive community in the Blue Blanket Valley will have a chance to reflect on its past and future, and I congratulate the people of Hoven for all that they have accomplished.

Dating back to the Louisiana Purchase in 1803, the establishment of the Dakota Territory in 1861, and the Homestead Act of 1862, Hoven is located in Potter County of northeast South Dakota. Settled in 1883 east of Swan Lake, the enterprising prairie town boasted two general stores, a bank, a newspaper, a jewelry store, and two saloons to name only a few businesses. The grand ''Cathedral of the Prairies'' has graced the skyline of Hoven since its completion in the early 20th century.

The quasquicentennial festivities over the Fourth of July weekend commence at twilight with a fireworks display. Additionally, the celebration will include a 5K, softball and golf tournaments, a parade, and a ''Missed'' Hoven Pageant, for any males desiring to compete for a pageant crown.

Known today as the ''little town with the big church,'' Hoven has grown into a credit to the State of South Dakota with its business prosperity. The people of Hoven will celebrate their achievements July 4–6. I am proud to join with the community members of Hoven in celebrating the last 125 years and looking forward to a promising future.●

HONORING JOEL SOUTHERN

• Ms. MURKOWSKI. Mr. President, today I bid farewell to a broadcast journalist who has done more to keep Alaskans informed of the happenings in Washington, DC, over the past 21 years than any other single journalist in the State. I rise to honor Joel Southern, the Washington, DC, correspondent for the Alaska Public Radio Network, and to wish him well in his future endeavors.

I entered politics in Alaska only in 1998, but by that time I had been listening to Joel's radio reports on Washington developments for nearly a decade. Most of my early knowledge of the political battle over the opening of the coastal plain of the Arctic National Wildlife Refuge to potential oil and gas development came from Joel's reports, starting in 1987—the year when the environmental impact statement on ANWR first was released by the Department of the Interior.

My understanding of the efforts in Washington to change oil spill regulations in the wake of the Exxon Valdez oil spill of 1989 came from Joel's reporting. Growing up in Wrangell, I knew a good deal about Alaska's southeast timber industry, still Joel's reporting over efforts to pass the Tongass Timber Reform Act in 1991 gave me a breadth of understanding that has been invaluable during my 6 years in the U.S. Senate. I could go on and on and on with other examples.

Joel Southern has been the eyes in the Nation's Capital for tens of thousands of Alaskans who live across the far-flung reaches of our State; where local newspaper coverage is sparse, where TV coverage consists of cable coverage sometimes lacking in statewide or local news, and where only public radio is the source of information and public affairs.

Joel, a native of Winston-Salem, NC, moved to Washington in 1986, earning his master's degree in journalism and public affairs from American University. While an undergrad student he worked as a student announcer starting in 1981 at WFDD-FM, the Wake Forest University radio station, where he learned to pronounce the names of classical composers for his DJ stints, a skill that served him well when pronouncing Inupiat and Native names, such as Tuntutaliak or Atqasuk or Atmautluak.

Formerly an employee of the famed Berns—News—Bureau, a starting point for a number of great journalists, he moved onto the full-time staff of the Alaska Public Radio Network in 1991 and since has provided more radio reports for the network's main news program, Alaska News Nightly, than any other single individual. Over time Joel has learned more about the arcane areas of Alaska public land law, more about oil and gas production, more about commercial fishing and mining and more about the complex arena of politics in the 49th State than most anyone else.

Rather than show off his expertise simply to promote his own ego, Joel uses his knowledge to constantly explain complex stories in simple, understandable terms. While he always asks tough, probing questions of politicians and newsmakers, Joel asks them in a fair, balanced and nonopinionated way. He does better at separating his personal opinions from his reporting than most anyone. He has been fair, unbiased and totally objective for the entirety of his two decades of Washington reporting—and that is a record he can be proud of.

Over the past 21 years Joel has covered everything from the impeachment of a President to the contamination of Senate buildings by anthrax spores. He has covered the swearing in of three different Presidents, and reported on more changes in political leadership in Congress than veteran journalists twice his age. His range has been shown by both covering more congressional hearings than most any congressional correspondent and by working in subzero degree temperatures while covering the 1996 Iditarod Trail Sled Dog Race in Alaska.

Along the way he has covered the Supreme Court and specialized in agricultural news, producing the European Community Farm Line in conjunction with the European Union, produced stories for CBC Radio affiliates and the Australian Broadcasting Corp., provided pieces to National Public Radio on a variety of topics, and done some stringing for the AP. He has done interviews for C–SPAN and Canadian Broadcasting Corporation radio stations. And he has written columns on Alaska oil and natural gas/energy policy for a Canadian publication, Far North Oil and Gas Journal.

In between working seemingly constantly, he has found time to marry his charming wife Helene, to be a devoted dad to two beautiful children, and still do more to inform Alaskans about the events in Washington that affect their future and the future of their children and grandchildren than most any other single journalist. And he has done it while displaying a keen curiosity, an impressive intellect, an insightful mind, a balanced sense of fairness and decency and a never-failing sense of good humor that is far too lacking both inside the U.S. Capitol and outside its walls.

I will miss his presence in Washington, but I know Alaskans from Kaktovik to Adak and from Ketchikan to Point Hope will miss him even more. I can only wish Joel and his family the very best on their coming European adventure and thank him for having done the best possible service to his adopted State; that of informing the citizens of Alaska with wisdom and wit for over two decades.

Thank you, Joel, and God's speed. I suspect I will be hearing your voice from Copenhagen during next year's climate change COP 15 negotiations. Just remember while Alaska is cold, the wind in Denmark's Jutland Peninsula blowing in from the North Sea can be almost as biting as Alaska's North Slope. Again, best wishes and good luck in the future.•

HONORING DOLPHIN MINI GOLF

• Ms. SNOWE. Mr. President, today I recognize a small business from my home State of Maine that recently hosted the 2008 U.S. ProMiniGolf Association's U.S. Open Tournament. Dolphin Mini Golf, an 18-hole, par 50 miniature golf course located in the charming Midcoast town of Boothbay, is the first location in the Northeast to host this exciting annual event.

Dolphin Mini Golf is no ordinary miniature golf course. A nautical theme pervades the landscape, with each hole having a unique decoration. Laden with challenging obstacles, from a fisherman's house to a whale's eye, and dotted with dolphins, lighthouses, and anchors, the course is a taxing test for even the most advanced miniature golfer. Additionally, the rotating ship's wheel and spinning lobster buoys provide the course with an added level of difficulty.

A perfect attraction for tourists to the Maine coast and locals alike, Dolphin Mini Golf has earned its reputation as one of the country's premier miniature golf entertainment complexes. In fact, Dolphin has been rated as one of the top 10 mini golf courses nationwide by several professionals on multiple occasions in USA Today. This made Dolphin Mini Golf an ideal location for the recent 11th annual U.S. Open Tournament, which was held on May 17 and 18 and organized by the U.S. ProMiniGolf Association, which promotes the increased play of miniature golf and sanctions several tournaments each year. This year's U.S. Open featured entrants from across the United States and Europe and consisted of six separate events, including a junior tournament, as well as senior and amateur divisions.

Dolphin's owner, Lee Stoddard, decided to use the opportunity of hosting the event to highlight something bigger than sports. He selected Operation Recognition, a non-profit organization that recognizes America's servicemembers by providing them with a week of relaxation in Maine, to receive proceeds from the U.S. Open. Operation Recognition was founded in May 2007, and its vacations provide military families with all-expense-paid trips, including lodging, scenic boat tours, and, naturally, passes to play at Dolphin Mini Golf.

In addition to this year's U.S. Open, Dolphin Mini Golf hosts its own tournament each September. This 14-year tradition draws players from near and far to benefit a good cause: the tournament raises money for Shriners Hospitals for Children in New England. These crucial facilities provide treatment for children with a variety of illnesses and ailments, including burn

victims, orthopedic care, and spinal cord injury rehabilitation. Mr. Stoddard's commitment to the welfare of the region's neediest children is truly admirable.

Dolphin Mini Golf is a fitting symbol of Maine's creative entrepreneurship. But under Lee Stoddard's leadership, it also represents a sincere kindness and compassion. Through sheer hard work and dedication, Mr. Stoddard has turned Dolphin into an exemplary miniature golf course and a standout small business. I congratulate everyone at Dolphin Mini Golf for earning the honor of playing host to this year's U.S. Open Tournament and thank them for their considerable generosity to our Nation's veterans and children.●

MESSAGES FROM THE PRESIDENT

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

CAPS 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, a treaty and a withdrawal which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 6049. An act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

At 3:06 p.m, a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1734. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

H.R. 3774. An act to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

H.R. 4106. An act to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

H.R. 4791. An act to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

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

H. Con. Res. 138. Concurrent resolution supporting National Men's Health Week.

MEASURES REFERRED

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

H.R. 1734. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3774. An act to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4106. An act to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4791. An act to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

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

H. Con. Res. 138. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

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–6454. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, notification of the status of a report on a plan to increase the usage of environmentally friendly products at all of the Department's facilities; to the Committee on Armed Services.

EC–6455. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exotic Newcastle Disease; Quarantine Restrictions'' (Docket No. APHIS–2006–0036) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6456. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Livestock Mandatory Reporting; Reestablishment and Revision of the Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef'' ((RIN0581–AC67) (Docket No. AMS–LS–07–0106)) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6457. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL No. 8365–2) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6458. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluopicolide; Pesticide Tolerances'' (FRL No. 8363–7) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6459. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (73 FR 21049) received on June 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6460. A communication from the Chairman, Federal Financial Institutions Examination Council, Appraisal Subcommittee, transmitting, pursuant to law, the Subcommittee's Annual Report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–6461. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Long Range Identification and Tracking of Ships'' ((RIN1625–AB00) (USCG–2005–22612)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6462. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo'' ((RIN1625–AB12) (USCG–2001–9046)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6463. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Vessel Security Officer Training and Certification Requirements—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended'' ((RIN1625–AB26)(USCG–2008–0028)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6464. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 3 regulations beginning

with USCG–2008–0074)'' (RIN1625–AB08) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6465. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 8 regulations beginning with USCG–2008–001)'' (RIN1625–AA09) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6466. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report of a rule entitled ''2008–2009 Refuge-Specific Hunting and Sport Fishing Regulations'' (RIN1018–AU61) received on June 3, 2008; to the Committee on Energy and Natural Resources.

EC–6467. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts in the State of Illinois have exceeded the $5,000,000 limit; to the Committee on Environment and Public Works.

EC–6468. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Method 207—Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources'' ((RIN2060–AO39)(FRL No. 8572–1)) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6469. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Annual Report on the Supplemental Security Income Program for fiscal year 2008; to the Committee on Finance.

EC–6470. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part D Claims Data'' ((RIN0938–AO58)(CMS–4119–F)) received on May 22, 2008; to the Committee on Finance.

EC–6471. 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 ''Amendment to Revenue Procedure 2006–9'' (Rev. Proc. 2008–31) received on May 29, 2008; to the Committee on Finance.

EC–6472. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–69—2008–83); to the Committee on Foreign Relations.

EC–6473. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on Health Care Worker Training in the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6474. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on Food Security in the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6475. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on the use of generic drugs in the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6476. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6477. A communication from the Secretary of Energy, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6478. A communication from the Attorney General, transmitting, pursuant to law, the semiannual reports of the Attorney General and the Inspector General for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6479. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6480. A communication from the Chairman of the Postal Regulatory Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6481. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6482. A communication from the Secretary of Labor, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6483. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Results of Auditor's Review of Quality Assurance Practices Related to Certain Congregate Care Providers''; to the Committee on Homeland Security and Governmental Affairs.

EC–6484. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Change'' (RIN3150–AI39) received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6485. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report along with the Corporation's Report on Final Action for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6486. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report as well as the Chairman's Report on Final Action for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6487. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007 , through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6488. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6489. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Annual Privacy Activity Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6490. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–397, ''Abe Pollin Way Designation Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6491. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–396, ''Child and Family Services Grant-Making Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6492. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–395, ''Child Abuse and Neglect Investigation Record Access Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6493. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–402, ''Expanding Opportunities for Street Vending Around the Baseball Stadium Temporary Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6494. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–401, ''Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6125 S.O. 06–4886, Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6495. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-398, ''Omnibus Alcoholic Beverage Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6496. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–394, ''Motor Vehicle Theft Prevention Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6497. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–390, ''District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6498. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–389, ''Ethel Kennedy Bridge Designation Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6499. A communication from the Chairman, Council of the District of Columbia,

transmitting, pursuant to law, a report on D.C. Act 17–388, ''Rev. M. Cecil Mills Way Designation Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6500. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–385, ''Vacancy Exemption Repeal Temporary Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6501. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–382, ''Student Voter Registration Temporary Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6502. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–383, ''Veterans Rental Assistance Temporary Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6503. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–373, ''Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6504. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–381, ''Film DC Economic Incentive Amendment Act of 2008'' received on June 3 , 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6505. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–380, ''East of the River Hospital Revitalization Tax Exemption Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6506. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–379, ''Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-Making Authority Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6507. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–378, ''So Others Might Eat Property Tax Exemption Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6508. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–377, ''Bicycle Policy Modernization Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6509. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–376, ''District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6510. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–374, ''Washington Convention Center Authority Advisory Committee Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6511. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–375, ''Gerard W. Burke, Jr. Building Designation Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6512. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–372, ''Closing Agreement Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6513. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–371, ''E.W. Stevenson, Sr. Boulevard Designation Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6514. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6515. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6516. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6517. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6518. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Survivors' and Dependents—Educational Assistance Program Period of Eligibility for Eligible Children and Other Miscellaneous Issues'' (RIN2900–AL44) received on June 3, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 781. A bill to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 1019. A bill to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the ''Rafael Martinez Nadal United States Customhouse Building''.

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3986. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 4140. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''.

S. 2837. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2942. A bill to authorize funding for the National Advocacy Center.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3009. A bill to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.

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. SMITH (for himself and Mrs. LINCOLN):

S. 3079. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. CANTWELL, Mr. ALLARD, and Ms. COLLINS):

S. 3080. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

By Mr. KERRY:

S. 3081. A bill to establish a Petroleum Industry Antitrust Task Force within the Department of Justice; to the Committee on the Judiciary.

By Mrs. McCASKILL (for herself and Mr. BOND):

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. CASEY, and Mr. WHITEHOUSE):

S. 3083. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policymaking should be strengthened, 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. MARTINEZ (for himself and Mr. NELSON of Florida):

S. Res. 582. A resolution recognizing the work and accomplishments of Mr. Herbert Saffir, inventor of the Saffir-Simpson Hurricane Scale, during Hurricane Preparedness Week; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. KENNEDY, Mr. CRAPO, Ms. LANDRIEU, Mr. GREGG, Mr. SCHUMER, Mr. SPECTER, Mrs. BOXER, and Mr. ALLARD):

S. Res. 583. A resolution designating June 20, 2008, as ''American Eagle Day'', and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 388

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 803

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

S. 899

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 899, a bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 937

At the request of Mr. CASEY, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Mississippi (Mr. WICKER) 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. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2498

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2606

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2619

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2723

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2938

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2957

At the request of Mr. LIEBERMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2957, a bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes.

S. 2991

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. 2994

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2994, a bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

S. 3044

At the request of Mr. REID, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 3044, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S.J. RES. 24

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S.J. Res. 24, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4822

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 4822 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. CANTWELL, Mr. ALLARD, and Ms. COLLINS):

S. 3080. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Imported Ethanol Parity Act of 2008.

This legislation is cosponsored by Senators GREGG, CANTWELL, ALLARD and COLLINS.

First, let me explain what this bill does. The Imported Ethanol Parity Act instructs the President to lower the ethanol import tariff, so that it is no higher than the subsidy for blending ethanol into gasoline.

This legislation is necessary because the Farm Bill extended the tariff for two more years at $0.54 per gallon, even though the Farm Bill reduced the ethanol blending subsidy to $0.45 per gallon.

In effect, the Farm Bill has turned the tariff from an ''offset'' into a true trade barrier of at least $0.09 per gallon.

The Ethanol tariff poses many problems.

It increases the cost of Gasoline in the United States by making ethanol more expensive.

It prevents Americans from importing ethanol made from sugarcane. Sugar ethanol is the only available transportation fuel that works in today's cars and emits considerably less lifecycle greenhouse gas than gasoline;.

It taxes imports from our friends in Brazil, India, and Australia, while oil and gasoline imports from OPEC enter the United States tax free.

It hinders the emergence of a global biofuels marketplace through which countries with a strong biofuel crop could sell fuel to countries that suffered drought or other agricultural difficulties in the same crop year. Such a global market would permit mutually beneficial trade between producing regions and stabilize both fuel and food prices.

It makes us more dependent on the Middle East for fuel when we should be increasing the number of countries from whom we buy fuel. When it comes to energy security for the United States, which has less than 3 percent of proven global oil reserves and 25 percent of demand, we must diversify supply.

Bottom Line: until the tariff is lowered, the United States will tax the only fuel it can import that increases energy security, reduces greenhouse gas emissions, and lowers gasoline prices.

In 2006 I introduced legislation to eliminate the ethanol tariff entirely, and in 2007 I cosponsored an amendment to the Energy Bill which would have eliminated the tariff.

The Imported Ethanol Parity Act is a different proposal that I believe addresses the concerns of tariff defenders.

The advocates of the $0.54 per gallon tariff on ethanol imports have always argued that the tariff is necessary in order to offset the blender subsidy that applies to the use of all ethanol, whether produced domestically or internationally. They argue that the ethanol subsidy exists to support American farmers who produce ethanol at higher cost than foreign producers.

For instance, on May 6, 2006, the Chairman of the Senate Finance Committee stated on the Senate floor that, ''the U.S. tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol.''

On May 9, 2006, the Renewable Fuels Association stated in a press release: ''the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin.''

In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the ''(blender) tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.''

Just this month, the Renewable Fuels Association's Executive Director asserted that ''The tariff is there not so much to protect the industry but the U.S. taxpayer.''

Bottom Line: the tariff cannot be justifiably maintained at $0.54 per gallon if its intent is to offset a $0.45 per gallon blender subsidy, and it should be reduced.

Ethanol from Brazil or Australia should not have to overcome a trade barrier that no drop of OPEC oil must face.

Tariff defenders either should support this legislation or explain how a tariff can justifiably be higher than the subsidy it is designed to offset.

Climate Change is the most significant environmental challenge we face, and I believe that lowering the ethanol tariff will make it less expensive for the United States to combat global warming.

The fuel we burn to power our cars is a major source of the greenhouse gas emissions warming our planet. To reduce this impact, we need to increase the fuel efficiency of our vehicles and lower the lifecycle carbon emissions of the fuel itself.

For this reason, in March 2007, I introduced the Clean Fuels and Vehicles Act with Senators OLYMPIA SNOWE and SUSAN COLLINS.

The legislation proposed a ''Low Carbon Fuels Standard,'' which would require each major oil company selling gasoline in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy in their gasoline by 3 percent by 2015 and by 3 percent more in 2020.

The legislation was modeled on the state of California's Low Carbon Fuels Standard, which also requires a reduction in the lifecycle greenhouse gas emissions from transportation fuels.

This concept became a major aspect of the Energy Independence and Security Act of 2007, in which Congress required oil companies to use an increasing quantity of ''advanced biofuels'' that produce at least 50 percent less lifecycle greenhouse gas than gasoline.

Unfortunately the ethanol tariff puts a trade barrier in front of the lowest carbon fuel available, making it considerably more expensive for the United States to lower the lifecycle carbon emissions of transportation fuel.

The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks, and these differences will impact the degree to which ethanol may be used to meet ''low-carbon'' fuel requirements under California law and the Energy Independence and Security Act of 2007.

For instance, sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes. By comparison, researchers at the University of California concluded that ''only 5 to 26 percent of the energy content (in corn ethanol) is renewable. The rest is primarily natural gas and coal,'' which are used in the production process.

The 2007 California Energy Commission Report entitled Full Fuel Cycle Assessment: Well-to-Wheels Energy Inputs, Emissions, and Water Impacts

concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 68 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 15 to 28 percent lower than gasoline.

Further research released in 2008 suggests that the lifecycle greenhouse gas emissions of corn based ethanol may be higher than gasoline, when land use change is factored into the equation.

The bottom line: biofuels that protect our planet may be produced abroad, and we should not put tariffs in front of these fuels, while we import crude oil and gasoline tariff free.

Energy and food prices are both rising at unprecedented rates, and there is a great deal of debate about whether the renewable fuels standard mandating ethanol use is causing the problem.

I have always opposed corn ethanol mandates. But I remain concerned that the blending subsidy and the ethanol tariff have as much to do with rising corn prices as the ethanol mandate.

Corn ethanol production has considerably exceeded the renewable fuels standard every year since its adoption in 2005. With oil prices this high, it is profitable to produce ethanol at record corn prices with or without the mandate. The low value of renewable fuels standard credits, known as RINs, confirms that using ethanol is not a burden for oil companies.

To address the rising cost of corn, we have to address the underlying economics of corn ethanol production, and effectively increasing the tariff on imports, as the Farm Bill has done, is a step in the wrong direction.

This legislation corrects the Farm Bill's mistaken policy that imposed a real trade barrier on clean and climate friendly ethanol imports, giving gasoline imports a competitive advantage over cleaner fuel that simply should not exist at a time we are trying to combat climate change.

It prevents ethanol producers abroad from receiving American ethanol subsidies, which is supposedly the intent of the ethanol tariff.

I think it strikes the right balance, and I urge Congress to pass this legislation.

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

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

S. 3080

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 ''Imported Ethanol Parity Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On May 6, 2006, the Chairman of the Finance Committee of the Senate stated on the Senate floor that, ''the United States tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol.''.

(2) On May 9, 2006, the Renewable Fuels Association stated: ''the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin.''. In May 2008, the Renewable Fuels Association's Executive Director asserted that ''The tariff is there not so much to protect the industry but the United States taxpayer.''.

(3) In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the ''(blender) tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent United States taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.''.

(4) The Food, Conservation, and Energy Act of 2008, as contained in the Conference Report to accompany H.R. 2419 in the 110th Congress, proposes to decrease the excise tax credit for blending ethanol from $0.51 to $0.45 per gallon, but extend the $0.54 per gallon temporary duty on imported ethanol, increasing the competitive disadvantage of ethanol imports in the United States marketplace. The legislation would transform a tariff designed to offset a domestic subsidy into a real import barrier of at least $0.09 per gallon.

(5) The State of California is adopting a Low Carbon Fuels Standard that requires a reduction in the lifecycle greenhouse gas emissions from transportation fuels, and the Energy Independence and Security Act of 2007 requires the United States to use increasing quantities of ''advanced biofuels'' that have lifecycle greenhouse gas emissions that are at least 50 percent less than lifecycle greenhouse gas emissions from gasoline.

(6) The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks. These differences will impact the degree to which ethanol may be used to meet ''low-carbon'' fuel requirements under California law and the Energy Independence and Security Act of 2007.

(7) Sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes.

(8) The 2007 California Energy Commission Report, entitled ''Full Fuel Cycle Assessment: Well-to-Wheels Energy Inputs, Emissions, and Water Impacts'', concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 68 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 15 to 28 percent lower than gasoline.

(9) The cost to ship ethanol by sea from foreign production areas to California is competitive with the cost to ship ethanol by rail from the American Midwest, according to ethanol producers and importers.

(10) Ethanol production will vary from region to region each year based on crop performance, and a global biofuels marketplace would permit mutually beneficial trade between producing regions capable of stabilizing both fuel and food prices.

(11) In March 2007, the United States and Brazil entered into a strategic alliance to cooperate on advanced research for biofuels, develop biofuel technology, and expand the production and use of biofuels throughout the Western Hemisphere, especially in the Caribbean and Central America.

(12) On March 9, 2007, President Bush stated ''it's in the interest of the United States that there be a prosperous neighborhood. And one way to help spread prosperity in Central America is for them to become energy producers.''.

(13) According to a February 2008 study by the Massachusetts Institute of Technology, titled ''Biomass to Ethanol: Potential Production and Environmental Impacts'', the current ethanol distribution system in the United States is not capable of efficiently supplying ethanol to the East Coast markets.

SEC. 3. ETHANOL TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986 and take any other action necessary to ensure that the temporary duty imposed on ethanol under such subheading 9901.00.50 is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

By Mr. KERRY:

S. 3081. A bill to establish a Petroleum Industry Antitrust Task Force within the Department of Justice; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, from the skyrocketing price of crude oil, now hovering well above $120 a barrel, to the $4.00 per gallon being sold at gas stations across the country, Americans are frustrated and there appears to be no end in sight.

I've talked to school superintendents who have had to cut academic programs because the cost of fueling school buses has gone through the roof. I have met with constituents who are pleading for the Federal Government to take some kind of action to provide relief. Just last week, I held a field hearing in Pittsfield, Massachusetts to examine how gas prices were impacting small business owners, and the testimony was striking. Businesses that have been sustainable for decades are now wondering whether they'll be forced to shut their doors for good.

Congress has received testimony from energy market experts and major oil company executives that the price of oil and gas can no longer be explained or predicted by normal market dynamics or their historic understanding of supply and demand forces. An executive from Exxon Mobil recently testified before Congress under oath that the price of crude oil should be about $50 to $55 per barrel based on the supply and demand fundamentals he had observed. Yet current crude oil prices are more than double that.

We are all owed a clearer understanding as to why prices are so disconnected from what normal supply and demand would indicate. Why has the price of oil nearly doubled in the last year? Prices should not skyrocket like this in a properly functioning, competitive market. Twice I have written to

the Bush Administration demanding an investigation and twice I have received a response of ''we're working on it''. Well, this response rings awfully hollow to Americans struggling to understand what's going on.

How the Federal Government responds to the changing dynamics of energy markets is vital to our continued national and economic security. If the Enron energy crisis taught us anything it is that consumers are best protected when energy markets are subject to aggressive oversight and enforcement. Unless there is a cop on the beat vigilantly policing energy markets—especially when supplies are tight in markets with extremely inelastic demand—sophisticated companies can fleece consumer pocketbooks without fear of penalty.

Therefore, I am introducing legislation today to establish a new interagency Oil and Gas Market Fraud Task Force under the leadership of the Department of Justice to ensure that energy markets are free from illegal market manipulation or corporate corruption. This legislation will allow us to root out fraud and manipulation in all corners of the oil and gas marketplace, and restore consumer confidence. When that happens, everyone wins. I urge my colleagues to support this legislation.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MCCASKILL. Mr. President, when I was a local elected official in Kansas City, MO, I had the distinct honor of getting to know many of the dedicated community leaders whose sole purpose for being involved was to improve the lives of their fellow citizens. One of the best and most beloved of these leaders was the Reverend Earl Abel.

Reverend Abel was born on September 12, 1930. He attended University of Kansas and went on to receive his Doctor of Divinity Degree from Western Baptist Bible College. Reverend Abel worked as a U.S. Postal Service mail carrier until he organized the Palestine Missionary Baptist Church in 1959.

Under Reverend Abel's leadership, what started out as a modest church of 11 members grew into a thriving ministry, touching the lives of thousands of community members across Kansas City, Missouri. While he was pastor, Palestine Church built two senior citizens residences, a Senior Activity Center, and a church camp for both youth and adults. Even as he worked tirelessly to reach out through these programs, Reverend Abel's involvement in the community did not end with his efforts at Palestine Church. Reverend Abel served as Chaplain for the Kansas City Police Department, President of the Baptist Ministers Union, member of the Kansas City Council on Crime Prevention, and authored a book entitled If a Church is to Grow. In 1999, Missouri Governor Mel Carnahan appointed Reverend Abel to the Appellate Judicial Commission.

On May 17, 2005, Reverend Abel passed away after 46 years of service at Palestine Missionary Baptist Church of Jesus Christ and more than 48 years as a minister of God.

Today I rise to offer a bill to honor this man by naming a post office facility in Kansas City after him. Given his early career as a mail carrier, it is only fitting for the location at 1700 Cleveland Avenue, in the heart of Kansas City, to carry his name. It is my hope that this small gesture helps ensure that the legacy of Rev. Abel lives on. A companion bill in the House of Representatives will be filed today by Rep. Cleaver, a fellow minister and selfless public servant who represents Kansas City.

I hope my fellow colleagues will join me and my colleague Senator BOND in recognizing Reverend Earl Abel for his loving ministry and limitless dedication to serving the Kansas City, MO, community.

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

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

S. 3082

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

SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the ''Reverend Earl Abel Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Reverend Earl Abel Post Office Building''.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. CASEY, and Mr. WHITEHOUSE):

S. 3083. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Finance.

Mr. BROWN. Mr. President, the goal of our trade policy should be to promote fair competition and lift up workers at home and abroad.

Americans support trade that allows responsible businesses to thrive, fueling good-paying jobs and a strong, resilient economy.

But wrong-headed trade pacts following the failed NAFTA-model have betrayed middle class families across the country, destabilizing our economy and destroying communities in rural and urban areas alike.

In my state of Ohio, more than 200,000 manufacturing jobs have been eliminated since 2001. Across the country, more than 3 million manufacturing jobs have been eliminated in that time.

Our failures to modernize our Nation's trade policy, to learn from our mistakes, and to respond to changing dynamics in the global arena, hurt communities like Toledo and Steubenville and Dayton.

That is why voters in my state of Ohio and across the country have sent a message loud and clear demanding a new direction, a very different direction, for our nation's trade policy.

Over the last 8 years, our approach to trade has been haphazard at best.

In the last 2 years, since voters elected candidates who support fair trade, Congress has reasserted itself in trade policy-making, with some improvements to proposed deals with Peru, Panama, Colombia, and South Korea.

We also have chosen not to grant President Bush a renewal of Fast Track.

But our approach to trade has not evolved from reactive to proactive. We have not forged a new approach to trade that is results-oriented, an approach focused squarely on the goals of economic strength, job creation, and U.S. self-sufficiency.

Not surprisingly, polls show that Americans reject current trade policy as misguided.

That is because it is.

It is time to learn from our mistakes.

It is time for a change. The Trade Reform, Accountability, Development and Employment, TRADE, Act, which Senator DORGAN, Senator FEINGOLD, Senator CASEY, Senator WHITEHOUSE and I are introducing today, is a step towards that change.

This legislation will serve as a template for how to craft a trade agreement that works for workers, for business owners, for our country.

This legislation will mandate a review of all existing trade agreements and will require the President to submit renegotiation plans for those agreements before pursuing new trade agreements.

The TRADE Act will create a committee comprised of House and Senate leaders who will review the President's plan for renegotiation.

This bill spells out standards for future trade agreements, standards based on fostering fair competition, promoting good-paying jobs, and addressing unethical behavior by multinational corporations, including the exploitation of people and natural resources in developing nations.

Trade is an exchange that relies on the integrity of its participants. We must not trade away our fundamental belief in basic human rights and our responsibility to fight the kind of exploitation that threatens vulnerable peoples and vulnerable nations.

That is why our trade policy must not sidestep the impact of lax trade agreements and unethical corporations on developing nations.

The TRADE Act also sets out criteria for a new negotiating process—one that would do away with the fundamentally-flawed Fast Track process and return power to Congress when considering our nation's trade pacts.

We take for granted our clean air, safe food, and safe drinking water. But these blessings are not by chance: they result from laws and rules that foster fair wages, protect the public health, and promote environmental stewardship.

Flawed trade policy accelerates the import of toxic toys, contaminated toothpaste, and poisonous pet food into this country.

It does not have to be this way.

We have a choice.

We can continue a race to the bottom in wages, worker safety, environmental protection, and health standards.

Or, we can use trade agreements to lift standards abroad—not threaten workers and consumers.

We can continue down the path of the failed NAFTA model, or we can write trade agreements that sustain and grow our Nation's manufacturing self-sufficiency, create good-paying jobs and reduce the trade deficit by providing fair and transparent market access.

We can forsake U.S. standards and U.S. values and ignore trade abuses in order to mass produce trade agreements, or we can write trade agreements that fulfill their promises, that hold our trading partners accountable for abiding by the rules, and that build on the hard-fought battles waged to build a strong middle class, reward good corporate citizens, preserve our natural resources, and ensure that the food and products Americans purchase are safe.

We can continue to use trade deals to lock in protections for Wall Street, the drug companies, and oil companies, or we can create a predictable structure for international trade without providing corporations with overreaching privileges and rights of private enforcement that undermine our laws.

Middle class families, American manufacturers and farmers, and community leaders across the country all know that we need a new direction for trade.

I am going to ask my leadership, and my caucus, to work with me on this legislation. And I look forward to working with my allies on the other side of the aisle to modernize U.S. trade policy.

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

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

S. 3083

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 ''Trade Reform, Accountability, Development, and Employment Act of 2008'' or the ''TRADE Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CORE LABOR STANDARDS.—The term ''core labor standards'' means the core labor rights as stated in the International Labour Organization conventions dealing with—

(A) freedom of association and the effective recognition of the right to collective bargaining;

(B) the elimination of all forms of forced or compulsory labor;

(C) the effective abolition of child labor; and

(D) the elimination of discrimination with respect to employment and occupation.

(2) MULTILATERAL ENVIRONMENTAL AGREEMENTS.—The term ''multilateral environmental agreements'' means any international agreement or provision thereof to which the United States is a party and which is intended to protect, or has the effect of protecting, the environment or human health.

(3) TRADE AGREEMENTS.—

(A) IN GENERAL.—The term ''trade agreement'' includes the following:

(i) The United States-Australia Free Trade Agreement.

(ii) The United States-Morocco Free Trade Agreement.

(iii) The United States-Singapore Free Trade Agreement.

(iv) The United States-Chile Free Trade Agreement Implementation Act.

(v) The North American Free Trade Agreement.

(vi) The Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area.

(vii) The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act.

(viii) The United States-Bahrain Free Trade Agreement Implementation Act.

(ix) The United States-Oman Free Trade Agreement Implementation Act.

(x) The Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel.

(xi) The United States-Peru Trade Promotion Agreement.

(B) URUGUAY ROUND AGREEMENTS.—The term ''trade agreement'' includes the following Uruguay Round Agreements:

(i) The General Agreement on Tariffs and Trade (GATT 1994) annexed to the WTO Agreement.

(ii) The WTO Agreement described in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

(iii) The agreements described in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)).

(iv) Any multilateral agreement entered into by the United States under the auspices of the World Trade Organization dealing with information technology, telecommunications, or financial services.

SEC. 3. REVIEW AND REPORT ON EXISTING TRADE AGREEMENTS.

(a) REVIEW AND REPORT.—

(1) IN GENERAL.—Not later than June 30, 2010, the Comptroller General of the United States shall conduct a review of all trade agreements described in section 2(3) and submit to the Congressional Trade Agreement Review Committee established under section 6 a report that includes the information described under subsections (b) and (c) and the recommendations required under subsection (d). The review shall concentrate on the effective operation of the United States trade agreements program generally.

(2) COOPERATION OF AGENCIES.—The Department of State, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of the Treasury, the United States Trade Representative, and other executive departments and agencies shall cooperate with the Comptroller General and the Government Accountability Office in providing access to United States Government officials and documents to facilitate preparation of the report.

(b) INFORMATION WITH RESPECT TO TRADE AGREEMENTS.—The report required by subsection (a) shall, with respect to each trade agreement described in section 2(3), to the extent practical, include the following information covering the period between the date on which the agreement entered into force with respect to the United States and the date on which the Comptroller General completes the review:

(1) An analysis of indicators of the economic impact of each trade agreement, such as—

(A) the dollar value of goods exported from the United States and imported into the United States by sector and year;

(B) the employment effects of the agreement on job gains and losses in the United States by sector and changes in wage levels in the United States in dollars by sector and year; and

(C) the rate of production, number of employees, and competitive position of industries in the United States significantly affected by the agreement.

(2) A trend analysis of wage levels on a year-to-year basis in—

(A) each country with which the United States has a trade agreement described in section 2(3)(A);

(B) each country that is a major United States trading partner, including Belgium, Brazil, China, France, Germany, Hong Kong, India, Ireland, Italy, Japan, South Korea, Malaysia, Netherlands, Taiwan, and the United Kingdom;

(C) each country with which the United States has considered establishing a free trade agreement, including South Africa and Thailand;

(D) each country with respect to which the United States has extended preferential trade treatment under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) and the Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(3) The effect on agriculture, including—

(A) the trend of prices in the United States for agricultural commodities and food products that are imported into the United States from a country that is a party to an agreement described in section 2(3);

(B) an analysis of the effects, if any, on the cost of farm programs in the United States; and

(C) the number of farms operating in the United States and the number of acres under production for agricultural commodities that are exported from the United States to a country that is a party to such an agreement on a year-by-year basis.

(4) An analysis of the progress in implementing trade agreement commitments and the record of compliance with the terms of each agreement in effect between the United States and a country listed in paragraph (2).

(5) A description of any outstanding disputes between the United States and any country that is a party to an agreement listed in section 2(3), including a description of laws, regulations, or policies of the United States or any State that any country that is a party to such an agreement has challenged,

or threatened to challenge, under such agreement.

(6) An analysis of the ability of the United States to ensure that any country with which the United States has a trade agreement described in section 2(3) complies with United States laws and regulations, including—

(A) complying with the customs laws of the United States;

(B) making timely payment of duties owed on goods imported into the United States;

(C) meeting safety and inspection requirements with respect to food and other products imported into the United States; and

(D) complying with prohibitions on the transshipment of goods that are ultimately imported into the United States.

(7) A analysis of any privatization of public sector services in the United States or in any country that is a party to the an agreement listed in section 2(3), including any effect such privatization has on the access of consumers to essential services, such as health care, electricity, gas, water, telephone service, or other utilities.

(8) An assessment of the impact of the intellectual property provisions of the trade agreements listed in section 2(3) on access to medicines.

(9) An analysis of contracts for the procurement of goods or services by Federal or State government agencies from persons operating in any country that is a party to an agreement listed in section 2(3).

(10) An assessment of the consequences of significant currency movements and a determination of whether the currency of a country that is a party to an agreement is misaligned deliberately to promote a competitive advantage in international trade for that country.

(c) INFORMATION ON COUNTRIES THAT ARE PARTIES TO TRADE AGREEMENTS.—With respect to each country with respect to which the United States has a trade agreement in effect, the report required under subsection (a) shall include information regarding whether that country—

(1) has a democratic form of government;

(2) respects core labor standards, as defined by the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards of the International Labour Organization;

(3) respects fundamental human rights, as determined by the Secretary of State in the annual country reports on human rights of the Department of State;

(4) is designated as a country of particular concern with respect to religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1));

(5) is on a list described in subparagraph (B) or (C) of section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) (commonly known as tier 2 or tier 3 of the Trafficking in Persons List of the Department of State);

(6) has taken effective measures to combat and prevent public and private corruption, including measures with respect to tax evasion and money laundering;

(7) complies with the multilateral environmental agreements to which the country is a party;

(8) has in force adequate labor and environmental laws and regulations, has devoted sufficient resources to implementing such laws and regulations, and has an adequate record of enforcement of such law and regulations;

(9) adequately protects intellectual property rights;

(10) provides for governmental transparency, due process of law, and respect for international agreements;

(11) provides procedures to promote basic democratic rights, including the right to hold clear title to property and the right to a free press; and

(12) poses potential concerns to the national security of the United States, including an assessment of transfer of technology, production, and services from one country to another.

(d) RECOMMENDATIONS.—Each report required under subsection (a) shall include recommendations of the Comptroller General for addressing the problems with respect to an agreement identified under subsections (b) and (c). The recommendations shall include suggestions for renegotiating the agreement based on the requirements described in section 4(b) and for negotiations with respect to new trade agreements.

(e) CITATIONS.—The Comptroller General shall include in the report required under subsection (a) citations to the sources of data used in preparing the report and a description of the methodologies employed in preparing the report.

(f) PUBLIC COMMENT.—In preparing each report required under subsection (a), the Comptroller General shall—

(1) hold at least 2 hearings that are open to the public; and

(2) provide an opportunity for members of the public to testify and submit written comments.

(g) PUBLIC AVAILABILITY.—The report required under subsection (a) shall be made available to the public not later than 14 days after the Comptroller General completes that report.

SEC. 4. INCLUSION OF CERTAIN PROVISIONS IN TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country that is introduced in Congress after the date of the enactment of this Act shall be subject to a point of order pursuant to subsection (c) unless the trade agreement meets the requirements described in subsection (b).

(b) REQUIREMENTS.—Each trade agreement negotiated between the United States and another country shall meet the following requirements:

(1) LABOR STANDARDS.—The labor provisions shall—

(A) be included in the text of the agreement;

(B) require that a country that is party to the agreement adopt and maintain as part of its domestic law and regulations (including in any designated zone in that country), the core labor standards and effectively enforce laws directly related to those standards and to acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(C) prohibit a country that is a party to the agreement from waiving or otherwise derogating from its laws and regulations relating to the core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(D) require each country that is a party to the agreement to adopt into domestic law and enforce effectively core labor standards;

(E) provide that failures to meet the labor standards required by the agreement shall be subject to dispute resolution and enforcement mechanisms and penalties that are at least as effective as the mechanisms and penalties that apply to the commercial provisions of the agreement;

(F) strengthen the capacity of each country that is a party to the agreement to promote and enforce core labor standards; and

(G) establish a commission of independent experts who shall receive, review, and adjudicate any complaint filed under the labor provisions of the trade agreement, and vest the commission with the authority to establish objective indicators to determine compliance with the obligations set forth in subparagraphs (B), (C), (D), (E), and (F).

(2) ENVIRONMENTAL AND PUBLIC SAFETY STANDARDS.—The environmental provisions shall—

(A) be included in the text of the agreement;

(B) prohibit each country that is a party to the agreement from weakening, eliminating, or failing to enforce domestic environmental or other public safety standards to promote trade or attract investment;

(C) require each such country to implement and enforce fully and effectively, including through domestic law, the country's obligations under multilateral environmental agreements and provide for the enforcement of such obligations under the agreement;

(D) prohibit the trade of products that are illegally harvested or extracted and the trade of goods derived from illegally harvested or extracted natural resources, including timber and timber products, fish, wildlife, and associated products, mineral resources, or other environmentally sensitive goods;

(E) provide that the failure to meet the environmental standards required by the agreement be subject to dispute resolution and enforcement mechanisms and penalties that are at least as effective as the mechanisms and penalties that apply to the commercial provisions of the agreement; and

(F) allow each country that is a party to the agreement to adopt and implement environmental, health, and safety standards, recognizing the legitimate right of governments to protect the environment and public health and safety.

(3) FOOD AND PRODUCT HEALTH AND SAFETY STANDARDS.—If the agreement contains health and safety standards for food and other products, the agreement shall—

(A) establish that food, feed, food ingredients, and other related food products may be imported into the United States from a country that is a party to the agreement only if such products meet or exceed United States standards with respect to food safety, pesticides, inspections, packaging, and labeling;

(B) establish that nonfood products may be imported into the United States from a country that is a party to the agreement only if such products meet or exceed United States health and safety standards with respect to health and safety, inspection, packaging and labeling;

(C) allow each country that is a party to the agreement to impose standards designed to protect public health and safety unless it can be clearly demonstrated that such standards do not protect the public health or safety;

(D) authorize the Commissioner of the Food and Drug Administration (in this Act, referred to as the ''Commissioner'') and the Consumer Product Safety Commission (in this Act, referred to as the ''Commission'') to assess the regulatory system of each country that is a party to the agreement to determine whether the system provides the same or better protection of health and safety for food and other products as provided under the regulatory system of the United States;

(E) if the Commissioner or the Commission determines that the regulatory system of

such a country does not provide the same or better protection of health and safety for food and other products as provided under the regulatory system of the United States, prohibit the importation into the United States of food and other products from that country;

(F) provide a process by which producers from countries whose standards are not found by the Commissioner or the Commission to meet United States standards may have their facilities inspected and certified in order to allow products from approved facilities to be imported into the United States;

(G) if harmonization of food or product health or safety standards is necessary to facilitate trade, such harmonization shall be based on standards that are no less stringent than United States standards; and

(H) establish mandatory end-use labeling of imports of milk protein concentrates.

(4) SERVICES PROVISIONS.—If the agreement contains provisions related to the provision of services, such provisions shall—

(A) preserve the right of Federal, State, and local governments to maintain essential public services and to regulate, for the benefit of the public, services provided to consumers in the United States by establishing a general exception to the national treatment commitments in the agreement that allows distinctions between United States and foreign service providers and qualifications or limitations on the provision of services;

(B)(i) require each country that is a party to the agreement to establish a list of each service sector that will be subject to the obligations of the country under the agreement; and

(ii) apply the agreement only to the service sectors that are on the list described in clause (i);

(C) establish a general exception to market access obligations that allows a country that is a party to the agreement to maintain or establish a ban on services the country considers harmful, if the ban is applied to domestic and foreign services and service providers alike;

(D) require service providers in any country that is a party to the agreement that provide services to consumers in the United States to comply with United States privacy, transparency, professional qualification, and consumer access laws and regulations;

(E) require that services provided to consumers in the United States that are subject to privacy laws and regulations in the United States may only be provided by service providers in other countries that provide privacy protections and protections for confidential information that are equal to or exceed the protections provided by United States privacy laws and regulations;

(F) require that financial and medical services be subject to United States privacy laws and be performed only in countries that provide protections for confidential information that are equal to or exceed the protections for such information under United States privacy laws;

(G) not require the privatization of public services in any country that is a party to the agreement, including services related to national security, social security, health, public safety, education, water, sanitation, other utilities, ports, or transportation; and

(H) provide for local governments to operate without being subject to market access obligations under the agreement.

(5) INVESTMENT PROVISIONS.—If the agreement contains provisions related to investment, such provisions shall—

(A) preserve the ability of each country that is a party to the agreement to regulate foreign investment in a manner consistent with the needs and priorities of the country;

(B) allow each such country to place reasonable restrictions on speculative capital to reduce global financial instability and trade volatility;

(C) not be subject to an investor-state dispute settlement mechanism under the agreement;

(D) ensure that foreign investors operating in the United States have rights no greater than the rights provided to domestic investors by the Constitution of the United States;

(E) provide for government-to-government dispute resolution relating to a government action that destroys all value of the real property of a foreign investor rather than dispute resolution between the government that took the action and the foreign investor;

(F) define the term ''investment'' to mean not more than a commitment of capital or acquisition of real property and not to include assumption of risk or expectation of gain or profit;

(G) define the term ''investor'' to mean only a person who makes a commitment or acquisition described in subparagraph (F);

(H) define the term ''direct expropriation'' as government action that does not merely diminish the value of property but destroys all value of the property permanently;

(I) not provide a dispute resolution system under the agreement for the enforcement of contracts between foreign investors and the government of a country that is a party to the agreement relating to natural resources, public works, or other activities under government control; and

(J) define the standard of minimum treatment to provide no greater legal rights than United States citizens possess under the due process clause of section 1 of the 14th amendment to the Constitution of the United States.

(6) PROCUREMENT STANDARDS.—If the agreement contains government procurement provisions, such provisions shall—

(A) require each country that is a party to the agreement to establish a list of industry sectors, goods, or services that will be subject to the national treatment and other obligations of the country under the agreement;

(B) with respect to the United States, apply only to State and local governments that specifically agree to the agreement and only to the industry sectors, goods, or services specifically identified by the State government and not apply to local governments; and

(C) include only technical specifications for goods or services, or supplier qualifications or other conditions for receiving government contracts that do not undermine—

(i) prevailing wage policies;

(ii) recycled content policies;

(iii) sustainable harvest policies;

(iv) renewable energy policies;

(v) human rights; or

(vi) labor project agreements.

(7) INTELLECTUAL PROPERTY REQUIREMENTS.—If the agreement contains provisions related to the protection of intellectual property rights, such provisions shall—

(A) promote adequate and effective protection of intellectual property rights;

(B) include only terms relating to patents that do not, overtly or in application, limit the flexibilities and rights established in the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001; and

(C) require that any provisions relating to the patenting of traditional knowledge be consistent with the Convention on Biological Diversity, concluded at Rio de Janeiro June 5, 1992.

(8) AGRICULTURAL STANDARDS.—If the agreement contains provisions related to agriculture, such provisions shall—

(A) protect the right of each such country to establish policies with respect to food and agriculture that require farmers to receive fair remuneration for management and labor that occurs on farms and that allow for inventory management and strategic food and renewable energy reserves, to the extent that such policies do not contribute to or allow the dumping of agricultural commodities in world markets at prices lower than the cost of production;

(B) protect the right of each country that is a party to the agreement to prevent dumping of agricultural commodities at below the cost of production through border regulations or other mechanisms and policies;

(C) ensure that all laws relating to antitrust and anti-competitive business practices remain fully in effect, and that their enforceability is neither pre-empted nor compromised in any manner;

(D) ensure adequate supplies of safe food for consumers;

(E) protect the right of each country that is a party to the agreement to encourage conservation through the use of best practices with respect to the management and production of crops; and

(F) ensure fair treatment of farm laborers in each such country.

(9) TRADE REMEDIES AND SAFEGUARDS.—If the agreement contains trade remedy provisions, such provisions shall—

(A) preserve fully the ability of the United States to enforce its trade laws, including antidumping and countervailing duty laws and safeguard laws;

(B) ensure the continued effectiveness of domestic and international prohibitions on unfair trade, especially prohibitions on dumping and subsidies, and domestic and international safeguard provisions;

(C) allow the United States to maintain adequate safeguards to ensure that surges of imported goods do not result in economic burdens on workers, firms, or farmers in the United States, including providing that such safeguards go into effect automatically based on certain criteria; and

(D) if the currency of a country that is a party to the agreement is deliberately misaligned, establish safeguard remedies that apply automatically to offset substantial and sustained currency movements.

(10) RULES OF ORIGIN PROVISIONS.—If the agreement contains provisions related to rules of origin, such provisions shall—

(A) ensure, to the fullest extent practicable, that goods receiving preferential treatment under the agreement are produced using inputs from a country that is a party to the agreement; and

(B) ensure the effective enforcement of such provisions.

(11) DISPUTE RESOLUTION AND ENFORCEMENT PROVISIONS.—If the agreement contains provisions related to dispute resolution, such provisions shall—

(A) incorporate the basic due process guarantees protected by the Constitution of the United States, including access to documents, open hearings, and conflict of interest rules for judges;

(B) require that any dispute settlement panel, including an appellate panel, dealing with intellectual property rights or environmental, health, labor, and other public law issues include panelists with expertise in such issues; and

(C) provide that dispute resolution proceedings are open to the public and provide

timely public access to information regarding enforcement, disputes, and ongoing negotiations related to disputes.

(12) TECHNICAL ASSISTANCE.—If the agreement contains technical assistance provisions, such provisions shall—

(A) be designed to raise standards in developing countries by providing assistance that ensures respect for diversity of development paths;

(B) be designed to empower civil society and democratic governments to create sustainable, vibrant economies and respect basic rights;

(C) provide that technical assistance shall not supplant economic assistance; and

(D) promote the exportation of goods produced with methods that support sustainable natural resources.

(13) EXCEPTIONS FOR NATIONAL SECURITY AND OTHER REASONS.—Each agreement shall—

(A) include an essential security exception that permits a country that is a party to the agreement to apply measures that the country considers necessary for the maintenance or restoration of international peace or security, or the protection of its own essential security interests, including regarding infrastructure, services, manufacturing, and other sectors; and

(B) include in its list of general exceptions the following language: ''Notwithstanding any other provision of this agreement, a provision of law that is nondiscriminatory on its face and relates to domestic health, consumer safety, the environment, labor rights, worker health and safety, economic equity, consumer access, the provision of goods or services, or investment, shall not be subject to challenge under the dispute resolution mechanism established under this agreement, unless the primary purpose of the law is to discriminate with respect to market access.''.

(14) FEDERALISM.—The agreement may only require a State government to comply with procurement, investment, or services provisions contained in the agreement if the State government has been consulted in full and has given explicit consent to be bound by such provisions.

(c) POINT OF ORDER IN SENATE.—The Senate shall cease consideration of a bill to implement a trade agreement if—

(1) a point of order is made by any Senator against the bill based on the noncompliance of the trade agreement with the requirements of subsection (b); and

(2) the point of order is sustained by the Presiding Officer.

(d) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (c), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (c) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (c), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (c) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate, or their designees.

SEC. 5. RENEGOTIATION PLAN FOR EXISTING TRADE AGREEMENTS.

The President shall submit to Congress a plan to bring trade agreements in effect on the date of the enactment of this Act into compliance with the requirements of section 4(b) not later than 90 days before the earlier of the day on which the President—

(1) initiates negotiations with a foreign country with respect to a new trade agreement; or

(2) submits a bill to Congress to implement a trade agreement.

SEC. 6. ESTABLISHMENT OF CONGRESSIONAL TRADE AGREEMENT REVIEW COMMITTEE.

(a) ESTABLISHMENT.—There is established a Congressional Trade Agreement Review Committee.

(b) FUNCTIONS.—The Committee—

(1) shall receive the report of the Comptroller General of the United States required under section 3;

(2) shall review the plan for bringing trade agreements into compliance with the requirements of section 4(b); and

(3) may, not later than 60 days after receiving the plan described in paragraph (2), add items for renegotiation to the plan, reject recommendations in the plan, or otherwise amend the plan by a vote of ⅔ of the members of the Committee.

(c) APPOINTMENT AND MEMBERSHIP.—The Committee shall be composed of the chairman and ranking members of the following:

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

(2) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Energy and Natural Resources of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Committee on Finance of the Senate.

(7) The Committee on Foreign Relations of the Senate.

(8) The Committee on Health, Education, Labor, and Pensions of the Senate.

(9) The Committee on the Judiciary of the Senate.

(10) The Committee on Small Business and Entrepreneurship of the Senate.

(11) The Committee on Agriculture of the House of Representatives.

(12) The Committee on Education and Labor of the House of Representatives.

(13) The Committee on Energy and Commerce of the House of Representatives.

(14) The Committee on Financial Services of the House of Representatives.

(15) The Committee on Foreign Affairs of the House of Representatives.

(16) The Committee on the Judiciary of the House of Representatives.

(17) The Committee on Natural Resources of the House of Representatives.

(18) The Committee on Small Business of the House of Representatives.

(19) The Committee on Transportation and Infrastructure of the House of Representatives.

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

SEC. 7. SENSE OF CONGRESS REGARDING READINESS CRITERIA AND IMPROVING THE PROCESS FOR UNITED STATES TRADE NEGOTIATIONS.

It is the sense of Congress that if Congress considers legislation to provide for special procedures for the consideration of bills to implement trade agreements, that legislation shall include—

(1) criteria for the President to use in determining whether a country—

(A) is able to meet its obligations under a trade agreement;

(B) meets the requirements described in section 3(c); and

(C) is an appropriate country with which to enter into a trade agreement;

(2) a process by which the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives review the determination of the President described in paragraph (1) to verify that the country meets the criteria;

(3) requirements for consultation with Congress during trade negotiations that require more frequent consultations than required by the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.), including a process for consultation with any committee of Congress with jurisdiction over any area covered by the negotiations;

(4) binding negotiating objectives and requirements outlining what must and must not be included in a trade agreement, including the requirements described in section 4(b);

(5) a process for review and certification by Congress to ensure that the negotiating objectives described in paragraph (4) have been met during the negotiations;

(6) a process—

(A) by which a State may give informed consent to be bound by nontariff provisions in a trade agreement that relate to investment, the service sector, and procurement; and

(B) that prevents a State from being bound by the provisions described in subparagraph (A) if the State has not consented; and

(7) a requirement that a trade agreement be approved by a majority vote in both Houses of Congress before the President may sign the agreement.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 582—RECOGNIZING THE WORK AND ACCOMPLISHMENTS OF MR. HERBERT SAFFIR, INVENTOR OF THE SAFFIR-SIMPSON HURRICANE SCALE, DURING HURRICANE PREPAREDNESS WEEK

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 582

Whereas Mr. Herbert Saffir protected countless individuals by conveying the threat levels of approaching hurricanes through a 5-tier system to measure hurricane strength;

Whereas the Saffir-Simpson Hurricane Scale has become the definitive means to describe hurricane strength;

Whereas Mr. Saffir, as a civil and structural engineer, was a pioneer in designing buildings and bridges for high wind resistance;

Whereas Mr. Saffir, as a participant in a United Nations project in 1969, helped to reduce hurricane damage to low-cost buildings worldwide;

Whereas Mr. Saffir was the principal of Saffir Engineering in Coral Gables, Florida;

Whereas Mr. Saffir fought tirelessly for safe building codes to ensure the safety of all people threatened by hurricanes;

Whereas Mr. Saffir was born in New York City, New York, on March 29, 1917, and died in Miami, Florida, on November 21, 2007; and

Whereas Hurricane Preparedness Week is observed the week beginning May 25, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the work and accomplishments of Mr. Herbert Saffir, inventor of the

Saffir-Simpson Hurricane Scale, during Hurricane Preparedness Week;

(2) honors Mr. Saffir's commitment to alerting the citizenry of the threat of hurricanes;

(3) thanks Mr. Saffir for his dedication, which has undoubtedly helped to save countless lives and the property of citizens around the world; and

(4) commends Mr. Saffir's service to the State of Florida, the United States, and the world.

SENATE RESOLUTION 583—DESIGNATING JUNE 20, 2008, AS ''AMERICAN EAGLE DAY'', AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. KENNEDY, Mr. CRAPO, Ms. LANDRIEU, Mr. GREGG, Mr. SCHUMER, Mr. SPECTER, Mrs. BOXER, and Mr. ALLARD) submitted the following resolution; which was:

S. RES. 583

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned citizens of the United States that represented Federal, State, and private sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens of the United States, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2006, the population of bald eagles that nested in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles will still be protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940''); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3934)—

(1) was signed into law on December 23, 2004; and

(2) directs the Secretary of the Treasury to mint commemorative coins in 2008—

(A) to celebrate the recovery and restoration of the bald eagle; and

(B) to mark the 35th anniversary of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas section 7(b) of the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3937) provides that each surcharge received by the Secretary of the Treasury from the sale of a coin issued under that Act ''shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee'' to support efforts to protect the bald eagle;

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins;

Whereas, if not for the vigilant conservation efforts of concerned citizens and the enactment of strict environmental protection laws (including regulations) the bald eagle would be extinct;

Whereas the dramatic recovery of the population of bald eagles is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2008, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to help generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the citizens of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4825. Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

SA 4826. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra.

SA 4827. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4826 proposed by Mr. REID (for Mr. BIDEN) to the amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra.

SA 4828. Mr. REID proposed an amendment to the bill S. 3036, supra .

SA 4829. Mr. REID proposed an amendment to amendment SA 4828 proposed by Mr. REID to the bill S. 3036, supra.

SA 4830. Mr. REID proposed an amendment to the bill S. 3036, supra.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the bill S. 3036, supra.

SA 4832. Mr. REID proposed an amendment to amendment SA 4831 proposed by Mr. REID to the amendment SA 4830 proposed by Mr. REID to the bill S. 3036, supra.

SA 4833. Mr. KERRY (for himself, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4834. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4835. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4836. Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. WARNER, Mr. MENENDEZ, Ms. SNOWE, Mr. CARDIN, Mr. CASEY, Mr. BAYH, Ms. COLLINS, Mr. OBAMA, Mr. WEBB, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. BINGAMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4837. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4838. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4839. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4840. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4841. Mr. SANDERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4842. Mr. ALLARD submitted an amendment intended to be proposed by him

to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4843. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4844. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4845. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4846. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4847. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4848. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4849. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4850. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4851. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4852. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4853. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4854. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4855. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4856. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4857. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4858. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4859. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4860. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4861. Mrs. DOLE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4862. Mrs. DOLE (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4825. Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Lieberman-Warner Climate Security Act of 2008''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) unchecked global climate change poses a significant threat to—

(A) the national security of the United States;

(B) the economy of the United States;

(C) public health in the United States;

(D) the well-being of residents of the United States;

(E) the well-being of residents of other countries; and

(F) the global environment;

(2) pursuant to the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the United States is committed to stabilizing greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous interference with the climate system;

(3) according to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, stabilizing greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous interference with the climate system will require a global effort to reduce worldwide anthropogenic greenhouse gas emissions by 50 to 85 percent below 2000 levels by 2050;

(4) prompt, decisive action is critical, because greenhouse gases can persist in the atmosphere for more than a century;

(5) global climate change represents a potentially significant threat multiplier for instability around the world and is likely to exacerbate competition and conflict over agricultural, vegetative, marine, and water resources and displace people, thus increasing hunger and poverty and causing increased pressure on the most vulnerable developing countries;

(6) the strategic, social, political, economic, cultural, and environmental consequences of global climate change are likely to have disproportionate impacts on the most vulnerable developing countries, which have fewer industrial emissions and less economic and financial capacity to respond;

(7) less developed countries rely to a much greater degree on the natural and environmental systems likely to be affected by climate change for sustenance and livelihoods, as well as economic growth and stability;

(8) the consequences of global climate change, including increases in poverty and destabilization of economies and societies, are likely to pose a danger to the security interest and economic interest of the United States;

(9) it is in the national security and economic interest of the United States to recognize, plan for, and mitigate the international strategic, social, political, cultural, environmental and economic effects of a changing climate and to assist those in the most vulnerable developing countries to increase resilience to those effects;

(10) the ingenuity of the people of the United States will allow the United States to become a leader in curbing global climate change;

(11) it is possible and desirable—

(A) to cap greenhouse gas emissions, from the sources that together account for the majority of those emissions in the United States, at or below the current level in 2012;

(B) to lower the cap each year between 2012 and 2050; and

(C) to include in the system—

(i) measures to contain costs;

(ii) measures providing for periodic reviews of the system;

(iii) an aggressive program for deploying advanced technology that is developed and manufactured in the United States;

(iv) programs to assist low- and middle-income energy consumers; and

(v) programs to mitigate the impacts of that degree of global climate change that now is unavoidable;

(12) Congress will need to update the system, including the emission caps, to account for new scientific information and steps taken or not taken by other countries;

(13) the Federal Government currently possesses adequate data to support initial steps in the establishment of a greenhouse gas emission trading market and to support initial allocations of emission allowances based upon historical emissions and other historical activities;

(14) the smooth functioning of a national emission trading market that is based upon a national emissions cap that comes into effect at the beginning of calendar year 2012 necessitates the establishment, not later than January 1, 2011, of a Federal system for determining, recording, and reporting greenhouse gas emissions at an entity-specific level;

(15) prompt and decisive domestic climate change investments represent an unprecedented economic development opportunity for the United States;

(16) an environmental economic development policy should seek to increase the per-capita income and protect the interests of working families;

(17) the measures in this Act are not the only measures that Congress will need to enact over the decades-long program established by this Act in order to avert dangerous climate change and avoid the imposition of hardship on United States residents;

(18) State and local government programs, including incentives, renewable portfolio standards, energy-efficiency requirements, land-use policies, and other such programs typically implemented at the State and local levels are having and will continue to have a substantial and direct beneficial effect on reducing greenhouse gas emissions;

(19) emissions of sulfur dioxide, nitrogen oxides, and mercury in the United States continue to inflict harm on the public health, economy, and natural resources of the United States;

(20) fossil fuel-fired electric power generating facilities emit approximately 67 percent of the total sulfur-dioxide emissions, 23 percent of the total nitrogen-oxide emissions, 40 percent of the total carbon-dioxide emissions, and 40 percent of the total mercury emissions in the United States;

(21) more than half the electricity generated in the United States is generated through the burning of coal;

(22) the reserve of coal in the United States is larger than the reserve of coal in any other country;

(23) while the reductions in emissions of sulfur dioxide, nitrogen oxides, and mercury that will occur in the presence of a declining cap on the greenhouse gas emissions from coal-fired electric power generating facilities are larger than those that would occur in the absence of such a cap, new, stricter Federal limits on emissions of sulfur dioxide, nitrogen oxides, and mercury may still be needed to protect public health; and

(24) many existing fossil fuel-fired electric power generating facilities in the United States were exempted by Congress from emission limitations applicable to new and modified facilities of that type based on an expectation by Congress that, over time, those facilities would be retired or updated with new pollution control equipment, but many of the exempted facilities nevertheless continue to operate and emit pollution at relatively high rates and without new pollution control equipment.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish the core of a Federal program that will reduce United States greenhouse gas emissions substantially enough to avert the catastrophic impacts of global climate change; and

(2) to accomplish that purpose while—

(A) preserving robust growth in the United States economy;

(B) creating new jobs in the United States;

(C) avoiding the imposition of hardship on United States residents;

(D) reducing the dependence of the United States on petroleum produced in other countries;

(E) imposing no net cost on the Federal Government;

(F) ensuring that the financial resources provided by the program established by this Act for technology deployment are predominantly invested in development, production, and construction of that technology in the United States; and

(G) encouraging complementary State and local government policies and programs that promote energy efficiency and technology deployment or otherwise reduce greenhouse gas emissions.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADDITIONAL; ADDITIONALITY.—The terms ''additional'' and ''additionality'' mean the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to business as usual, with no greenhouse gas incentives, for a project entity.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means an electric vehicle, a fuel cell-powered vehicle, a hybrid or plug-in hybrid electric vehicle, an advanced diesel light duty motor vehicle, or a hydrogen-fueled vehicle that meets—

(A) the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act; and

(C) a standard of at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis for

vehicles other than advanced diesel light-duty motor vehicles, for vehicles of a substantially similar nature and footprint.

(4) ALLOWANCE.—The term ''allowance'' means—

(A) an emission allowance;

(B) an offset allowance; or

(C) an international allowance.

(5) AQUATIC SYSTEM.—

(A) IN GENERAL.—The term ''aquatic system'' means any environment that is wet for at least part of the year in which plants and animals interact with the chemical and physical features of the environment.

(B) INCLUSIONS.—The term ''aquatic system'' includes an environment described in subparagraph (A) with respect to—

(i) any body of freshwater or salt water, such as a pond or ocean; and

(ii) groundwater.

(6) BASELINE.—The term ''baseline'' means the level of greenhouse gas emissions or a carbon stock scenario that would occur with respect to a project or activity in the absence of an offset project.

(7) BIOLOGICAL SEQUESTRATION; BIOLOGICALLY SEQUESTERED.—The terms ''biological sequestration'' and ''biologically sequestered'' mean—

(A) the capture, separation, isolation, or removal of greenhouse gases from the atmosphere by terrestrial biological means, such as by growing plants; and

(B) the storage of those greenhouse gases in plants or related soils.

(8) BOARD.—The term ''Board'' means the Carbon Market Efficiency Board established by section 421.

(9) CARBON CONTENT.—The term ''carbon content'' means the quantity of carbon, per unit of weight or energy value, contained in a fuel.

(10) CARBON DIOXIDE EQUIVALENT.—The term ''carbon dioxide equivalent'' means, for each HFC or non-HFC greenhouse gas, the quantity of the gas that the Administrator determines makes the same contribution to global warming as 1 metric ton of carbon dioxide.

(11) CLIMATE REGISTRY.—The term ''Climate Registry'' means the greenhouse gas emission registry jointly established and managed by more than 40 States and Indian tribes to collect greenhouse gas emission data from entities to support various greenhouse gas emission reporting and reduction policies for the member States and Indian tribes.

(12) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city-highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration, or a similar practice recommended by the Secretary of Energy, using a petroleum equivalence factor for the off-board electricity (as defined by the Secretary of Energy).

(13) CONVENTION.—The term ''Convention'' means the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, and entered into force on March 21, 1994.

(14) COST-CONTAINMENT AUCTION.—The term ''cost-containment auction'' means an auction of emission allowances conducted by the Administrator pursuant to section 522.

(15) COST-CONTAINMENT AUCTION PRICE.—The term ''cost-containment auction price'' means the single price at which emission allowances are offered for sale during a cost-containment auction in a particular year.

(16) COVERED ENTITY.—The term ''covered entity'' means—

(A) any entity that, during a 1-year period, uses more than 5,000 metric tons of coal in the United States;

(B) any entity that is a natural gas processing plant in the United States (other than in the State of Alaska);

(C) any entity that produces natural gas in the State of Alaska or the Federal waters of the Alaska Outer Continental Shelf;

(D) any entity that holds title to natural gas, including liquefied natural gas, at the time the natural gas is imported into the United States;

(E) any entity that manufactures in the United States petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel, the combustion of which will, assuming no sequestration, emit a non–HFC greenhouse gas;

(F) any entity that holds title, at the time of importation into the United States, to petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel, the combustion of which will, assuming no sequestration, emit a non-HFC greenhouse gas;

(G) any entity that, during a 1-year period, manufactures more than 10,000 carbon dioxide equivalents of non–HFC greenhouse gas in the United States;

(H) any entity that, during any 1-year period, holds title, at the time of importation into the United States, to more than 10,000 carbon dioxide equivalents of non–HFC greenhouse gas; or

(I) any entity that manufactures any hydrochlorofluorocarbon in the United States.

(17) DESTRUCTION.—The term ''destruction'' means the extent to which the conversion of a greenhouse gas to another gas, by thermal, chemical, or other means, reduces global warming potential.

(18) ECOLOGICAL PROCESS.—The term ''ecological process'' means a biological, chemical, or physical interaction between and among the biotic and abiotic components of an ecosystem, including—

(A) nutrient cycling;

(B) pollination;

(C) a predator-prey relationship;

(D) soil formation;

(E) gene flow;

(F) larval dispersal and settlement;

(G) changes in hydrology;

(H) decomposition; and

(I) a disturbance regime, such as fire or flooding.

(19) EMISSION ALLOWANCE.—The term ''emission allowance'' means an allowance established by the Administrator pursuant to section 201(a).

(20) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks performed in the United States relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment for production facilities that produce in the United States qualifying components or advanced technology vehicles.

(21) FAIR MARKET VALUE.—The term ''fair market value'' means the average market price, in a particular calendar year, of an emission allowance.

(22) FISH AND WILDLIFE.—The term ''fish and wildlife'' means—

(A) any species of wild fauna, including fish and other aquatic species; and

(B) any fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into a previously occupied range.

(23) GEOLOGICAL SEQUESTRATION; GEOLOGICALLY SEQUESTERED.—The terms ''geological sequestration'' and ''geologically sequestered'' mean the permanent isolation of greenhouse gases, without reversal, in geological formations.

(24) HABITAT.—The term ''habitat'' means the physical, chemical, and biological properties that are used by wildlife (including aquatic and terrestrial plant communities) for growth, reproduction, survival, food, water, cover, and space, on a tract of land, in a body of water, or in an area or region.

(25) HFC.—The term ''HFC'' means a hydrofluorocarbon.

(26) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(27) INTERNATIONAL FOREST CARBON ACTIVITIES.—The term ''international forest carbon activities'' means national or subnational activities in countries other than the United States that—

(A) are directed at—

(i) reducing greenhouse gas emissions from deforestation and forest degradation; and

(ii) increasing sequestration of carbon through—

(I) restoration of forests;

(II) restoration of degraded land that has not been forested prior to restoration;

(III) afforestation, using native species, where practicable; and

(IV) improved forest management; and

(B) meet the eligibility requirements and quality criteria promulgated under sections 1313(a) and 1314(b).

(28) LEAKAGE.—The term ''leakage'' means—

(A) a significant unaccounted increase in greenhouse gas emissions by a facility or entity caused by an offset project, as determined by the Administrator; or

(B) a significant unaccounted decrease in sequestration that is caused by an offset project, as determined by the Administrator.

(29) LOCAL DISTRIBUTION COMPANY.—The term ''local distribution company'' means an entity, whether public or private—

(A) that has a legal, regulatory, or contractual obligation to deliver electricity or natural gas to retail consumers; and

(B) whose rates and costs are, except in the case of a registered electric cooperative, regulated by a State agency, regulatory commission, municipality, or public utility district, or by an Indian tribe pursuant to tribal law.

(30) MANUFACTURE.—

(A) IN GENERAL.—The term ''manufacture'' means to make an item, substance, or material, for sale or distribution, through the application of technology and industrial processes.

(B) EXCLUSION.—The term ''manufacture'' does not include the creation of a greenhouse gas through anaerobic decomposition.

(31) NAFTA COUNTRY.—The term ''NAFTA country'' means a country that is a party to the North American Free Trade Agreement.

(32) NATURAL GAS PROCESSING PLANT.—

(A) IN GENERAL.—The term ''natural gas processing plant'' means a facility that is designed—

(i) to separate natural-gas liquids from natural gas; or

(ii) to fractionate mixed natural-gas liquids into natural-gas products.

(B) EXCLUSION.—The term ''natural gas processing plant'' does not include a wellhead or pipeline facility that removes natural-gas liquid condensate for operational or safety purposes.

(33) NON-HFC GREENHOUSE GAS.—The term ''non-HFC greenhouse gas'' means any of—

(A) carbon dioxide;

(B) methane;
(C) nitrous oxide;
(D) sulfur hexafluoride; or
(E) a perfluorocarbon.

(34) OFFSET ALLOWANCE.—The term ''offset allowance'' means an allowance allocated by the Administrator pursuant to subtitle A or subtitle B of title III, or subtitle B of title XIII.

(35) OFFSET PROJECT.—The term ''offset project'' means a project that reduces emissions or increases terrestrial sequestration of greenhouse gases from sources or sinks that would otherwise not have been covered under the limitation on the emission of greenhouse gases under this Act.

(36) PLANT.—The term ''plant'' means any species of wild flora.

(37) PROJECT DEVELOPER.—The term ''project developer'' means an individual or entity implementing an offset project.

(38) QUALIFYING COMPONENT.—The term ''qualifying component'' means a component that the Secretary of Energy determines to be—

(A) specially designed for advanced technology vehicles;

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles; and

(C) manufactured in the United States.

(39) REGIONAL GREENHOUSE GAS INITIATIVE.—The term ''Regional Greenhouse Gas Initiative'' means the cooperative effort by, as of the date of enactment of this Act, the States of Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, and Vermont, to reduce carbon dioxide emissions.

(40) REGISTRY.—The term ''Registry'' means the Federal greenhouse gas registry established under section 102(a).

(41) REGULAR AUCTION.—The term ''regular auction'' means an auction of emission allowances conducted by the Administrator under this Act that is not a cost-containment auction.

(42) REGULAR AUCTION RESERVE PRICE.—The term ''regular auction reserve price'' means the price below which an emission allowance may not be sold through a regular auction.

(43) RETAIL RATE FOR DISTRIBUTION SERVICE.—

(A) IN GENERAL.—The term ''retail rate for distribution service'' means the rate that a local distribution company charges for the use of the system of the local distribution company.

(B) EXCLUSION.—The term ''retail rate for distribution service'' does not include any energy component of the rate.

(44) RETIRE AN ALLOWANCE.—The term ''retire an allowance'' means to disqualify an allowance for any subsequent use, regardless of whether the use is a sale, exchange, or submission of the allowance in satisfaction of a compliance obligation.

(45) REVERSAL.—The term ''reversal'' means an intentional or unintentional loss of sequestered carbon dioxide to the atmosphere in significant quantities, as determined by the Administrator, in order to accomplish the purposes of the Act in an effective and efficient manner.

(46) RURAL ELECTRIC COOPERATIVE.—The term ''rural electric cooperative'' means a cooperatively owned association that—

(A) was in existence as of October 18, 2007; and

(B) is eligible to receive loans under section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904).

(47) SEQUESTERED AND SEQUESTRATION.—The terms ''sequestered'' and ''sequestration'' mean biological or geological sequestration.

(48) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(49) STATE REGULATORY AUTHORITY.—The term ''State regulatory authority'' means any State agency that has ratemaking authority with respect to the retail rate for electricity or natural-gas distribution service.

(50) TERRESTRIAL ECOSYSTEM.—The term ''terrestrial ecosystem'' means a land-occurring community of organisms, together with their environment.

(51) TRIBAL REGULATORY AUTHORITY.—The term ''tribal regulatory authority'' means any Indian tribe that has been granted statutory authority in accordance with section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)).

TITLE I—IMMEDIATE ACTION

Subtitle A—Tracking Greenhouse Gas Emissions

SEC. 101. PURPOSE.

The purpose of this title is to establish a Federal greenhouse gas registry that—

(1) is national in scope;

(2) is complete, consistent, transparent, accurate, precise, and reliable; and

(3) provides the data necessary to implement the emission limitations and emission trading market established pursuant to this Act.

SEC. 102. FEDERAL GREENHOUSE GAS REGISTRY.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a Federal greenhouse gas registry that—

(1) achieves the purposes described in section 101; and

(2) requires emission reporting to begin for calendar year 2011.

(b) CLIMATE REGISTRY.—The notice of final agency action promulgating regulations under subsection (a) shall explain each consequential inconsistency between those regulations and the provisions of the Climate Registry.

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) ensure the completeness, consistency, transparency, accuracy, precision, and reliability of data on greenhouse gas emissions in the United States and on the production and manufacture in the United States, and importation into the United States, of fuels and other products the uses of which result in the emission of greenhouse gas;

(2) exceed or conform to the best practices from the most recent Federal, State, tribal, and international protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions, including, in particular, the Climate Registry, taking into account the latest scientific research;

(3) require that, wherever feasible, submitted data are monitored using monitoring systems for fuel flow or emissions, such as continuous emission monitoring systems or systems of equivalent precision, reliability, accessibility, and timeliness;

(4) require that, if an entity is already using a continuous emission monitoring system to monitor mass emissions of a greenhouse gas under a provision of law in effect as of the date of enactment of this Act that is consistent with this Act, that system be used to monitor submitted data;

(5) include methods for avoiding the double-counting of greenhouse gas emissions;

(6) include protocols to prevent entities from avoiding reporting requirements;

(7) include protocols for verification of submitted data;

(8) establish a means for electronic reporting;

(9) ensure verification and auditing of submitted data;

(10) establish consistent policies for calculating carbon content and greenhouse gas emissions for each type of fossil fuel reported;

(11) provide for public dissemination on the Internet of all verified data that are not—

(A) vital to the national security of the United States, as determined by the President; or

(B) confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published (except that information relating to greenhouse gas emissions shall not be considered to be confidential business information);

(12) prescribe methods by which the Administrator shall, in cases in which satisfactory data are not submitted to the Administrator for any period of time—

(A) replace the missing data with a conservative estimate of the highest emission levels that may have occurred during the period for which data are missing, in order to ensure emissions are not under-reported and to create a strong incentive for meeting data monitoring and reporting requirements; and

(B) take appropriate enforcement action; and

(13) ensure that no offset allowance distributed to the government of a foreign country pursuant to subtitle B of title XIII is transferred both into the greenhouse gas emission trading market established by this Act and into another such market.

SEC. 103. ENFORCEMENT.

(a) CIVIL ACTIONS.—The Administrator may bring a civil action in a United States district court against any entity that fails to comply with any requirement promulgated pursuant to section 102.

(b) PENALTY.—Any person that has violated or is violating regulations promulgated pursuant to section 102 shall be subject to a civil penalty of not more than $25,000 per day for each violation.

(c) PENALTY ADJUSTMENT.—For the fiscal year in which this Act is enacted and each fiscal year thereafter, the Administrator shall, by regulation, adjust the penalty specified in subsection (b) to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 104. NO EFFECT ON OTHER REQUIREMENTS.

Nothing in this subtitle affects any requirement in effect as of the date of enactment of this Act relating to the reporting of—

(1) fossil-fuel production, refining, importation, exportation, or consumption data;

(2) greenhouse gas emission data; or

(3) other relevant data.

Subtitle B—Early Clean Technology Deployment

SEC. 111. EFFICIENT BUILDINGS GRANT PROGRAM.

(a) IN GENERAL.—The Administrator shall establish and carry out a program, to be known as the ''Efficient Buildings Grant Program'', under which the Administrator shall provide grants to owners of buildings in the United States for use in—

(1) constructing new, highly-efficient buildings in the United States; and

(2) increasing the efficiency of existing buildings in the United States.

(b) REQUIREMENTS.—The Administrator shall provide grants under this section to owners of buildings in the United States based on the extent to which building projects proposed to be carried out using

funds from the grants would result in verifiable, additional, and enforceable reductions in direct and indirect greenhouse gas emissions—

(1) in new or renovated buildings that demonstrate exemplary performance by achieving a minimum score of 75 on the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent score on an established energy performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d); and

(2) in retrofitted existing buildings that demonstrate substantial improvement in the score or rating on that benchmarking tool by a minimum of 30 points, or an equivalent improvement using an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d).

(c) PRIORITY.—In providing grants under this section, the Administrator shall give priority to projects that—

(1) are completed by building owners with a proven track record of building efficiency performance; or

(2) result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program referred to in subsection (b)(1).

(d) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement this section.

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

(f) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the Efficient Buildings Allowance Program is established under section 802.

SEC. 112. SUPER-EFFICIENT EQUIPMENT AND APPLIANCES DEVELOPMENT (SEAD) PROGRAM.

(a) IN GENERAL.—The Administrator shall establish and carry out a program, to be known as the ''Super-Efficient Equipment and Appliances Development Program'' or ''SEAD Program'', under which the Administrator shall provide grants to retailers and distributors in the United States for use in increasing sales of high-efficiency building equipment, high-efficiency consumer electronics, and high-efficiency household appliances through marketing strategies such as consumer rebates, with the goals of—

(1) minimizing lifecycle costs for consumers; and

(2) maximizing public benefit.

(b) AMOUNT OF INDIVIDUAL GRANTS.—The amount of each grant for each type of product shall be determined by the Administrator, in consultation with the Secretary of Energy, State and utility efficiency program administrators, and national laboratories.

(c) REPORTING.—Each retailer and distributor participating in the program under this section shall be required to report to the Administrator, on a confidential basis for the purpose of program design—

(1) the number of products of the retailer or distributer sold within each product type; and

(2) wholesale purchase-price data relating to those sales.

(d) COST-EFFECTIVENESS REQUIREMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COST-EFFECTIVENESS.—The term ''cost-effectiveness'' means a value equal to the product obtained by multiplying—

(i) the net number of highly-efficient pieces of equipment, electronics, and appliances sold by a retailer or distributor in a calendar year; by

(ii) the savings during the projected useful life, not to exceed 10 years, obtained by using the pieces of equipment, electronics, and appliances (including the impact of any documented measures to retire low-performing devices at the time of purchase of highly-efficient substitutes).

(B) SAVINGS.—The term ''savings'' means the megawatt-hours of electricity, or million British thermal units of other fuels, that are saved by the use of a product, as compared to the projected energy consumption that would result from the use of another product, based on the efficiency performance of displaced new product sales.

(2) REQUIREMENT.—Cost-effectiveness shall be a top priority of the Administrator in providing grants under this section.

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

(f) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the Super-Efficient Equipment and Appliances Deployment Program is established under section 812.

SEC. 113. CLEAN MEDIUM- AND HEAVY-DUTY HYBRID FLEETS PROGRAM.

(a) IN GENERAL.—The Administrator shall by regulation establish and carry out a program under which the Administrator shall provide grants to entities in the United States, for the purchase of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency of those commercial vehicles.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall provide that—

(1) only a purchaser of a commercial vehicle weighing at least 8,500 pounds shall be eligible for receipt of emission allowances under the program;

(2) the purchaser of a qualifying vehicle shall have certainty, at the time of purchase of a qualifying vehicle, of—

(A) the amount of the grant to be provided; and

(B) the time at which grant funds shall be available;

(3) the amount of a grant provided under this section shall increase in direct proportion to the fuel efficiency of a commercial vehicle to be purchased using funds from the grant;

(4) the amounts made available to provide grants under this section shall be allocated by the Administrator for at least 3 classes of vehicle weight, to ensure—

(A) adequate availability of grant funds for different categories of commercial vehicles; and

(B) that the amount of a grant provided for the purchase of a heavier, more expensive vehicle is proportional to the amount of a grant provided for the purchase of a lighter, less expensive vehicle; and

(5) the amount provided per grant shall decrease over time to encourage early purchases of qualifying commercial vehicles.

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

(d) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the clean medium- and heavy-duty hybrid fleets program is established under section 1103.

SEC. 114. INTERNATIONAL CLEAN ENERGY DEPLOYMENT.

(a) PURPOSE.—The purpose of this section is to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) in the Senate—

(i) the Committee on Foreign Relations;

(ii) the Committee on Finance;

(iii) the Committee on Energy and Natural Resources;

(iv) the Committee on Environment and Public Works; and

(v) the Committee on Appropriations; and

(B) in the House of Representatives—

(i) the Committee on Foreign Affairs;

(ii) the Committee on Ways and Means;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources; and

(v) the Committee on Appropriations.

(2) BOARD.—The term ''Board'' means the International Clean Energy Deployment Board established under subsection (c)(1).

(3) ELIGIBLE COUNTRY.—The term ''eligible country'' means a foreign country that, as determined by the President—

(A) is not a member of the Organization for Economic Cooperation and Development; and

(B)(i) has made a binding commitment, pursuant to an international agreement to which the United States is a party, to carry out actions to produce measurable, reportable, and verifiable greenhouse gas emission mitigations; or

(ii) as certified by the Board to the appropriate committees of Congress, has in force binding national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emission mitigations.

(4) QUALIFIED ENTITY.—The term ''qualified entity'' means—

(A) the national government of an eligible country;

(B) a regional or local governmental unit of an eligible country; and

(C) a nongovernmental organization or a private entity located or operating in an eligible country.

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT BOARD.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the President shall establish a board, to be known as the '' International Clean Development Technology Board''.

(2) COMPOSITION.—The Board shall be composed of—

(A) the Secretary of State, who shall serve as Chairperson of the Board;

(B) the Secretary of the Treasury;

(C) the Secretary of Energy;

(D) the Secretary of Commerce;

(E) the Administrator;

(F) the Administrator of the United States Agency for International Development;

(G) the United States Trade Representative; and

(H) such other officials as the President determines to be appropriate.

(3) DUTIES.—The Board shall administer the Fund in a manner that ensures that amounts made available to carry out the program—

(A) are used in a manner that best promotes the participation of, and investments by, the private sector;

(B) are allocated in a manner consistent with commitments by the United States

under international climate change agreements; and

(C) are expended to achieve the greatest greenhouse gas emission mitigation with the lowest practicable cost, consistent with subparagraphs (A) and (B).

(4) ASSISTANCE.—The Board shall provide assistance under this section to qualified entities to support the purposes of this section.

(5) FORM OF ASSISTANCE.—In accordance with international the Federal and international intellectual property law, assistance under this subsection shall be provided—

(A) as direct assistance in the form of grants, congressional loans, cooperative agreements, contracts, insurance, or loan guarantees to or with qualified entities;

(B) as indirect assistance to qualified entities through—

(i) funding for international clean technology funds supported by multilateral institutions;

(ii) support from development and export promotion assistance programs of the Federal Government; or

(iii) support from international technology programs of the Department of Energy; or

(C) in such other forms as the Board determines to be appropriate.

(6) USE OF ASSISTANCE.—Assistance provided under this subsection shall be used for 1 or more of the following purposes:

(A) Funding for capacity building programs, including—

(i) developing and implementing methodologies and programs for measuring and quantifying greenhouse gas emissions and verifying emission reductions;

(ii) assessing technology and policy options for greenhouse gas emission mitigations; and

(iii) providing other forms of technical assistance to facilitate the qualification for, and receipt of, program funding under this section.

(B) Funding for technology programs to mitigate greenhouse gas emissions through Federal or State engagement in cooperative research and development activities with eligible countries, including on the subject of—

(i) transportation technologies;

(ii) coal, including low-rank coal;

(iii) energy efficiency programs;

(iv) renewable energy sources; and

(v) industrial and building activities.

(7) SELECTION OF PROJECTS.—

(A) IN GENERAL.—The Board shall be responsible for selecting qualified entities to receive assistance under this subsection.

(B) NOTIFICATION.—The Board shall not provide assistance under this subsection until the date that is 30 days after the date on which the Board submits to the appropriate committees of Congress a notice of the proposed assistance, including—

(i) in the case of a capacity building program—

(I) a description of the capacity building program to be funded using the assistance;

(II) the terms and conditions of the provision of assistance; and

(III) a description of how the capacity building program will contribute to achieving the purposes of this section; or

(ii) in the case of a technology program—

(I) a description of the technology program to be funded using the assistance;

(II) the terms and conditions of the provision of assistance;

(III) an estimate of the additional quantity of greenhouse gas emission reductions expected due to the use of the assistance; and

(IV) a description of how the technology program will contribute to achieving the purposes of this section.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 270 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report describing the criteria to be used to determine whether a country is an eligible country.

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate committees of Congress a report describing the assistance provided under this section by the Board during the preceding calendar year, including—

(A) the aggregate amount of assistance provided for capacity building initiatives and technology deployment initiatives; and

(B) a description of each initiative funded using the assistance, including—

(i) the amount of assistance provided;

(ii) the terms and conditions of provision of the assistance; and

(iii) the anticipated reductions in greenhouse gas emissions to be achieved as a result of technology deployment initiatives.

(e) EFFECT OF SECTION.—Nothing in this section alters or affects any authority of the Secretary of State under—

(1) title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.); or

(2) section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000,000 for the period of fiscal years 2009 through 2011.

(g) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the International Clean Energy Technology Program is established under section 1321.

Subtitle C—Research

SEC. 121. RESEARCH ON EFFECTS OF CLIMATE CHANGE ON DRINKING WATER UTILITIES.

(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Interior, shall establish and carry out a program of directed and applied research, to be conducted through a nonprofit water research foundation and sponsored by drinking water utilities, to assist suppliers of drinking water in adapting to the effects of climate change.

(b) RESEARCH AREAS.—The research conducted under subsection (a) shall include research relating to—

(1) the impacts of climate change on, and solutions to problems involving, water quality, including research—

(A) to address probable impacts on raw water quality resulting from—

(i) erosion and turbidity from extreme precipitation events;

(ii) watershed vegetation changes; and

(iii) increasing ranges of pathogens, algae, and nuisance organisms resulting from warmer temperatures; and

(B) relating to the mitigation of increased damage to watersheds and water quality by evaluating extreme events, such as wildfires and hurricanes, to learn and develop management approaches to mitigate—

(i) permanent watershed damage;

(ii) quality and yield impacts on source waters; and

(iii) increased costs of water treatment;

(2) impacts on groundwater supplies from carbon sequestration, including research to evaluate potential water quality consequences of carbon sequestration in various regional aquifers, soil conditions, and mineral deposits;

(3) the impacts of climate change on, and solutions to problems involving, water quantity, including research—

(A) to evaluate climate change impacts on water resources throughout hydrological basins of the United States;

(B) to improve the accuracy and resolution of climate change models at the regional level;

(C) to identify and explore options for increasing conjunctive use of aboveground and underground storage of water; and

(D) to optimize the operation of existing and new reservoirs in diminished and erratic periods of precipitation and runoff;

(4) infrastructure impacts and solutions for water treatment facilities and underground pipelines, including research—

(A) to evaluate and mitigate the impacts of sea level rise on—

(i) near-shore facilities;

(ii) soil drying and subsidence; and

(iii) reduced flows in water and wastewater pipelines; and

(B) relating to methods of increasing the resilience of existing infrastructure and development of new design standards for future infrastructure;

(5) desalination, water reuse, and alternative supply technologies, including research—

(A) to improve and optimize existing membrane technologies, and to identify and develop breakthrough technologies, to enable the use of seawater, brackish groundwater, treated wastewater, and other impaired sources;

(B) relating to new sources of water through cost-effective water treatment practices in recycling and desalination; and

(C) to improve technologies for use in—

(i) managing and minimizing the volume of desalination and reuse concentrate streams; and

(ii) minimizing the environmental impacts of seawater intake at desalination facilities;

(6) efficiency and the minimization of greenhouse gas emissions, including research—

(A) relating to optimizing the efficiency of water supply and improving water efficiency in energy production; and

(B) to identify and develop renewable, carbon-neutral options for the water supply industry;

(7) regional and hydrological basin cooperative water management solutions, including research into—

(A) institutional mechanisms for greater regional cooperation and use of water exchanges, banking, and transfers; and

(B) the economic benefits of sharing risks of shortage across wider areas;

(8) utility management, decision support systems, and water management models, including research—

(A) relating to improved decision support systems and modeling tools for use by water utility managers to assist with increased water supply uncertainty and adaptation strategies posed by climate change;

(B) to provide financial tools, including new rate structures, to manage financial resources and investments, due to the fact that increased conservation practices might diminish revenue and increase investments in infrastructure; and

(C) to develop improved systems and models for use in evaluating—

(i) successful alternative methods for conservation and demand management; and

(ii) climate change impacts on groundwater resources;

(9) reducing greenhouse gas emissions and demand management, including research—

(A) to improve efficiency in water collection, production, transmission, treatment, distribution, and disposal to provide more sustainability; and

(B) relating to means of assisting drinking water utilities in reducing the production of

greenhouse gas emissions in the collection, production, transmission, treatment, distribution, and disposal of drinking water;

(10) water conservation and demand management, including research—

(A) to develop strategic approaches to water demand management that offer the lowest-cost, noninfrastructural options to serve growing populations or manage declining supplies, primarily through—

(i) efficiencies in water use and reallocation of saved water;

(ii) demand management tools;

(iii) economic incentives; and

(iv) water-saving technologies; and

(B) relating to efficiencies in water management through integrated water resource management that incorporates—

(i) supply-side and demand-side processes;

(ii) continuous adaptive management; and

(iii) the inclusion of stakeholders in decisionmaking processes; and

(11) communications, education, and public acceptance, including research—

(A) relating to improved strategies and approaches for communicating with customers, decisionmakers, and other stakeholders about the implications of climate change regarding water supply; and

(B) to develop effective communication approaches to achieve—

(i) public acceptance of alternative water supplies and new policies and practices, including conservation and demand management; and

(ii) public recognition and acceptance of increased costs.

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

SEC. 122. ROCKY MOUNTAIN CENTERS FOR STUDY OF COAL UTILIZATION.

(a) DESIGNATION.—The University of Wyoming and Montana State University shall be known and designated as the ''Rocky Mountain Centers of the Study of Coal Utilization''.

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

SEC. 123. SUN GRANT CENTER FOR RESEARCH ON COMPLIANCE WITH CLEAN AIR ACT.

(a) DESIGNATION.—Each sun grant center designated under section 7526 of the Food, Conservation, and Energy Act of 2008 is designated as a research institution of the Environmental Protection Agency for the purpose of conducting studies regarding the effects of biofuels and biomass on national and regional compliance with the Clean Air Act (42 U.S.C. 7401 et seq).

(b) FUNDING.—The Administrator shall provide to the sun grant centers such funds as the Administrator determines to be necessary to carry out the studies described in subsection (a).

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

SEC. 124. STUDY BY ADMINISTRATOR OF BLACK CARBON EMISSIONS.

(a) STUDY.—The Administrator shall conduct a study of black carbon emissions, including—

(1) an identification of—

(A) the latest scientific data relevant to the climate-related impacts of black carbon emissions from diesel engines and other sources;

(B)(i) the major sources of black carbon emissions in the United States and worldwide; and

(ii) an estimate of black carbon emissions from those sources;

(C) the diesel and other direct emission control technologies, operations, or strategies to remove or reduce emissions of black carbon, including estimates of the costs and effectiveness of the measures; and

(D) the entire lifecycle and net climate impacts of installation of diesel particulate filters on existing heavy-duty diesel engines; and

(2) recommendations of the Administrator regarding—

(A) areas of focus for additional research for technologies, operations, and strategies with the highest potential to reduce emissions of black carbon; and

(B) actions the Federal Government could carry out to encourage or require additional black carbon emission reductions.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

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

SEC. 125. STUDY BY ADMINISTRATOR OF RECYCLING.

(a) STUDY.—The Administrator shall conduct a study of the lifecycle greenhouse gas emission reductions and other benefits and issues associated with—

(1) recycling scrap metal, including end-of-life vehicles, recovered paper and other fiber, scrap electronics, scrap glass, scrap plastics, scrap tires and other rubber, and scrap textiles;

(2) using recycled materials in manufactured products;

(3) designing and manufacturing products that increase recyclable output;

(4) eliminating or reducing the use of substances and materials in products that decrease recyclable output; and

(5) establishing a standardized system for lifecycle greenhouse gas emission reduction measurement and certification for the manufactured products and scrap recycling sectors, including the potential options for the structure and operation of such a system.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

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

SEC. 126. RETAIL CARBON OFFSETS.

(a) DEFINITION OF RETAIL CARBON OFFSET.—In this section, the term ''retail carbon offset'' means any carbon credit or carbon offset that cannot be used in satisfaction of any mandatory compliance obligation under a regulatory system for reducing greenhouse gas emissions.

(b) QUALIFYING LEVELS AND REQUIREMENTS.—Not later than January 1, 2009, the Administrator shall establish new qualifying levels and requirements for Energy Star certification for retail carbon offsets, effective beginning January 1, 2010.

TITLE II—CAPPING GREENHOUSE GAS EMISSIONS

SEC. 201. EMISSION ALLOWANCES.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish a quantity of emission allowances for each of calendar years 2012 through 2050, as follows:

Calendar Year	Quantity of emission allowances (in millions)
2012	5,775
2013	5,669
2014	5,562
2015	5,456
2016	5,349
2017	5,243
2018	5,137
2019	5,030
2020	4,924
2021	4,817
2022	4,711
2023	4,605
2024	4,498
2025	4,392
2026	4,286
2027	4,179
2028	4,073
2029	3,966
2030	3,860
2031	3,754
2032	3,647
2033	3,541
2034	3,435
2035	3,328
2036	3,222
2037	3,115
2038	3,009
2039	2,903
2040	2,796
2041	2,690
2042	2,584
2043	2,477
2044	2,371
2045	2,264
2046	2,158
2047	2,052
2048	1,945
2049	1,839
2050	1,732.

(b) IDENTIFICATION NUMBERS.—The Administrator shall assign to each emission allowance established under subsection (a) a unique identification number that includes the calendar year for which that emission allowance was established.

(c) LEGAL STATUS.—

(1) IN GENERAL.—An emission allowance shall not be a property right.

(2) TERMINATION OR LIMITATION.—Nothing in this Act or any other provision of law shall limit the authority of the Administrator to terminate or limit an emission allowance.

(3) OTHER PROVISIONS UNAFFECTED.—Nothing in this Act relating to emission allowances shall affect the application of, or compliance with, any other provision of law to or by a covered entity.

SEC. 202. COMPLIANCE OBLIGATION.

(a) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the owner or operator of a covered entity shall submit to the Administrator an emission allowance or an offset allowance for each carbon dioxide equivalent of—

(1) non-HFC greenhouse gas that was emitted by that covered entity in the United States during the preceding calendar year through the use of coal;

(2) non-HFC greenhouse gas that will be emitted through the use of petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity;

(3) non-HFC greenhouse gas, that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by

that covered entity, in each case in which the non-HFC greenhouse gas is not itself a petroleum- or coal-based gaseous fuel or natural gas;

(4) each HFC that was, during the preceding calendar year, emitted as a byproduct of hydrochlorofluorocarbon manufacture in the United States by that covered entity; and

(5) non-HFC greenhouse gas that will be emitted—

(A) through the use of natural gas that was, during the preceding calendar year, processed in the United States by that covered entity, imported into the United States by that covered entity, or produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by that covered entity and not reinjected into the field; or

(B) through the use of natural gas liquids that were, during the preceding year, processed in the United States by that covered entity or imported into the United States by that covered entity.

(b) ASSUMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), for the purpose of calculating any submission requirement under subsection (a), the Administrator shall assume that no sequestration, destruction, or retention of greenhouse gas has occurred or will occur.

(2) EXCEPTION.—Notwithstanding paragraph (1), neither paragraph (2) nor paragraph (5) of subsection (a) requires a covered entity to submit emission allowances or offset allowances for petroleum- or coal-based liquid or gaseous fuel imported into the United States, or for natural gas or natural gas liquids imported into the United States, if the fuel or liquid the substance was imported solely for use as a feedstock, and to the extent that no greenhouse gas is emitted through the use of that fuel or substance as a feedstock.

(c) EXCLUDING PETROLEUM-BASED LIQUID FUEL IMPORTED FROM A CAPPED NAFTA COUNTRY.—The regulations promulgated pursuant to section 204 shall provide for the exclusion from the compliance obligation under subsection (a)(2) of petroleum-based liquid fuel imported into the United States from a NAFTA country in any case in which the Administrator has determined, after public notice and an opportunity for public comment, that—

(1) the NAFTA country has enacted national greenhouse gas emissions reduction requirements that are not less stringent than those established for the United States by this Act; and

(2) the petroleum-based liquid fuel imported into the United States from the NAFTA country was produced or manufactured at or by an entity that was, at the time of the production or manufacture, directly subject to regulatory requirements, pursuant to the enacted greenhouse gas emission reduction requirements of the NAFTA country, to submit allowances covering any greenhouse gas emitted through the use of the liquid fuel.

(d) RETIREMENT OF ALLOWANCES UPON RECEIPT.—Immediately upon receiving an allowance under subsection (a), the Administrator shall retire the allowance.

(e) DESTRUCTION CREDIT.—

(1) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to any entity in the United States that the Administrator determines destroyed greenhouse gas in the United States during the calendar year a quantity of emission allowances equal to the quantity of carbon dioxide equivalents of non-HFC greenhouse gas that the Administrator determines the entity destroyed in the United States during that calendar year.

(2) DESTRUCTION OF METHANE THROUGH COMBUSTION.—Paragraph (1) shall not apply to the destruction of methane through combustion.

(f) SEQUESTRATION CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each covered entity subject to any of paragraphs (2) through (5) of subsection (a) that the Administrator determines captured and geologically sequestered carbon dioxide during the calendar year a quantity of emission allowances equal to the quantity of metric tons of carbon dioxide that the entity captured and geologically sequestered in the United States during that calendar year.

(g) NONEMISSIVE USE CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity in the United States that the Administrator determines used in the United States during that calendar year a petroleum- or coal-based product, natural gas, or natural gas liquid as a feedstock, or used a perfluorocarbon in semiconductor research or manufacturing in the United States during that calendar year, an emission allowance for each carbon dioxide equivalent of greenhouse gas that was not emitted through the use of that feedstock or perfluorocarbon, notwithstanding the submission of an emission allowance or offset allowance for that carbon dioxide equivalent under subsection (a).

(2) NONAPPLICABILITY TO CERTAIN FEEDSTOCK USES.—Paragraph (1) shall not apply to any feedstock use to which subsection (b)(2) applies.

(h) EXPORT CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity that the Administrator determines exported from the United States a product described in paragraph (2), (3), or (5) of subsection (a) during that calendar year a quantity of emission allowances equal to the quantity of allowances submitted for that product under 1 of those paragraphs.

(i) INTERNATIONAL FLIGHT CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity that the Administrator determines purchased in the United States fuel for an international flight the greenhouse gas emissions of which were regulated by the laws of another country a quantity of emission allowances equal to the quantity of allowances submitted for that fuel under subsection (a)(2).

(j) DETERMINATION OF COMPLIANCE.—Not later than 180 days after the end of each of calendar years 2012 through 2050, the Administrator shall determine whether the owners and operators of all covered entities are in full compliance with subsection (a) for that calendar year.

(k) PROHIBITION.—A covered entity shall not submit, and the Administrator shall not accept, any allowance established pursuant to section 1501 in satisfaction, in whole or in part, of the compliance obligation under subsection (a).

SEC. 203. PENALTY FOR NONCOMPLIANCE.

(a) CASH PENALTY.—

(1) IN GENERAL.—The owner or operator of any covered entity that fails for any year to submit to the Administrator by the applicable deadline described in section 202 1 or more of the allowances due pursuant to that section shall be liable for the payment to the Administrator of a cash penalty.

(2) AMOUNT.—The amount of a cash penalty required to be paid under paragraph (1) shall be, as determined by the Administrator, an amount equal to the product obtained by multiplying—

(A) the quantity of allowances that the owner or operator failed to submit; and

(B) the greater of—

(i) $200; or

(ii) an amount, in dollars, equal to 3 times the average market value of an emission allowance during the calendar year for which the allowances were due.

(3) TIMING.—A cash penalty required under this subsection shall be immediately due and payable to the Administrator, without demand.

(4) DEPOSIT.—The Administrator shall deposit each cash penalty paid under this subsection into the Treasury of the United States.

(5) NO EFFECT ON LIABILITY.—A cash penalty due and payable by the owner or operator of a covered entity under this subsection shall not diminish the liability of the owner or operator for any fine, penalty, or assessment against the owner or operator for the same violation under any other provision of this Act or any other law.

(b) COMPENSATION.—The owner or operator of a covered entity that fails for any year to submit to the Administrator, by the deadline described in section 202, 1 or more of the emission allowances due pursuant to that section shall be liable to compensate for the shortfall with a submission of excess allowances during—

(1) the following calendar year; or

(2) such longer period as the Administrator may prescribe.

(c) PROHIBITION.—It shall be unlawful for the owner or operator of any entity liable under subsections (a) and (b) to fail to comply with a requirement under either of those subsections.

(d) NO EFFECT ON OTHER LAW.—Nothing in this title limits or otherwise affects the application of any other enforcement provision under this Act or under any other law.

SEC. 204. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this title.

SEC. 205. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the President and Congress a report on the regulation under this Act of greenhouse gases emitted through the use of natural gas in the United States.

(b) REQUIREMENTS.—The report submitted under subsection (a) shall include options for increasing the percentage of the natural gas used in the United States that is subject to greenhouse gas emission-reduction measures while minimizing regulatory complexity.

TITLE III—REDUCING EMISSIONS THROUGH OFFSETS AND INTERNATIONAL ALLOWANCES

Subtitle A—Offsets in the United States

SEC. 301. OUTREACH INITIATIVE ON REVENUE ENHANCEMENT FOR AGRICULTURAL PRODUCERS.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Natural Resources Conservation Service, the Chief of the Forest Service, the Director of the National Institute of Food and Agriculture, and land-grant colleges and universities, in consultation with the Administrator and the heads of other appropriate departments and agencies, shall establish an outreach initiative to provide information to agricultural producers, agricultural organizations, foresters, State and local officials,

leaders from small businesses, nonprofit groups that may engage in forest or natural resource projects, forest workers, Indian tribes, and other landowners (referred to in this section as ''interested parties'') about opportunities to earn new revenue under this subtitle.

(b) COMPONENTS.—The initiative under this section—

(1) shall be designed to ensure, to the maximum extent practicable, that interested parties receive detailed, practical information about—

(A) opportunities to earn new revenue under this subtitle;

(B) measurement protocols, monitoring, verifying, inventorying, registering, insuring, and marketing offsets under this title;

(C) emerging domestic and international markets for energy crops, allowances, and offsets; and

(D) local, regional, and national databases and aggregation networks to facilitate achievement, measurement, registration, and sales of offsets;

(2) shall provide, in cooperation with other stakeholders—

(A) outreach materials, including the handbook published under subsection (c), to interested parties;

(B) workshops; and

(C) technical assistance; and

(3) may include the creation and development of regional marketing centers or coordination with existing centers (including centers within the Natural Resources Conservation Service or the National Institute of Food and Agriculture or at land-grant colleges and universities).

(c) HANDBOOK.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator and after providing an opportunity for public comment, shall publish a handbook for use by interested parties that provides easy-to-use guidance on achieving, reporting, registering, and marketing offsets.

(2) DISTRIBUTION.—The Secretary of Agriculture shall ensure, to the maximum extent practicable, that the handbook—

(A) is made available through the Internet and in other electronic media;

(B) includes, with respect to the electronic form of the handbook described in subparagraph (A), electronic forms and calculation tools to facilitate the petition process for new methodologies; and

(C) is distributed widely through land-grant colleges and universities and other appropriate institutions.

(3) UPDATING.— The Secretary of Agriculture shall update the handbook at least every 5 years, or more frequently as needed to reflect developments in science, practices, methodologies, measurement protocols, and emerging markets.

SEC. 302. ESTABLISHMENT OF A DOMESTIC OFFSET PROGRAM.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall promulgate regulations authorizing the certification and issuance of offset allowances in accordance with this subtitle.

(b) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances issued pursuant to subsection (d) in a calendar year shall not exceed 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances issued in a calendar year pursuant to subsection (d) is less than 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the Administrator shall allow the use, by covered entities in that year, of international allowances under section 322 and international forest carbon credits under section 1313.

(B) MAXIMUM QUANTITY.—The maximum aggregate quantity of international allowances and international forest carbon credits the use of which the Administrator shall allow for a calendar year under subparagraph (A) shall be equal to the difference between—

(i) 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(ii) the quantity of offset allowances issued in that year pursuant to subsection (d).

(3) CARRY-OVER.—

(A) IN GENERAL.—If the sum of the quantity of offset allowances issued for a calendar year pursuant to subsection (d) and the quantity of international allowances and international forest carbon credits used in that calendar year pursuant to paragraph (2) is less than 15 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a), notwithstanding paragraph (1), the quantity of offset allowances issued pursuant to subsection (d) in the subsequent calendar year shall not exceed the sum obtained by adding—

(i) 15 percent of the quantity of emission allowances established for that subsequent calendar year pursuant to section 201(a); and

(ii) the difference between—

(I) 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(II) the sum obtained by adding the quantity of offset allowances issued in the preceding calendar year pursuant to subsection (d) and the quantity of international allowances and international forest carbon credits used in that year pursuant to paragraph (2).

(4) EXCHANGE FOR REGIONAL GREENHOUSE GAS INITIATIVE OFFSETS.—The Administrator shall—

(A) issue offset allowances, at an appropriate discount rate, for offset allowances issued under the Regional Greenhouse Gas Initiative; and

(B) ensure that enough capacity remains within the limitation under paragraph (1) to carry out exchanges with all interested parties.

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) authorize the issuance and certification of offset allowances only for greenhouse gas emission reductions or increases in sequestration relative to the offset project baseline, for offset projects approved pursuant to section 304 in categories on the list issued under section 303;

(2) ensure that those offsets represent real, verifiable, additional, permanent, and enforceable reductions in greenhouse gas emissions or increases in sequestration;

(3) require that the project developer for an offset project establish the project baseline and register emissions with the Registry;

(4) specify the types of offset projects eligible to generate offset allowances, in accordance with section 303;

(5) establish procedures to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in biological sequestration, in accordance with section 303;

(6) establish procedures for project initiation and approval, in accordance with section 304;

(7) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 305;

(8) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(9) assign a unique serial number to each offset allowance issued under this section.

(d) OFFSET ALLOWANCES AWARDED.—The Administrator shall issue to a project developer offset allowances for qualifying emission reductions and biological sequestrations from offset projects that satisfy the applicable requirements of this subtitle, unless an alternative recipient is specified in a legally-binding contract or agreement.

(e) TRANSFERABILITY; COMPENSATION FOR REVERSALS.—

(1) TRANSFERABILITY.—An offset allowance generated pursuant to this subtitle may be sold, traded, or transferred, on the condition that the offset allowance has not expired or been retired or canceled.

(2) COMPENSATION FOR REVERSALS.—With respect to a biological sequestration project, a project developer shall be responsible for mitigating and compensating for reversals of registered offset allowances unless a different responsible party is specified in a legally-binding contract or agreement.

(f) ACCOUNTING PERIOD.—

(1) IN GENERAL.—The Administrator shall issue offset allowances—

(A) on an annual basis, beginning on the date on which the initiation of an offset project is approved; and

(B) that equal the verified and certified emission reductions or increases in sequestration achieved by the offset project.

(2) BASELINE VALIDITY.—An emission baseline approved for an offset project shall be valid for a period of 5 years before being subject to revision.

SEC. 303. ELIGIBLE OFFSET PROJECT TYPES.

(a) IN GENERAL.—An offset allowance from an agricultural, forestry, or other land use-related project shall be provided only for achieving an offset of 1 or more greenhouse gases by a method other than a reduction of combustion of greenhouse gas-emitting fuel.

(b) CATEGORIES OF ELIGIBLE OFFSET PROJECTS.—

(1) IN GENERAL.—The Administrator, after providing public notice and an opportunity for comment, shall issue and periodically revise a list of categories of offset projects for the Administrator shall issue an offset methodology.

(2) CATEGORIES.—The Administrator shall consider including on the list under paragraph (1)—

(A) agricultural and rangeland sequestration and management practices, including—

(i) altered tillage practices;

(ii) winter cover cropping, continuous cropping, and other means to increase biomass returned to soil in lieu of planting followed by fallowing;

(iii) conversion of cropland to rangeland or grassland, on the condition that the land has been in nonforest use for at least 10 years before the date of initiation of the project;

(iv) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;

(v) reduction in the frequency and duration of flooding of rice paddies; and

(vi) reduction in carbon emissions from organic soils;

(B) changes in carbon stocks attributed to land use change and forestry activities limited to—

(i) afforestation or reforestation of acreage not forested as of October 18, 2007; and

(ii) forest management resulting in an increase in forest stand volume;

(C) manure management and disposal, including—

(i) waste aeration; and

(ii) methane capture and combustion;

(D) subject to the requirements of this subtitle, any other terrestrial offset practices identified by the Administrator, including—

(i) the capture or reduction of fugitive greenhouse gas emissions for which no covered entity is required under section 202(a) to submit any emission allowances, offset allowances, or international allowances;

(ii) methane capture and combustion at nonagricultural facilities; and

(iii) other actions that result in the avoidance or reduction of greenhouse gas emissions in accordance with section 302;

(E) combinations of any of the offset practices described in subparagraphs (A) through (D); and

(F) any other category proposed to the Administrator by petition.

(c) REQUIREMENTS FOR OFFSET METHODOLOGIES.—

(1) ISSUANCE.—Not later than 3 years after the date of enactment of this Act, and after public notice and an opportunity for comment, the Administrator shall issue a methodology for each category of offset project listed pursuant to subsection (b).

(2) SPECIFIC REQUIREMENTS.—The methodology for each category issued under paragraph (1) shall—

(A) specify requirements for—

(i) determining the eligibility of an offset project;

(ii) determining additional emission reductions or sequestrations from an offset project;

(iii) accounting for emission leakage associated with an offset project;

(iv) accounting for a reversal, and managing for the risk of reversal, from an offset project; and

(v) monitoring, verifying, and reporting the operation of an offset project; and

(B) include—

(i) a procedure for determining that—

(I) an offset project does not receive support from an allowance allocation under this Act or from any other government incentive, subsidy, or mandate; and

(II) the emission reductions or sequestrations from an offset project are not double-counted under any other program;

(ii) a procedure for delineating the boundaries of an offset project and determining the extent, if any, of emission leakage from the offset project, based on scientifically sound methods, as determined by the Administrator;

(iii) a description of scientifically sound methods, as determined by the Administrator, for use in monitoring, measuring, and quantifying changes in emissions or sequestrations resulting from an offset project, including—

(I) a method for use in quantifying the uncertainty in those measurements; and

(II) a description of site-specific data that will be used in that monitoring, measurement, and quantification;

(iv) a procedure for use in establishing the baseline for an offset project that ensures that offset allowances will be issued only for emission reductions or sequestrations that are additional;

(v)(I) a threshold of uncertainty in the quantification of emission reductions or sequestrations and for baseline emission levels above which an offset project shall not be eligible to receive offset allowances; and

(II) a procedure by which a project developer may petition for use of different uncertainty factors if the project developer demonstrates to the Administrator that the measurement methods used by the offset project have less uncertainty than assumed under the default methodology;

(vi) clear and objective tests specified by the Administrator that are sufficient to ensure that—

(I) an offset project will be eligible to generate offset allowances only if, in the judgment of the Administrator, the project is additional;

(II) no part of the offset project is required by Federal or State regulations or commonly accepted industry standards, as determined by the Administrator;

(III) the offset project uses technologies or practices that are not in common use within a relevant jurisdiction or industry, as defined by the Administrator; and

(IV) the offset project would not take place in the absence of the revenue generated by the sale of offset allowances;

(vii) a procedure to quantify leakage and ensure that the issuance of offset allowances is reduced by an amount equivalent to the quantity of that leakage;

(viii)(I) a methodology for use in assessing the risk that a sequestration will be reversed;

(II) a description of measures that will be taken to reduce that risk; and

(III) a description of procedures that will be followed to measure, report, and compensate for any reversal that does occur;

(ix) a procedure for use in—

(I) determining whether the quantity of carbon sequestered on or in land where a project is carried out was significantly changed during the 10-year period prior to initiation of the project; and

(II) excluding the offset project from receiving allowances under this subtitle, or adjusting the baseline of the offset project accordingly; and

(x) a protocol for use in reporting emission reductions or sequestrations (and any reversals) at least annually.

(3) CONSULTATION.—In the case of an offset project relating to agriculture or forestry, the Administrator shall consult with the Secretary of Agriculture in carrying out this subsection.

(4) REVISION.—The Administrator shall revise each methodology issued under paragraph (1), after public notice and an opportunity for comment, at least every 5 years.

(5) PROJECT CONFORMITY.—Beginning 1 year after the date by which a methodology is required to be revised under paragraph (4), no further offset allowances shall be issued to an offset project approved under the methodology unless the offset project is demonstrated to be in conformity with the applicable revisions.

(d) TECHNOLOGIES.—

(1) IN GENERAL.—The Administrator may issue, after notice and comment, a list of technologies and associated performance benchmarks the achievement of which the Administrator has determined shall be considered to be additional in specific project applications.

(2) PERIOD OF VALIDITY.—A determination of the Administrator under paragraph (1) shall be valid for not more than 5 years after the date of the determination.

(e) METHODOLOGY TESTING.—The Administrator may not issue a methodology under this section until the Administrator determines that—

(1) the methodology has been tested by 3 independent expert teams on at least 3 different offset projects to which that methodology applies; and

(2) the emission reductions or sequestrations estimated by the expert teams for the same offset project do not differ by more than 10 percent.

SEC. 304. PROJECT INITIATION AND APPROVAL.

(a) PROJECT APPROVAL.—A project developer—

(1) may submit a petition for offset project approval at any time following the effective date of regulations promulgated under section 302; but

(2) may not use or distribute offset allowances until such approval is received and until after the emission reductions or sequestrations supporting the offset allowances have actually occurred.

(b) PETITION PROCESS.—Prior to offset registration and issuance of offset allowances, a project developer shall submit to the Administrator a petition that consists of—

(1) a copy of the monitoring and quantification plan prepared for the offset project, as described in subsection (d);

(2) a greenhouse gas initiation certification, as described in subsection (e); and

(3) subject to this subtitle, any other information identified by the Administrator in the regulations promulgated under section 302 as being necessary to meet the objectives of this subtitle.

(c) APPROVAL AND NOTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Administrator receives a complete petition under subsection (b), the Administrator shall—

(A) determine whether the monitoring and quantification plan satisfies the applicable requirements of this subtitle;

(B) determine whether the greenhouse gas initiation certification indicates a significant deviation in accordance with subsection (e)(3); and

(C) notify the project developer of the determinations under subparagraphs (A) and (B).

(2) APPEAL.—The Administrator shall establish mechanisms for appeal and review of determinations made under this subsection.

(d) MONITORING AND QUANTIFICATION.—

(1) IN GENERAL.—A project developer shall make use of the standardized tools and methods described in this section to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in sequestration.

(2) MONITORING AND QUANTIFICATION PLAN.—A monitoring and quantification plan shall be used to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in sequestration as described in this subsection.

(3) PLAN COMPLETION AND RETENTION.—A monitoring and quantification plan shall be—

(A) completed for all offset projects prior to offset project initiation; and

(B) retained by the project developer for the duration of the offset project.

(4) PLAN REQUIREMENTS.—Subject to section 302, the Administrator, in conjunction with the Secretary of Agriculture, shall specify the required components of a monitoring and quantification plan, including—

(A) a description of the offset project, including project type;

(B) a determination of accounting periods;

(C) an assignment of reporting responsibility;

(D) the contents and timing of public reports, including summaries of the original data, as well as the results of any analyses;

(E) a delineation of project boundaries, based on acceptable methods and formats;

(F) a description of which of the monitoring and quantification tools developed under subsection (f) are to be used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks associated with a project;

(G) a description of which of the standardized methods developed under subsection (g) are to be used to determine additionality, estimate the baseline carbon, and discount for leakage;

(H) based on the selection of tools and standardized methods described in subparagraphs (F) and (G), a determination of uncertainty in accordance with subsection (h);

(I) what site-specific data, if any, will be used in monitoring, quantification, and the determination of discounts;

(J) a description of procedures for use in managing and storing data, including quality-control standards and methods, such as redundancy in case records are lost;

(K) subject to the requirements of this subtitle, any other information identified by the Administrator or the Secretary of Agriculture as being necessary to meet the objectives of this subtitle; and

(L) a description of the risk of reversals for the project, including any way in which the proposed project may alter the risk of reversal for the project or other projects in the area.

(e) GREENHOUSE GAS INITIATION CERTIFICATION.—

(1) IN GENERAL.—In reviewing a petition submitted under subsection (b), the Administrator shall seek to exclude each activity that undermines the integrity of the offset program established under this subtitle, such as the conversion or clearing of land, or marked change in management regime, in anticipation of offset project initiation.

(2) GREENHOUSE GAS INITIATION CERTIFICATION REQUIREMENTS.—A greenhouse gas initiation certification developed under this subsection shall include—

(A) the estimated greenhouse gas flux or carbon stock for the offset project for each of the 4 complete calendar years preceding the effective date of the regulations promulgated under section 302; and

(B) the estimated greenhouse gas flux or carbon stock for the offset project, averaged across each of the 4 calendar years preceding the effective date of the regulations promulgated under section 302.

(3) DETERMINATION OF SIGNIFICANT DEVIATION.—Based on standards developed by the Administrator, in conjunction with the Secretary of Agriculture—

(A) each greenhouse gas initiation certification submitted pursuant to this section shall be reviewed; and

(B) a determination shall be made as to whether, as a result of activities or behavior inconsistent with the purposes of this title, a significant deviation exists between the average annual greenhouse gas flux or carbon stock and the greenhouse gas flux or carbon stock for a given year.

(4) ADJUSTMENT FOR PROJECTS WITH SIGNIFICANT DEVIATION.—In the case of a significant deviation, the Administrator shall adjust the number of allowances awarded in order to account for the deviation.

(f) DEVELOPMENT OF MONITORING AND QUANTIFICATION TOOLS FOR OFFSET PROJECTS.—

(1) IN GENERAL.—Subject to section 302, the Administrator, in conjunction with the Secretary of Agriculture, shall develop standardized tools for use in the monitoring and quantification of changes in greenhouse gas fluxes or carbon stocks for each offset project type listed under section 303(b).

(2) TOOL DEVELOPMENT.—The tools used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks shall, for each project type, include applicable—

(A) statistically-sound field and remote sensing sampling methods, procedures, techniques, protocols, or programs;

(B) models, factors, equations, or look-up tables; and

(C) any other process or tool considered to be acceptable by the Administrator, in conjunction with the Secretary of Agriculture.

(g) DEVELOPMENT OF ACCOUNTING AND DISCOUNTING METHODS.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture, shall—

(A) develop standardized methods for use in accounting for additionality and uncertainty, estimating the baseline, and discounting for leakage for each offset project type listed under section 303(b); and

(B) require that leakage be subtracted from reductions in greenhouse gas emissions or increases in sequestration attributable to a project.

(2) ADDITIONALITY DETERMINATION AND BASELINE ESTIMATION.—The standardized methods used to determine additionality and establish baselines shall, for each project type, at a minimum—

(A) in the case of a sequestration project, determine the greenhouse gas flux and carbon stock on comparable land identified on the basis of—

(i) similarity in current management practices;

(ii) similarity of regional, State, or local policies or programs; and

(iii) similarity in geographical and biophysical characteristics;

(B) in the case of an emission reduction project, use as a basis emissions from comparable land or facilities; and

(C) in the case of a sequestration project or emission reduction project, specify a selected time period.

(3) LEAKAGE.—The standardized methods used to determine and discount for leakage shall, at a minimum, take into consideration—

(A) the scope of the offset system in terms of activities and geography covered;

(B) the markets relevant to the offset project;

(C) emission intensity per unit of production, both inside and outside of the offset project; and

(D) a time period sufficient in length to yield a stable leakage rate.

(h) UNCERTAINTY FOR AGRICULTURAL AND FORESTRY PROJECTS.—

(1) IN GENERAL.—The Administrator, in conjunction with the Secretary of Agriculture, shall develop standardized methods for use in determining and discounting for uncertainty for each offset project type listed under section 303(b).

(2) BASIS.—The standardized methods used to determine and discount for uncertainty shall be based on—

(A) the robustness and rigor of the methods used by a project developer to monitor and quantify changes in greenhouse gas fluxes or carbon stocks;

(B) the robustness and rigor of methods used by a project developer to determine additionality and leakage; and

(C) an exaggerated proportional discount that increases relative to uncertainty, as determined by the Administrator, in conjunction with the Secretary of Agriculture, to encourage better measurement and accounting.

(i) ACQUISITION OF NEW DATA AND REVIEW OF METHODS FOR AGRICULTURAL AND FORESTRY PROJECTS.—The Administrator, in conjunction with the Secretary of Agriculture, shall—

(1) establish a comprehensive field sampling program to improve the scientific bases on which the standardized tools and methods developed under this section are based; and

(2) review and revise the standardized tools and methods developed under this section, based on—

(A) validation of existing methods, protocols, procedures, techniques, factors, equations, or models;

(B) development of new methods, protocols, procedures, techniques, factors, equations, or models;

(C) increased availability of field data or other datasets; and

(D) any other information identified by the Administrator, in conjunction with the Secretary of Agriculture, that is necessary to meet the objectives of this subtitle.

(j) EXCLUSION.—No activity for which any emission allowances are received under subtitle C shall generate offset allowances under this subtitle.

SEC. 305. OFFSET VERIFICATION AND ISSUANCE OF ALLOWANCES.

(a) IN GENERAL.—Offset allowances may be claimed for net emission reductions or increases in sequestration annually, after accounting for any necessary discounts in accordance with section 304, by submitting a verification report for an offset project to the Administrator.

(b) OFFSET VERIFICATION.—

(1) SCOPE OF VERIFICATION.—A verification report for an offset project shall be—

(A) completed by a verifier accredited in accordance with paragraph (3); and

(B) developed taking into consideration—

(i) the information and methodology contained within a monitoring and quantification plan;

(ii) data and subsequent analysis of the offset project, including—

(I) quantification of net emission reductions or increases in sequestration;

(II) determination of additionality;

(III) calculation of leakage;

(IV) assessment of permanence;

(V) discounting for uncertainty; and

(VI) the adjustment of net emission reductions or increases in sequestration by the discounts determined under subclauses (II) through (V); and

(iii) subject to the requirements of this subtitle, any other information identified by the Administrator as being necessary to achieve the purposes of this subtitle.

(2) VERIFICATION REPORT REQUIREMENTS.—The Administrator shall specify the required components of a verification report, including—

(A) the quantity of offsets generated;

(B) the amount of discounts applied;

(C) an assessment of methods (and the appropriateness of those methods);

(D) an assessment of quantitative errors or omissions (and the effect of the errors or omissions on offsets);

(E) any potential conflicts of interest between a verifier and project developer; and

(F) any other provision that the Administrator considers to be necessary to achieve the purposes of this subtitle.

(3) VERIFIER ACCREDITATION.—

(A) IN GENERAL.—The regulations promulgated pursuant to section 302 shall establish a process and requirements for accreditation by a third-party verifier that has no conflicts of interest.

(B) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this paragraph shall be listed in a publicly-accessible database, which shall be maintained and updated by the Administrator.

(c) REGISTRATION AND AWARDING OF OFFSETS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives a verification report required under subsection (b), the Administrator shall—

(A) determine whether the offsets satisfy the applicable requirements of this subtitle; and

(B) notify the project developer of that determination.

(2) AFFIRMATIVE DETERMINATION.—In the case of an affirmative determination under paragraph (1), the Administrator shall—

(A) register the offset allowances in accordance with this subtitle; and

(B) issue the offset allowances.

(3) APPEAL AND REVIEW.—The Administrator shall establish mechanisms for the appeal and review of determinations made under this subsection.

SEC. 306. TRACKING OF REVERSALS FOR SEQUESTRATION PROJECTS.

(a) REVERSAL CERTIFICATION.—

(1) IN GENERAL.—The regulations promulgated pursuant to section 302 shall require the submission of a reversal certification for each offset project on an annual basis following the registration of offset allowances.

(2) REQUIREMENTS.—A reversal certification submitted in accordance with this subsection shall state—

(A) whether any unmitigated reversal relating to the offset project has occurred in the year preceding the year in which the certification is submitted; and

(B) the quantity of each unmitigated reversal.

(b) EFFECT ON OFFSET ALLOWANCES.—

(1) INVALIDITY.—The Administrator shall declare invalid all offset allowances issued for any offset project that has undergone a complete reversal.

(2) PARTIAL REVERSAL.—In the case of an offset project that has undergone a partial reversal, the Administrator shall render invalid offset allowances issued for the offset project in direct proportion to the degree of reversal.

(c) ACCOUNTABILITY FOR REVERSALS.—Liability and responsibility for compensation of a reversal of a registered offset allowance under subsection (a) shall lie with the owner of the offset allowance, as described in section 302.

(d) COMPENSATION FOR REVERSALS.—The unmitigated reversal of 1 or more registered offset allowances that were submitted for the purpose of compliance with section 202(a) shall require the submission of—

(1) an equal number of offset allowances; or

(2) a combination of offset allowances and emission allowances equal to the unmitigated reversal.

(e) PROJECT TERMINATION.—A project developer may cease participation in the domestic offset program established under this subtitle at any time, on the condition that any registered allowances awarded for increases in sequestration have been compensated for by the project developer through the submission of an equal number of any combination of offset allowances and emission allowances.

SEC. 307. EXAMINATIONS.

(a) REGULATIONS.—The regulations promulgated pursuant to section 302 shall govern the examination and auditing of offset allowances.

(b) REQUIREMENTS.—The governing regulations described in subsection (a) shall specifically consider—

(1) principles for initiating and conducting examinations;

(2) the type or scope of examinations, including—

(A) reporting and recordkeeping; and

(B) site review or visitation;

(3) the rights and privileges of an examined party; and

(4) the establishment of an appeal process.

SEC. 308. TIMING AND THE PROVISION OF OFFSET ALLOWANCES.

(a) INITIATION OF OFFSET PROJECTS.—An offset project that commences operation on or after the effective date of the governing regulations described in section 307(a) shall be eligible to generate offset allowances under this subtitle if the offset project meets the other applicable requirements of this subtitle.

(b) PRE-EXISTING PROJECTS.—

(1) IN GENERAL.—The Administrator shall allow for the transition into the Registry of offset projects and banked offset allowances that, as of the effective date of regulations promulgated under section 307(a), are registered under or meet the standards of the Climate Registry, the California Action Registry, the GHG Registry, the Chicago Climate Exchange, the GHG Clean Projects Registry, or any other Federal, State, or private reporting programs or registries, if the Administrator determines that such other offset projects and banked offset allowances under those other programs or registries satisfy the applicable requirements of this subtitle.

(2) EXCEPTION.—An offset allowance that is expired, retired, or canceled under any other offset program, registry, or market as of the effective date of the governing regulations described in section 307(a) shall be ineligible for transition into the Registry.

SEC. 309. OFFSET REGISTRY.

In addition to the requirements established by section 304, an offset allowance registered under this subtitle shall be accompanied in the Registry by—

(1) a verification report submitted pursuant to section 305(a);

(2) a reversal certification submitted pursuant to section 306(a); and

(3) subject to the requirements of this subtitle, any other information identified by the Administrator as being necessary to achieve the purposes of this subtitle.

SEC. 310. ENVIRONMENTAL CONSIDERATIONS.

(1) COORDINATION TO MINIMIZE NEGATIVE EFFECTS.—In promulgating regulations under this subtitle, the Administrator, in conjunction with the Secretary of Agriculture, shall act (including by rejecting projects, if necessary) to avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this subtitle.

(2) REPORT ON POSITIVE EFFECTS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall submit to Congress a report detailing—

(A) the incentives, programs, or policies capable of fostering improvements to human health or the environment in conjunction with the implementation of offset projects under this subtitle; and

(B) the cost and benefits of those incentives, programs, or policies.

(3) COORDINATION TO ENHANCE ENVIRONMENTAL BENEFITS.—In promulgating regulations under this subtitle, the Administrator, in conjunction with the Secretary of Agriculture and the Secretary of Interior, shall—

(A) act to enhance and increase the adaptive capability of natural systems and resilience of those systems to climate change, including through the support of biodiversity, native species, and land management practices that foster natural ecosystem conditions; and

(B) coordinate actions taken under this paragraph, to the maximum extent practicable, with existing programs that have overlapping outcomes to maximize environmental benefits.

(4) USE OF NATIVE PLANT SPECIES IN COMPLIANCE OFFSET PROJECTS.—Not later than 18 months after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall promulgate regulations for the selection, use, and storage of native and nonnative plant materials—

(A) to ensure native plant materials are given primary consideration, in accordance with applicable Department of Agriculture guidance for use of native plant materials;

(B) to prohibit the use of Federal- or State-designated noxious weeds; and

(C) to prohibit the use of a species listed by a regional or State invasive plant council within the applicable region or State.

SEC. 311. PROGRAM REVIEW.

Not later than 5 years after the date of enactment of this Act, and periodically thereafter, the Administrator, in conjunction with the Secretary of Agriculture, shall review and revise, as necessary to achieve the purposes of this Act, the regulations promulgated under this subtitle.

Subtitle B—Offsets and Emission Allowances From Other Countries

SEC. 321. OFFSET ALLOWANCES ORIGINATING FROM PROJECTS IN OTHER COUNTRIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system under which the Administrator shall register and issue offset allowances for projects that reduce greenhouse gas emissions or increase sequestration of carbon dioxide in countries other than the United States.

(b) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances issued pursuant to this section in a calendar year shall not exceed 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances issued in a calendar year pursuant to this section is less than 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the Administrator shall allow the use, by covered entities in that year, of international allowances under section 322.

(B) MAXIMUM QUANTITY.—The maximum aggregate quantity of international allowances the use of which use the Administrator shall allow under subparagraph (A) shall be equal to the difference between—

(i) 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(ii) the quantity of domestic offset allowances issued in that year pursuant to this section.

(3) CARRY-OVER.—

(A) IN GENERAL.—If the sum of the quantity of offset allowances issued in a calendar pursuant to this section and the quantity of international allowances used in that calendar year pursuant to paragraph (2) is less than 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a), notwithstanding paragraph (1), the quantity of offset allowances issued pursuant to this section in the subsequent calendar year shall not exceed the sum of—

(i) 5 percent of the quantity of emission allowances established for that subsequent calendar year pursuant to section 201(a); and

(ii) the difference between—

(I) 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(II) the sum of the quantity of offset allowances issued in the preceding calendar year pursuant to this section and the quantity of international allowances used in that year pursuant to paragraph (2).

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) take into consideration protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992; and

(2) require that, in order to be approved for use under this subtitle—

(A) a project shall be determined by the Administrator to meet the requirements under the regulations established pursuant to subtitle A; and

(B) the emission allowance shall not be provided for a project at facility that competes directly with a United States facility.

(d) ENTITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance issued pursuant to this section shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

SEC. 322. EMISSION ALLOWANCES FROM OTHER COUNTRIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations, taking into consideration protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, approving the use in the United States of emission allowances issued by countries other than the United States.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use in the United States—

(1) an emission allowance shall have been issued by a foreign country pursuant to a governmental program that imposes mandatory absolute tonnage limits on greenhouse gas emissions from the foreign country, or 1 or more industry sectors in that country, pursuant to protocols described in subsection (a); and

(2) the governmental program be of comparable stringency to the program established by this Act, including comparable monitoring, compliance, and enforcement.

(c) FACILITY CERTIFICATION.—The owner or operator of a covered entity that submits an international allowance under this subtitle shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

Subtitle C—Agriculture and Forestry Program in the United States

SEC. 331. ALLOCATION.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 4.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 4.5 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

SEC. 332. AGRICULTURE AND FORESTRY PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations establishing a program for distributing emission allowances allocated pursuant to section 331 to entities in the agricultural and forestry sectors of the United States, including entities engaged in organic farming, as a reward for—

(1) achieving real, verifiable, additional, permanent, and enforceable reductions in greenhouse gas emissions from the operations of the entities;

(2) achieving real, verifiable, additional, permanent, and enforceable increases in greenhouse gas sequestration on land owned or managed by the entities; and

(3) conducting pilot projects or other research regarding innovative practices for use in measuring—

(A) greenhouse gas emission reductions;

(B) sequestration; or

(C) other benefits and associated costs of the pilot projects.

(b) NITROUS OXIDE AND METHANE.—The Secretary of Agriculture shall ensure that, during any 5-year period, the average annual percentage of the quantity of emission allowances established for a calendar year that is distributed to entities under the program established under subsection (a) specifically for achieving real, verifiable, additional, permanent, and enforceable reductions in nitrous oxide emissions through soil management or achieving real, verifiable, additional, permanent, and enforceable reductions in methane emissions through enteric fermentation and manure management shall be 0.5 percent.

(c) NEW METHODOLOGY INCUBATOR.—

(1) IN GENERAL.—The Secretary of Agriculture shall ensure that, during any 5-year period, the average annual percentage of the quantity of emission allowances established for a calendar year that is distributed to entities under the program established under paragraph (2) specifically for creating methodologies, tools, and support for the development and deployment of new project types shall be at least 0.25 percent.

(2) SUPPORT FOR INNOVATION.—

(A) ACQUISITION OF NEW DATA, IMPROVEMENT OF METHODOLOGIES, AND DEVELOPMENT OF NEW TOOLS FOR DESIGNATED OFFSET ACTIVITY CATEGORIES.—The Administrator, in conjunction with the Secretary of Agriculture, shall establish a comprehensive field sampling and pilot project program to improve the scientific data and calibration of standardized tools and methodologies that—

(i) are used to measure greenhouse gas reductions or sequestration and baselines for categories of activities not covered by an emission limitation under this Act; and

(ii) are likely to provide significant emission reductions or sequestration.

(B) TARGETED SUPPORT FOR DEVELOPMENT AND DEPLOYMENT OF NEW TECHNOLOGIES.—

(i) IN GENERAL.—The Administrator shall establish a program for development and deployment of new technologies and methods in greenhouse gas reductions or sequestration for activities not covered by an emission limitation under this Act.

(ii) SELECTION; FUNDING.—In carrying out the program under clause (i), the Administrator shall—

(I) select activities for participation in the program based on—

(aa) the potential emission reductions or sequestration of the activities; and

(bb) a market penetration review; and

(II) provide funding for a select number of projects—

(aa) to cover research on technological and other barriers, prototypes, first-of-the-kind risk coverage, and initial market barriers; and

(bb) under limited categories of activities that are dependent on forward progress.

(d) REQUIREMENT.—The Secretary of Agriculture shall distribute emission allowances under this section in a manner that—

(1) maximizes the avoidance or reduction of greenhouse gas emissions; and

(2) ensures that entities participating in the program under this section do not receive more compensation for emission reductions under this program than the entities would receive for the same reductions through an offset project under subtitle A.

(e) PROHIBITION.—Emission reductions or sequestration increases generating offset allowances pursuant to subtitle A shall not be used the basis for a distribution of emission allowances under this section.

SEC. 333. AGRICULTURAL AND FORESTRY GREENHOUSE GAS MANAGEMENT RESEARCH.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator and scientific, agricultural, and forestry experts, shall prepare and submit to Congress a report that describes the status of research on agricultural and forestry greenhouse gas management, including a description of—

(1) research on soil carbon sequestration and other agricultural and forestry greenhouse gas management that has been carried out;

(2) any additional research that is necessary, including research into innovative practices to attempt to measure—

(A) greenhouse gas emission reductions;

(B) sequestration; or

(C) other benefits or associated costs;

(3) the proposed priority for additional research;

(4) the most appropriate approaches for conducting the additional research; and

(5) the extent to which and the manner in which allowances that are specific to agricultural and forestry operations, including harvested wood products and the reduction of hazardous fuels to reduce the risk of uncharacteristically severe wildfires, should be valued and allotted.

(b) RESEARCH.—After the date of submission of the report described in subsection (a), the President and the Secretary of Agriculture (in collaboration with the Administrator and the member institutions of higher education of the Consortium for Agricultural Soil Mitigation of Greenhouse Gases, institutions of higher education, and research entities) shall initiate a program to conduct any additional research that is necessary.

TITLE IV—ESTABLISHING A GREENHOUSE GAS EMISSION ALLOWANCE TRADING MARKET

Subtitle A—Trading

SEC. 401. SALE, EXCHANGE, AND RETIREMENT OF ALLOWANCES.

Except as otherwise provided in this Act, and subject to the regulations promulgated pursuant to subtitle B, the lawful holder of an allowance may, without restriction—

(1) sell, exchange, or transfer the allowance; or

(2) submit the allowance for compliance in accordance with section 202.

SEC. 402. NO RESTRICTION ON TRANSACTIONS.

The privilege of purchasing, holding, selling, exchanging, and retiring allowances shall not be restricted to the owners and operators of covered entities.

SEC. 403. ALLOWANCE TRANSFER AND TRACKING SYSTEM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for issuing, recording, transferring, and tracking allowances.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) specify all necessary procedures and requirements for an orderly and competitive functioning of the allowance trading system; and

(2) provide that the transfer of allowances shall not be effective until such date as a written certification of the transfer, signed by a responsible official of each party to the transfer, is received and recorded by the Administrator in accordance with the regulations promulgated pursuant to subsection (a).

Subtitle B—Market Oversight and Enforcement

SEC. 411. FINDING.

Congress finds that it is necessary to establish an interagency working group to enhance the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances, including by ensuring that—

(1) the market—

(A) is designed to prevent fraud and manipulation, which could potentially arise from many sources, including—

(i) the concentration of market power within the control of a limited number of individuals or entities; and

(ii) the abuse of material, nonpublic information; and

(B)(i) is appropriately transparent, with real-time reporting of quotes and trades;

(ii) makes information on price, volume, and supply, and other important statistical information, available to the public on fair, reasonable, and nondiscriminatory terms;

(iii) is subject to appropriate recordkeeping and reporting requirements regarding transactions; and

(iv) has the confidence of investors;

(2) the market—

(A) functions smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances; and

(B) promotes just and equitable principles of trade;

(3) the need of market participants and regulators for transparency is balanced against legitimate business concerns regarding the release of confidential, proprietary information;

(4) the market is subject to effective and comprehensive oversight and integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and international oversight regimes;

(5) an appropriate interagency forum exists—

(A) for ongoing assessment of emerging regulatory matters and information-sharing; and

(B) to ensure regulatory coordination of the market;

(6) the market establishes an equitable system for best execution of customer orders; and

(7) the market protects investors and the public interest.

SEC. 412. CARBON MARKET OVERSIGHT AND REGULATION.

(a) DELEGATION OF AUTHORITY BY PRESIDENT.—The President, taking into consideration the recommendations of the Working Group established by subsection (b), shall delegate to members of the Working Group and the heads of other appropriate Federal entities the authority to promulgate regulations to enhance the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances, based on the following core principles:

(1) The market shall—

(A) be designed to prevent fraud and manipulation relating to the trading of emission allowances and related markets, which could potentially arise from many sources, including—

(i) the concentration of market power within the control of a limited number of individuals or entities; and

(ii) the abuse of material, nonpublic information;

(B)(i) be appropriately transparent, with real-time reporting of quotes and trades; and

(ii) make information on price, volume, and supply, and other important statistical information available to the public on fair, reasonable, and nondiscriminatory terms;

(C) be subject to appropriate recordkeeping and reporting requirements regarding transactions; and

(D) have the confidence of investors.

(2) The market shall—

(A) function smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances;

(B) be designed to prevent excessive speculation that could cause sudden or unreasonable fluctuations or unwarranted changes in the price of emission allowances; and

(C) promote just and equitable principles of trade.

(3) The need of market participants and regulators for transparency shall be balanced against legitimate business concerns concerning the release of confidential, proprietary information.

(4) The market shall be subject to effective and comprehensive oversight, which integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and international oversight regimes.

(5) There shall be an appropriate interagency forum—

(A) for ongoing assessment of emerging regulatory matters and information sharing; and

(B) to ensure regulatory coordination of the market.

(6) The market shall establish an equitable system for best execution of customer orders.

(7) The market shall protect investors and the public interest.

(b) ESTABLISHMENT.—There is established an interagency working group, to be known as the ''Carbon Markets Working Group'' (referred to in this section as the ''Working Group'').

(c) MEMBERSHIP.—The Working Group shall be composed of the following members (or their designees):

(1) The Administrator, who shall serve as Chairperson of the Working Group.

(2) The Secretary of the Treasury.

(3) The Chairman of the Securities and Exchange Commission.

(4) The Chairman of the Commodity Futures Trading Commission.

(5) The Chairman of the Federal Energy Regulatory Commission.

(6) Such other Executive branch officials as may be appointed by the President.

(d) DUTIES.—

(1) IDENTIFICATION OF ISSUES AND APPROPRIATE ACTIVITIES.—

(A) IN GENERAL.—The Working Group shall identify—

(i) the major issues relating to the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances under the cap-and-trade system for emission allowances established under this Act;

(ii) any relevant recommendations provided to the Working Group by Federal, State, or local governments, organizations, individuals, and entities; and

(iii) the activities, such as market regulation, policy coordination, and contingency planning, that are appropriate to carry out those recommendations.

(B) CONSULTATION.—In identifying appropriate activities under subparagraph (A)(iii), the Working Group shall consult with representatives of, as appropriate—

(i) various information exchanges and clearinghouses;

(ii) self-regulatory entities, securities exchanges, transfer agents, and clearing entities;

(iii) participants in the emission allowance trading market; and

(iv) other Federal entities, including—

(I) the Federal Reserve; and

(II) the Federal Trade Commission.

(2) STUDY.—The Working Group shall conduct a study of the major issues relating to the regulation of the emission allowance trading market and other carbon markets.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Working Group shall submit to the President and Congress a report describing—

(A) the progress made by the Working Group;

(B) recommendations of the Working Group regarding any regulations proposed pursuant to subsection (a);

(C) recommendations for additional legislative action, if necessary; and

(D) a timetable for the implementation of the new regulations to ensure that the regulations take effect before the effective date of regulations governing the emission allowance trading system.

(4) MEMORANDA OF UNDERSTANDING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall enter into a memorandum of understanding with the head of each appropriate Federal entity (including each appropriate Federal entity represented by a member of the Working Group, as applicable) relating to regulatory and enforcement coordination, information sharing, and other related matters to minimize duplicative or conflicting regulatory efforts.

(5) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the heads of other appropriate Federal entities to which the President has delegated regulatory authority under subsection (a) shall promulgate regulations in accordance with subsection (a).

(e) AUTHORITIES.—In promulgating and implementing regulations pursuant to this section, the promulgating Federal agencies shall have authorities equivalent to the authorities of those agencies under existing law.

(f) ENFORCEMENT.—Regulations promulgated under this section shall—

(1) be fully enforceable and subject to such fines and penalties as are provided under the laws (including regulations) administered by the Federal agency that promulgated the regulations under this section; and

(2) for the purpose of enforcement, in accordance with section 1722, be considered to have been promulgated pursuant to this Act.

(g) ADMINISTRATION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Working Group may secure directly from any Federal agency such information as the Working Group considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Working Group, the head of the agency shall provide the information to the Working Group.

(2) COMPENSATION OF MEMBERS.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(3) ADMINISTRATOR SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, the Administrator shall provide to the Working Group such administrative and support services as are necessary to assist the Working Group in carrying out the duties described in subsection (d).

(h) EFFECT OF SECTION.—Nothing in this section limits or restricts any regulatory or enforcement authority of a Federal entity as in effect on the date of enactment of this Act.

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

Subtitle C—Carbon Market Efficiency Board

SEC. 421. ESTABLISHMENT.

There is established a board, to be known as the ''Carbon Market Efficiency Board''.

SEC. 422. COMPOSITION AND ADMINISTRATION.

(a) MEMBERSHIP.—

(1) COMPOSITION.—The Board shall be composed of—

(A) 7 members who are citizens of the United States, to be appointed by the President, by and with the advice and consent of the Senate; and

(B) an advisor who is a scientist with expertise in climate change and the effects of climate change on the environment, to be appointed by the President, by and with the advice and consent of the Senate.

(2) REQUIREMENTS.—In appointing members of the Board under paragraph (1), the President shall—

(A) ensure fair representation of the financial, agricultural, industrial, and commercial sectors, and the geographical regions, of the United States, and include a representative of consumer interests;

(B) appoint not more than 1 member from each such geographical region; and

(C) ensure that not more than 4 members of the Board serving at any time are affiliated with the same political party.

(3) COMPENSATION.—

(A) IN GENERAL.—A member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(B) CHAIRPERSON.—The Chairperson of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(4) PROHIBITIONS.—

(A) CONFLICTS OF INTEREST.—An individual employed by, or holding any official relationship (including any shareholder) with, any entity engaged in the generation, transmission, distribution, or sale of energy, an individual who has any pecuniary interest in the generation, transmission, distribution, or sale of energy, or an individual who has a pecuniary interest in the implementation of this Act, shall not be appointed to the Board under this subsection.

(B) NO OTHER EMPLOYMENT.—A member of the Board shall not hold any other employment during the term of service of the member.

(b) TERM; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—The term of a member of the Board shall be 14 years, except that the members first appointed to the Board shall be appointed for terms in a manner that ensures that—

(i) the term of not more than 1 member shall expire during any 2-year period; and

(ii) no member serves a term of more than 14 years.

(B) OATH OF OFFICE.—A member shall take the oath of office of the Board by not later than 15 days after the date on which the member is appointed under subsection (a)(1).

(C) REMOVAL.—

(i) IN GENERAL.—A member may be removed from the Board on determination of the President for cause.

(ii) NOTIFICATION.—Not later than 30 days before removing a member from the Board for cause under clause (i), the President shall provide to Congress an advance notification of the determination by the President to remove the member.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) SERVICE UNTIL NEW APPOINTMENT.—A member of the Board the term of whom has expired or otherwise been terminated shall continue to serve until the date on which a replacement is appointed under subparagraph (A)(ii), if the President determines that service to be appropriate.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—Of members of the Board, the President shall appoint—

(1) 1 member to serve as Chairperson of the Board for a term of 4 years; and

(2) 1 member to serve as Vice-Chairperson of the Board for a term of 4 years.

(d) MEETINGS.—

(1) INITIAL MEETING.—The Board shall hold the initial meeting of the Board as soon as practicable after the date on which all members have been appointed to the Board under subsection (a)(1).

(2) PRESIDING OFFICER.—A meeting of the Board shall be presided over by—

(A) the Chairperson;

(B) in any case in which the Chairperson is absent, the Vice-Chairperson; or

(C) in any case in which the Chairperson and Vice-Chairperson are absent, a chairperson pro tempore, to be elected by the members of the Board.

(3) QUORUM.—Four members of the Board shall constitute a quorum for a meeting of the Board.

(4) OPEN MEETINGS.—The Board shall be subject to section 552b of title 5, United States Code (commonly known as the ''Government in the Sunshine Act'').

(e) RECORDS.—The Board shall be subject to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

(f) REVIEW BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than January 1, 2013, and annually thereafter, the Comptroller General of the United States shall conduct a review of the efficacy of the Board in fulfilling the purposes and duties of the Board under this subtitle.

SEC. 423. DUTIES.

The Board shall—

(1) gather such information as the Board determines to be appropriate regarding the status of the allowance market established pursuant to this Act, including information relating to—

(A) allowance allocation and availability;

(B) the price of allowances;

(C) macro- and micro-economic effects of unexpected significant increases and decreases in allowance prices, or shifts in the allowance market, should those increases, decreases, or shifts occur;

(D) the success of the market in promoting achievement of the purposes of this Act;

(E) economic effect thresholds that could warrant implementation of 1 or more cost relief measures described in section 521(a);

(F) in the event any cost relief measure described in section 521(a) is implemented, the effects of the measure on the market; and

(G) the minimum levels of cost relief measures that are necessary to achieve avoidance of economic harm and ensure achievement of the purposes of this Act;

(2) employ cost relief measures in accordance with section 521; and

(3) submit to the President and the Congress, and publish on the Internet, quarterly reports—

(A) describing—

(i) the status of the allowance market established under this Act;

(ii) regional, industrial, and consumer responses to the market and the economic costs and benefits of the market;

(iii) where practicable, investment responses to the market;

(iv) any corrective measures that Congress should take to relieve excessive net costs of the market; and

(v) plans to compensate for any such measures, to ensure that the long-term emissions reduction goals of this Act are achieved;

(B) that are timely and succinct, to ensure regular monitoring of market trends; and

(C) that are prepared independently by the Board.

Subtitle D—Climate Change Technology Board

SEC. 431. ESTABLISHMENT.

There is established, as an agency of the Federal Government, the Climate Change Technology Board.

SEC. 432. PURPOSE.

The purpose of the board established by section 431 is to advance the purposes of this Act by using the funds made available to the board under titles VIII through XI to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

SEC. 433. INDEPENDENCE.

The board established by section 431 shall have the authority to distribute funds made available to the board under this Act.

SEC. 434. ADVANCE NOTIFICATION OF DISTRIBUTIONS OF FUNDS.

Not less than 60 days before distributing any funds made available under this Act to the board established by section 431, the board shall—

(1) publish in the Federal Register a detailed notification of the distribution; and

(2) provide a detailed notification of the distribution to—

(A) the President;

(B) in the Senate—

(i) the Committee on Appropriations;

(ii) the Committee on Banking, Housing, and Urban Affairs;

(iii) the Committee on Budget;

(iv) the Committee on Commerce, Science, and Transportation;

(v) the Committee on Energy and Natural Resources;

(vi) the Committee on Environment and Public Works;

(vii) the Committee on Finance;

(viii) the Committee on Homeland Security and Governmental Affairs; and

(ix) the Committee on Small Business and Entrepreneurship;

(C) in the House of Representatives—

(i) the Committee on Appropriations;

(ii) the Committee on Budget;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources;

(v) the Committee on Oversight and Government Reform;

(vi) the Committee on Science and Technology;

(vii) the Committee on Small Business;

(viii) the Committee on Transportation and Infrastructure;

(ix) the Committee on Ways and Means; and

(x) the Select Committee on Energy Independence and Global Warming; and

(D) the Joint Economic Committee and Joint Committee on Taxation of Congress.

SEC. 435. CONGRESSIONAL OVERSIGHT OF BOARD EXPENDITURES.

(a) DISAPPROVAL.—An obligation of funds for which a notification is submitted under section 434 shall not occur if Congress enacts legislation disapproving the obligation of funds by not later than 30 days after the date of receipt of the notification.

(b) REPORTS.—Not later than 90 days after the end of each of calendar years 2012

through 2050, the board established by section 431 shall submit to each committee of Congress identified in section 434 a report describing, with respect to that calendar year—

(1) the actual amounts obligated during that year;

(2) the purposes for which the amounts were obligated; and

(3) the balance, if any, of the amounts that—

(A) were obligated during that year; but

(B) remain unexpended as of the date of submission of the report.

SEC. 436. REQUIREMENTS.

(a) COMPOSITION.—The board established by section 431 shall be composed of 5 directors who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as Chairperson.

(b) POLITICAL AFFILIATION.—Not more than 3 directors serving on the board at any time may be affiliated with the same political party.

(c) APPOINTMENT AND TERM.—Each director shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

(d) QUORUM.—Three directors shall constitute a quorum for a meeting of the board.

(e) PROHIBITIONS.—

(1) CONFLICTS OF INTEREST.—No individual employed by, or holding any official relationship with (including as a shareholder), any entity engaged in the sector in which businesses receive distributions of funds by the board, and no individual who has a pecuniary interest in the implementation of this Act, shall be appointed director.

(2) NO OTHER EMPLOYMENT.—A director shall not hold any other employment during the term of service of the director.

(f) VACANCIES.—

(1) IN GENERAL.—A vacancy on the board—

(A) shall not affect the powers of the board, subject to the condition that the board has a sufficient number of directors to establish a quorum; and

(B) shall be filled in the same manner as the original appointment was made.

(2) SERVICE UNTIL NEW APPOINTMENT.—A director whose term has expired or who has been removed from the board shall continue to serve until the date on which a replacement is appointed, if the President determines that service to be appropriate.

(g) REMOVAL.—

(1) IN GENERAL.—A director may be removed from the board for cause, on determination of the President.

(2) NOTIFICATION.—Not later than 30 days before removing a director for cause under paragraph (1), the President shall provide to the Congress an advance notification of the determination by the President to remove the director.

SEC. 437. REVIEWS AND AUDITS BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct periodic reviews and audits of the efficacy of the distributions of funds made by the board established by section 431.

Subtitle E—Auction on Consignment

SEC. 441. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations under which the Administrator shall, at the request of a recipient of a distribution of emission allowances under this Act—

(1) include those emission allowances among the quantity of emission allowances sold by the Administrator at regular auction under this Act; and

(2) transfer the proceeds of the sale of those allowances to the recipient.

TITLE V—FEDERAL PROGRAM TO PREVENT ECONOMIC HARDSHIP

Subtitle A—Banking

SEC. 501. EFFECT OF TIME.

The passage of time shall not, by itself, cause an allowance to be retired or otherwise diminish the compliance value of the allowance.

Subtitle B—Borrowing

SEC. 511. REGULATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations under which, subject to subsection (b), the owner or operator of a covered entity may—

(1) borrow emission allowances from the Administrator; and

(2) for a calendar year, submit borrowed emission allowances to the Administrator in satisfaction of up to 15 percent of the compliance obligation under section 202.

(b) LIMITATION.—An emission allowance borrowed under subsection (a) shall be an emission allowance established by the Administrator for a specific future calendar year pursuant to section 201(a).

SEC. 512. TERM.

The owner or operator of a covered entity shall not submit, and the Administrator shall not accept, a borrowed emission allowance in partial satisfaction of the compliance obligation under section 202 for any calendar year that is more than 5 years earlier than the calendar year included in the identification number of the borrowed emission allowance.

SEC. 513. REPAYMENT WITH INTEREST.

For each borrowed emission allowance submitted in partial satisfaction of the compliance obligation under section 202 for a particular calendar year (referred to in this section as the ''use year''), the quantity of emission allowances that the owner or operator is required to submit under section 202 for the year from which the borrowed emission allowance was taken (referred to in this section as the ''source year'') shall be equal to 1.1 raised by an exponent equal to the difference between the source year and the use year expressed as a positive whole number.

Subtitle C—Emergency Off-Ramps

SEC. 521. EMERGENCY OFF-RAMPS TRIGGERED BY BOARD.

(a) POWERS OF BOARD.—The Board may carry out 1 or more of the following cost relief measures to ensure functioning, stable, and efficient markets for emission allowances:

(1) Increase the quantity of emission allowances that covered entities may borrow from the Administrator.

(2) Expand the period during which a covered entity may repay the Administrator for an emission allowance borrowed under paragraph (1).

(3) Increase the quantity of emission allowances obtained on a foreign greenhouse gas emission trading market that the owner or operator of any covered entity may use to satisfy the allowance submission requirement of the covered entity under section 201, on the condition that the Administrator has certified the market in accordance with the regulations promulgated pursuant to section 322.

(4) Increase the quantity of offset allowances generated in accordance with section 303 that the owner or operator of any covered entity may use to satisfy the total allowance submission requirement of the covered entity under section 201.

(b) SUBSEQUENT ACTIONS.—On determination by the Board to carry out a cost relief measure pursuant to subsection (a), the Board shall—

(1) allow the cost relief measure to be used only during the applicable allocation year;

(2) exercise the cost relief measure incrementally, and only as needed to avoid significant economic harm during the applicable allocation year;

(3) specify the terms of the relief to be achieved using the cost relief measure;

(4) in accordance with section 423, submit to the President and Congress a report describing the actions carried out by the Board; and

(5) evaluate, at the end of the applicable allocation year, actions that need to be carried out during subsequent years to compensate for any cost relief measure carried out during the applicable allocation year.

(c) LIMITATIONS.—Nothing in this section gives the Board the authority—

(1) to consider or prescribe entity-level petitions for relief from the costs of an emission allowance allocation or trading program established under Federal law;

(2) to carry out any investigative or punitive process under the jurisdiction of any Federal or State court;

(3) to interfere with, modify, or adjust any emission allowance allocation scheme established under Federal law; or

(4) to modify the total quantity of emission allowances issued under this Act for the period of calendar years 2012 through 2050.

SEC. 522. COST-CONTAINMENT AUCTIONS.

(a) IN GENERAL.—In December of each of calendar years 2012 through 2027, the Administrator shall conduct a cost-containment auction of emission allowances that shall be separate from other auctions of emission allowances conducted by the Administrator under this Act.

(b) RESTRICTION TO COVERED ENTITIES.—In any calendar year referred to in subsection (a), only covered entities that were required under section 202 to submit emission allowances for the preceding calendar year shall be eligible to purchase emission allowances at the cost-containment auction under that subsection.

(c) USE OF EMISSION ALLOWANCES PURCHASED AT A COST-CONTAINMENT AUCTION.—An emission allowance purchased at a cost-containment auction shall—

(1) be submitted by the purchaser for compliance under section 202 not later than 1 calendar year after the date of purchase of the emission allowance; and

(2) otherwise be valid for compliance under that section irrespective of the year for which the emission allowance was established by the Administrator.

SEC. 523. COST-CONTAINMENT AUCTION PRICE.

(a) IN GENERAL.—At each cost-containment auction, the Administrator shall offer emission allowances for sale beginning at a minimum price, which shall be known as the ''cost-containment auction price''.

(b) COST-CONTAINMENT AUCTION PRICE IN 2012.—

(1) IN GENERAL.—The cost-containment auction price for the cost-containment auction that takes place in December 2012 shall be the price established under paragraph (2).

(2) INITIAL COST-CONTAINMENT AUCTION PRICE.—

(A) PRESIDENTIAL DETERMINATION.—Not later than 2 years after the date of enactment of this Act, the President shall establish the cost-containment auction price for calendar year 2012 from within the range specified in subparagraph (B), the cost-containment auction price for calendar year 2012.

(B) RANGE.—The cost-containment auction price per emission allowance for December 2012 shall be—

(i) not less than $22; and

(ii) not more than $30.

(C) ECONOMIC MODELING.—The President shall establish the cost-containment auction price under this paragraph based on economic computer modeling relating to this Act conducted by—

(i) the Administrator; and

(ii) the Administrator of the Energy Information Administration.

(D) PUBLIC INPUT.—The Administrator and the Administrator of the Energy Information Administration shall provide public notice of, and an opportunity to comment on, the computer models, assumptions, and protocols planned to be used in modeling relating to this Act under subparagraph (C).

(c) COST-CONTAINMENT AUCTION PRICE IN SUBSEQUENT YEARS.—At the cost-containment auction for each of calendar years 2013 through 2027, the cost-containment auction price per emission allowance shall be equal to the product obtained by multiplying—

(1) the cost-containment auction price that applied to the cost-containment auction that was conducted during the preceding calendar year; and

(2) the sum of—

(A) the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index); and

(B) 1.05.

SEC. 524. REGULAR AUCTION RESERVE PRICE.

(a) IN GENERAL.—At any regular auction, there shall be a regular auction reserve price below which the Administrator shall not sell any emission allowance.

(b) REGULAR AUCTION RESERVE PRICE IN 2012.—At any regular auction that takes place during calendar year 2012, the regular auction reserve price per emission allowance shall be $10.

(c) REGULAR AUCTION RESERVE PRICE IN SUBSEQUENT YEARS.—For each of calendar years 2013 through 2027, the regular auction reserve price at any regular auction that takes place during the calendar year shall be equal to the product obtained by multiplying—

(1) the regular auction reserve price that applied to each regular auction conducted during the preceding calendar year; and

(2) the sum of—

(A) the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index); and

(B) 1.05.

SEC. 525. POOL OF EMISSION ALLOWANCES FOR THE COST-CONTAINMENT AUCTIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a cost-containment auction pool to reserve the emission allowances that shall be offered for sale at the annual cost-containment auctions.

(b) FILLING THE COST-CONTAINMENT AUCTION POOL.—

(1) IN GENERAL.—Notwithstanding section 201(a), the Administrator shall, not later than 2 years after the date of enactment of this Act, reserve a total of 6,000,000,000 of the emission allowances established for the period of calendar years 2030 through 2050 pursuant to that section and transfer the emission allowances to the cost-containment auction pool.

(2) GRADUATED REMOVAL.—For each of calendar years 2031 through 2050, the quantity of emission allowances reserved pursuant to paragraph (1) from the quantity established for that year pursuant to section 201(a) shall be greater, by a percentage that remains constant from calendar year to calendar year, than the quantity reserved from the preceding year.

(c) SUPPLEMENTING THE COST-CONTAINMENT AUCTION POOL.—The Administrator shall transfer to the cost-containment auction pool each emission allowance that was not sold at a regular auction because of the operation of the regular auction reserve price.

SEC. 526. LIMIT ON THE QUANTITY OF EMISSION ALLOWANCES SOLD AT ANY COST-CONTAINMENT AUCTION.

(a) IN GENERAL.—At each cost-containment auction, there shall be a limit on the quantity of emission allowances that the Administrator may sell at the auction.

(b) COST-CONTAINMENT AUCTION LIMIT IN 2012.—At the cost-containment auction that takes place during December 2012, the cost-containment auction limit described in subsection (a) shall be 450,000,000 emission allowances.

(c) COST-CONTAINMENT AUCTION LIMIT IN SUBSEQUENT YEARS.—At the cost-containment auction during each of calendar years 2013 through 2027, the cost-containment auction limit described in subsection (a) shall be the product obtained by multiplying—

(1) the cost-containment auction limit that applied to the cost-containment auction that took place during the preceding calendar year; and

(2) 0.99.

(d) PER-ENTITY PURCHASE LIMIT.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall, by regulation, establish for each cost-containment auction a limitation on the number of emission allowances that any single entity may purchase at the cost-containment auction.

(2) REQUIREMENT.—A limitation under paragraph (1) shall be established at a quantity that ensures fair access to emission allowances by all covered entities that are eligible to purchase emission allowances at the cost-containment auction.

SEC. 527. USING THE PROCEEDS OF THE ANNUAL COST-CONTAINMENT AUCTIONS.

(a) ACHIEVING ADDITIONAL EMISSION REDUCTIONS FROM UN-CAPPED SOURCES.—

(1) IN GENERAL.—The Administrator shall use 70 percent of the proceeds from each cost-containment auction to achieve additional greenhouse gas emission reductions from entities that are not subject to the compliance obligation under section 202.

(2) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement this subsection.

(b) PROVIDING ADDITIONAL RELIEF TO ENERGY CONSUMERS.—The Administrator shall deposit 30 percent of the proceeds from each cost-containment auction in the Climate Change Consumer Assistance Fund established by section 581.

SEC. 528. RETURNING EMISSION ALLOWANCES NOT SOLD AT THE ANNUAL COST-CONTAINMENT AUCTIONS.

(a) ORDER OF SALE OF EMISSION ALLOWANCES IN COST-CONTAINMENT AUCTION POOL.—The Administrator shall not sell at a cost-containment auction an emission allowance reserved pursuant to section 525(b) from the quantity of emission allowances established for a particular calendar year until such time as the Administrator has sold all emission allowances reserved from the quantity of emission allowances established for earlier calendar years.

(b) RETURN OF UNSOLD EMISSION ALLOWANCES IN THE COST-CONTAINMENT AUCTION POOL.—Immediately prior to the cost-containment auction during each of calendar years 2022 through 2027, the Administrator shall remove from the cost-containment auction pool, and make subject again to allocation or sale at regular auction in accordance with this Act, each emission allowance that—

(1) has, by that time, remained in the cost-containment auction pool for more than 9 years; and

(2) was established pursuant to section 201(a) for a calendar year that is fewer than 10 years subsequent to the calendar year during which the impending cost-containment auction will occur.

SEC. 529. DISCONTINUING THE ANNUAL COST-CONTAINMENT AUCTIONS.

(a) IN GENERAL.—Notwithstanding section 521(a), if the cost-containment auction pool is exhausted at a cost-containment auction, the Administrator shall conduct no further cost-containment auctions.

(b) RETIREMENT OF EMISSION ALLOWANCES NOT SOLD AT REGULAR AUCTIONS OCCURRING AFTER FINAL COST-CONTAINMENT AUCTION.—Immediately following any regular auction that occurs after the Administrator has conducted a final cost-containment auction, the Administrator shall retire any emission allowances not sold at that regular auction because of the operation of the regular auction reserve price.

Subtitle D—Transition Assistance for Workers

SEC. 531. ESTABLISHMENT.

There is established in the Treasury a fund, to be known as the ''Climate Change Worker Training and Assistance Fund.''

SEC. 532. AUCTIONS.

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Climate Change Worker Training and Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately upon receipt of the auction proceeds, deposit the auction proceeds in the Climate Change Worker Training and Assistance Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for Climate Change Worker Training and Assistance Fund
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2
2023	2
2024	2
2025	2
2026	2
2027	2
2028	3
2029	3
2030	3
2031	4
2032	4

Calendar Year	Percentage for auction for Climate Change Worker Training and Assistance Fund
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	3
2040	3
2041	3
2042	3
2043	3
2044	3
2045	3
2046	3
2047	3
2048	3
2049	3
2050	3.

SEC. 533. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 532, immediately upon receipt of those proceeds, in the Climate Change Worker Training and Assistance Fund.

SEC. 534. USES.

(a) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—For each of calendar years 2012 through 2050, 30 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out the Energy Efficiency and Renewable Energy Worker Training Program established by section 171(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)).

(b) CLIMATE CHANGE WORKER ADJUSTMENT PROGRAM.—For each of calendar years 2012 through 2050, 60 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out the Climate Change Worker Assistance Program established pursuant to section 535.

(c) WORKFORCE TRAINING AND SAFETY.—For each of calendars year 2012 through 2050, 10 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out section 536.

SEC. 535. CLIMATE CHANGE WORKER ASSISTANCE PROGRAM.

(a) PURPOSE.—The purpose of this section is to ensure that any individual workers and groups of employees that are adversely affected by Federal policy and climate change legislation receive the benefits, skill training, retraining, and job search assistance that will enable the workers and groups to maintain self-sufficiency and obtain family-sustaining jobs that contribute to overall economic productivity, international competitiveness, and the positive quality of life expected by all individuals in the United States.

(b) DEFINITIONS.—In this section:

(1) DEPUTY ASSISTANT SECRETARY.—The term ''Deputy Assistant Secretary'' means the Deputy Assistant Secretary for Climate Change Adjustment Assistance appointed under subsection (e)(2).

(2) MASC.—The term ''MASC'' means the Multi-Agency Steering Committee established under subsection (d)(1).

(3) OFFICE.—The term ''Office'' means the Office of Climate Change Adjustment Assistance established by subsection (e).

(4) PROGRAM.—The term ''Program'' means the Climate Change Worker Adjustment Assistance Program established under regulations promulgated under subsection (c).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(c) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, the Secretary of Energy, and the Secretary of Commerce, shall promulgate regulations to establish a Climate Change Worker Adjustment Assistance Program to achieve the purpose of this section.

(d) MULTI-AGENCY STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a Multi-Agency Steering Committee.

(2) COMPOSITION.—The MASC shall be—

(A) composed of representatives of the Secretary, the Secretary of Commerce, and the Secretary of Energy; and

(B) chaired by the Administrator.

(3) ACTIVITIES.—The MASC shall—

(A) not later than 60 days after the date of enactment of this Act, negotiate and sign a memorandum of understanding that affirms the commitment of relevant Federal agencies to work cooperatively to carry out the activities of the Program;

(B) not later than 120 days after the date of enactment of this Act, establish a National Climate Change Advisory Committee (referred to in this subsection as the ''Advisory Committee''), which shall be composed of an equal number of representatives, to be nominated by the Speaker of the House of Representatives and the Majority Leader of the Senate, of labor organizations (as defined in section 401.9 of title 29, Code of Federal Regulations (as in effect on the date of enactment of this Act)) and business organizations to advise the MASC on—

(i) the strategic plan and the structure and operation of the Program;

(ii) the content of applicable regulations; and

(iii) industry trends, workforce developments, and other matters relating to the impact of Federal climate change legislation;

(C)(i) not later than 120 days after the date of enactment of this Act, hold planning meetings; and

(ii) not later than 270 days after the date of enactment of this Act, formulate a comprehensive strategic plan for addressing impacts of Federal climate change legislation on each segment of the workforce;

(D) report the anticipated results of the strategic plan to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(E) submit to the President and Congress an annual report on the performance, achievements, and challenges of the Program; and

(F) meet as often as necessary, but not less often than quarterly, in person—

(i) to monitor the administration of the Program; and

(ii) to ensure that the Program is being carried out by the Office in a manner consistent with the purpose of the Program.

(e) OFFICE OF CLIMATE CHANGE ADJUSTMENT ASSISTANCE.—

(1) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the ''Office of Climate Change Adjustment Assistance''.

(2) HEAD OF OFFICE.—The head of the Office shall be the Deputy Assistant Secretary for Climate Change Adjustment Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

(3) PRINCIPAL FUNCTIONS.—The principal functions of the Deputy Assistant Secretary shall be—

(A) to oversee and implement the administration of the Program; and

(B) to carry out functions delegated to and by the Secretary under this section.

(f) PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations for administration of the Program.

(2) COORDINATION.—The Secretary shall develop the regulations in consultation with—

(A) the MASC;

(B) the Committee on Ways and Means of the House of Representatives;

(C) the Committee on Education and Labor of the House of Representatives;

(D) the Committee on Finance of the Senate; and

(E) the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) INCLUSIONS.—The regulations shall include definitions of and procedures for—

(A) the provision of comprehensive information to workers about the benefit allowances, training, and other employment services available under this section (including application procedures, and the appropriate filing dates, for the allowances, training, and services);

(B) the filing of petitions for certification of eligibility for workers to apply for climate change adjustment assistance, including mechanisms to ensure rapid response to filed petitions;

(C) the establishment of eligibility requirements for eligible climate change training and assistance benefits and the terms of the disbursal of any assistance benefits;

(D) requests for a hearing by a petitioner, or any other person or organization with a substantial interest in the proceedings;

(E) an appeals process;

(F) termination of any certification eligibility;

(G) certification of eligibility requirements for a group of workers, adversely affected secondary workers, and industry-wide certification, including a mechanism by which the Secretary will notify each Governor of a State in which workers are located of the certification; and

(H) a means of ensuring publication of any determinations in the Federal Register and on the website of the Department of Labor.

(g) PROGRAM BENEFITS.—

(1) DEFINITIONS.—In this subsection:

(A) BASE REPLACEMENT WAGE AMOUNT.—The term ''base replacement wage amount'' means, as determined by the case manager of an applicant, the total weekly wages or salary of the applicant at the most recent position held by the applicant at a firm or public agency before the date on which the position of the applicant was partially or totally terminated by the firm or public agency.

(B) CLIMATE CHANGE READJUSTMENT ALLOWANCE.—The term ''climate change readjustment allowance'' means a regular payment made to an applicant that, in combination with unemployment insurance payments made to the applicant, is equal to the base replacement wage amount.

(C) HEALTH CARE BENEFIT REPLACEMENT AMOUNT.—The term ''health care benefit replacement amount'' means, as determined by the case manager of an applicant who is eligible to receive a climate change readjustment allowance, a regular payment made to a health care provider to allow the applicant to maintain health care benefits, for the applicant and the family of the applicant, with no loss of service, during the period for which the applicant is eligible to receive the climate change readjustment allowance.

(2) CLIMATE CHANGE ADJUSTMENT ASSISTANCE.—The Secretary shall determine, in consultation with the MASC and the National Climate Change Advisory Committee, the types of climate change training and assistance benefits that should be provided under the Program.

(3) TYPES OF ELIGIBLE ASSISTANCE.—Benefits eligible to be disbursed under the Program include a payment of—

(A) a climate change readjustment allowance; and

(B) a health care benefit replacement amount.

(4) LIMITATIONS ON CLIMATE CHANGE READJUSTMENT ALLOWANCES.—An eligible worker may receive the benefits described in subparagraphs (A) and (B) of paragraph (3) for a duration of not longer than 3 years.

(5) PAYMENTS AS A BRIDGE TO RETIREMENT.—A worker eligible to receive climate change adjustment assistance may apply for a lump sum payment to be paid to a retirement plan in order to qualify for retirement under the rules and regulations of that plan.

(6) EMPLOYMENT AND CASE MANAGEMENT SERVICES.—The Secretary shall provide, through agreements with State employment services agencies, to adversely affected workers covered by a certification of eligibility for a climate change readjustment allowance, the following employment and case management information and services:

(A) Comprehensive and specialized assessment of skill levels and service needs, including through—

(i) diagnostic testing and use of other assessment tools; and

(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(B) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

(C) Information on—

(i) training available in local and regional areas;

(ii) individual counseling to determine which training is most suitable; and

(iii) information on how to apply for that training.

(D) Information on how to apply for financial aid, including—

(i) referring workers to educational opportunity centers under section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable; and

(ii) notifying workers that the workers may ask financial aid administrators at institutions of higher education to allow use of their current year income in the financial aid process.

(E) Short-term provisional services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

(F) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving climate change readjustment allowances under this section, and for the purpose of job placement after receiving that training.

(G) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in those labor market areas;

(ii) information on job skills necessary to obtain jobs identified in job vacancy listings described in clause (i);

(iii) information relating to local occupations that are in demand and earnings potential of those occupations; and

(iv) skill requirements for local occupations described in clause (iii).

(H) Supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

(7) STATE ADMINISTRATION OF WORKER ASSISTANCE.—A State employment security agency, acting pursuant to an agreement with the Secretary, shall carry out such administrative activities (including using State agency personnel employed in accordance with applicable standards for a merit system of personnel administration) as are necessary for the proper and efficient operation of the Program, including—

(A) making determinations of eligibility for, and payment of, climate change readjustment allowances and health care benefit replacement amounts;

(B) developing recommendations regarding use of those payments as a bridge to retirement in accordance with this subsection; and

(C) the provision of employment and case management services to eligible workers as described in paragraph (6).

(h) TRAINING.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish procedures for the allocation among States, for each fiscal year, of funds available to pay the costs of training for climate change adjustment assistance-eligible individuals under this section.

(2) INCLUSION IN STRATEGIC PLAN.—The procedures established under paragraph (1) shall be described in the strategic plan described in subsection (d)(3)(C)(ii).

(3) DISTRIBUTION.—In establishing and implementing the procedures under paragraph (1), the Secretary shall—

(A) provide for at least 3 distributions of funds available for training during a fiscal year; and

(B) during the first such distribution for a fiscal year, disburse not more than 50 percent of the total amount of funds available to a State for training for that fiscal year.

(4) APPROVAL OF TRAINING.—

(A) IN GENERAL.—If the Secretary makes a determination described in subparagraph (B), the Secretary shall approve training described in that subparagraph for the worker.

(B) DETERMINATION.—The determination referred to in subparagraph (A) is a determination that—

(i) a worker would benefit from appropriate training;

(ii) there is reasonable expectation of employment following completion of the training;

(iii) training approved by the Secretary is reasonably available to the worker from government agencies or a private source;

(iv) the worker is qualified to undertake and complete the training; and

(v) the training is suitable for the worker and available at a reasonable cost.

(C) PAYMENT.—A worker approved to receive training under this paragraph shall be entitled to have payment of the costs of the training (subject to applicable limitations under this section) paid on behalf of the Secretary directly or through a voucher system.

(5) TRAINING PROGRAMS.—The training programs for which a worker may be approved under paragraph (4) include—

(A) employer-based training, including on-the-job training, customized training, and skill upgrading for incumbent workers;

(B) any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(C) any training program provided by a workforce investment board established under section 111 of that Act (29 U.S.C. 2821);

(D) any program of remedial education;

(E) skill development and training for jobs relating to renewable energy, low- or zero-carbon technologies, energy efficiency, and the remediation and cleanup of environmentally distressed areas; and

(F) any other training program approved by the Secretary.

(6) REGULATIONS.—The Secretary shall promulgate regulations that establish criteria for use in carrying out this subsection.

(7) SUPPLEMENTAL ASSISTANCE.—The Secretary may, as appropriate, authorize supplemental assistance that is necessary to defray reasonable transportation and subsistence expenses for separate maintenance in a case in which training for a worker is provided in a facility that is not within commuting distance of the regular place of residence of the worker.

(8) ADDITIONAL ON-THE-JOB TRAINING.—Under the Program, the Secretary may provide funds to be used as job search allowances and relocation allowances.

(9) LABOR CONSULTATION.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in a geographical area that is the same as the geographical area that is proposed to be funded under this section, the labor organization shall be provided an opportunity to be consulted and to submit comments with respect to the proposal.

(i) CONSISTENCY WITH CURRENT LABOR LAWS.—The Secretary shall determine which Federal worker protection, nondiscrimination requirements, and labor standards apply to the Program.

SEC. 536. WORKFORCE TRAINING AND SAFETY.

(a) DEFINITION OF ZERO- AND LOW-EMITTING CARBON ENERGY TECHNOLOGY.—In this section, the term ''zero- and low-emitting carbon energy technology'' means any technology that has a rated capacity of at least 750 megawatts of power.

(b) EDUCATION PROGRAMS.—In order to enhance the educational opportunities and safety of future generations of scientists, engineers, heath physicists, and energy workforce employees, funds made available under section 534(c) shall be used for programs to assist institutions of education in the United States—

(1) to remain at the forefront of science education and research;

(2) to operate advanced energy research facilities and carry out other related educational activities; and

(3) to conduct climate change science and policy education.

(c) WORKFORCE TRAINING.—

(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations—

(A) to implement a program to provide workforce training to meet the high demand for workers skilled in zero- and low-emitting carbon energy technologies;

(B) to implement programs for—

(i) electrical craft certification;

(ii) career and technology awareness at the primary and secondary education levels;

(iii) preapprenticeship career technical education for all zero- and low-emitting carbon energy technologies relating to industrial skilled crafts;

(iv) community college and skill center training for zero- and low-emitting carbon energy technology technicians;

(v) training of construction management personnel for zero- and low-carbon emitting carbon energy technology construction projects; and

(vi) regional grants for integrated zero- and low-emitting carbon energy technology workforce development programs; and

(C) to ensure the safety of workers in the fields described in subparagraphs (A) and (B).

(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with relevant Federal agencies, representatives of the zero- and low-carbon emitting technologies industries, and organized labor regarding the skills and safety measures required in those industries.

Subtitle E—Transition Assistance for Carbon-Intensive Manufacturers

SEC. 541. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of carbon-intensive manufacturing facilities in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities represented by the percentages in the following table:

Calendar Year	Percentage for distribution among carbon-intensive manufacturing facilities in United States
2012	11
2013	11
2014	11
2015	11
2016	11
2017	11
2018	11
2019	11
2020	11
2021	11
2022	10
2023	9
2024	7
2025	6
2026	5
2027	4
2028	3
2029	2
2030	1.

SEC. 542. DISTRIBUTION.

(a) DEFINITIONS.—In this section:

(1) CURRENTLY OPERATING FACILITY.—The term ''currently operating facility'' means an eligible manufacturing facility that had significant operations during the calendar year preceding the calendar year for which emission allowances are distributed under this section.

(2) ELIGIBLE MANUFACTURING FACILITY.—

(A) IN GENERAL.—The term ''eligible manufacturing facility'' means a manufacturing facility located in the United States that principally manufacturers iron, steel, pulp, paper, cement, rubber, chemicals, glass, ceramics, sulfur hexafluoride, or aluminum and other nonferrous metals.

(B) EXCLUSION.—The term ''eligible manufacturing facility'' does not include a facility eligible to receive emission allowances under subtitle F or H.

(3) INDIRECT CARBON DIOXIDE EMISSIONS.—The term ''indirect carbon dioxide emissions'' means the product obtained by multiplying (as determined by the Administrator)—

(A) the quantity of electricity consumption at an eligible manufacturing facility; and

(B) the rate of carbon dioxide emission per kilowatt-hour output for the region in which the manufacturer is located.

(4) NEW ENTRANT MANUFACTURING FACILITY.—The term ''new entrant manufacturing facility'', with respect to a calendar year, means an eligible manufacturing facility that began operation during or after the calendar year for which emission allowances are being distributed under this section.

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, among owners and operators of individual carbon-intensive manufacturing facilities in the United States, the emission allowances allocated for that year by section 541.

(c) TOTAL ALLOCATION FOR CURRENTLY OPERATING FACILITIES.—As part of the system established under subsection (b), the Administrator shall, for each calendar year, distribute 96 percent of the total quantity of emission allowances available for allocation to owners and operators of carbon-intensive manufacturing facilities under section 541 to owners and operators currently operating those facilities.

(d) TOTAL ALLOCATION FOR CURRENTLY OPERATING FACILITIES IN EACH CATEGORY OF MANUFACTURING.—The regulations promulgated under subsection (b) shall provide that the quantity of emission allowances distributed by the Administrator for a calendar year to facilities in each category of currently operating facilities shall be equal to the product obtained by multiplying—

(1) the total quantity of emission allowances available for allocation under section 541; and

(2) the ratio that (during the calendar year preceding the calendar year for which emission allowances are being distributed under this section)—

(A) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the year of distribution under this section by currently operating facilities in the category; bears to

(B) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the year of distribution under this section by all currently operating facilities.

(e) INDIVIDUAL ALLOCATIONS TO CURRENTLY OPERATING FACILITIES.—The regulations promulgated under subsection (b) shall provide that the quantity of emission allowances distributed by the Administrator for a calendar year to the owner or operator of a currently operating facility shall be a quantity equal to the product obtained by multiplying—

(1) the total quantity of emission allowances available for allocation to owners and operators of currently operating facilities in the appropriate category, as determined under subsection (c); and

(2) the proportion that, during the 3-calendar-year period immediately preceding the calendar year for which emission allowances are being distributed under this section—

(A) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the calendar year under this section by the facility; bears to

(B) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the calendar year under this section of all currently operating facilities in the same category.

(f) ENERGY INTENSITY-BASED ALLOCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing an analysis of the feasibility of distributing a portion or all of the emission allowances distributed under this section to single facilities on an energy-intensity basis.

(2) REGULATIONS.—If the report under paragraph (1) contains a determination by the Administrator that an energy intensity-based distribution program would encourage efficiency, and would not cause undue economic harm, the Administrator, not later than 18 months after the date of submission of the report, shall promulgate regulations establishing a program to supplement or replace the emission allowance allocations required under subsection (d) for any industry category or subcategory that the Administrator determines to be appropriately benchmarked.

(g) INDIVIDUAL ALLOCATION TO NEW ENTRANT MANUFACTURING FACILITIES.—

(1) IN GENERAL.—As part of the system established under subsection (b), the Administrator shall, for each calendar year, distribute 4 percent of the total quantity of emission allowances available for allocation to owners and operators of carbon-intensive manufacturing facilities under section 541 to those manufacturing facilities that are new entrant manufacturing facilities.

(2) INDIVIDUAL ALLOCATION.—Subject to paragraph (3), the quantity of emission allowances distributed by the Administrator for a calendar year to the owner or operator of a new entrant manufacturing facility shall equal the product obtained by multiplying—

(A) the total quantity of emission allowances available for allocation under paragraph (1); and

(B) the proportion that—

(i) the estimated direct and indirect carbon dioxide equivalent emissions of the individual new entrant manufacturing facility during the preceding calendar year; bears to

(ii) the sum of the estimated direct and indirect carbon dioxide equivalent emissions of all new entrant manufacturing facilities during the preceding calendar year.

(3) MAXIMUM ALLOCATION.—In no case may the quantity of emission allowances allocated to a new entrant manufacturing facility under this subsection exceed the quantity that would have been allocated to the new entrant manufacturing facility if the new entrant manufacturing facility had been a currently operating facility during the preceding calendar year.

(h) FACILITIES THAT SHUT DOWN.—

(1) IN GENERAL.—The system established pursuant to subsection (b) shall ensure, notwithstanding any other provision of this subtitle, that—

(A) emission allowances are not distributed to an owner or operator of any facility that has been permanently shut down at the time of distribution;

(B) the owner or operator of any facility that permanently shuts down in a calendar year shall promptly return to the Administrator any emission allowances that the Administrator has distributed for that facility for any subsequent calendar years; and

(C) if a facility receives a distribution of emission allowances under this subtitle for a calendar year and subsequently permanently shuts down during that calendar year, the owner or operator of the facility shall promptly return to the Administrator a number of emission allowances equal to the number that the Administrator determines is the portion that the owner or operator will no longer need to submit for that facility under section 202.

(2) EXEMPTION.—Subparagraphs (B) and (C) of paragraph (1) shall not apply if an owner or operator of a facility demonstrates to the Administrator that, not later than 2 years after the date on which the facility shut down, the owner or operator will open a comparable new facility, or increase the capacity of an existing facility by a comparable capacity, within the United States.

(i) PETROLEUM REFINERS.—The Administrator may include, in the system established pursuant to subsection (b), provisions for distributing not more than 10 percent of the emission allowances allocated pursuant to section 541 for each calendar year solely among owners and operators of entities that manufacture in the United States petroleum-based liquid or gaseous fuel, in recognition of the direct emission of carbon dioxide by those entities in the manufacture of those fuels.

Subtitle F—Transition Assistance for Fossil Fuel-Fired Electricity Generators

SEC. 551. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of fossil fuel-fired electricity generators in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	18
2013	18
2014	18
2015	18
2016	17.75
2017	17.5
2018	17.25
2019	16.25
2020	15
2021	13.5
2022	11.25
2023	10.25
2024	9
2025	8.75
2026	5.75
2027	4.5
2028	4.25
2029	3
2030	2.75.

SEC. 552. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, among owners and operators of individual fossil fuel-fired electricity generators in the United States, the emission allowances allocated for that year by section 551.

(b) CALCULATION.—The regulations promulgated pursuant to subsection (a) shall provide that the quantity of emission allowances distributed to the owner or operator of an individual fossil fuel-fired electricity generator for a calendar year shall be equal to the product obtained by multiplying—

(1) the quantity of emission allowances allocated pursuant to section 551; and

(2) the quotient obtained by dividing—

(A) the average annual quantity of carbon dioxide equivalents emitted by the fossil fuel-fired electricity generator during the 3 calendar years preceding the date of enactment of this Act; by

(B) the average annual quantity of carbon dioxide equivalents emitted by all fossil fuel-fired electricity generators during those 3 calendar years.

(c) RURAL ELECTRIC COOPERATIVES.—

(1) IN GENERAL.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for distributing solely among rural electric cooperatives not more than 5 percent of the emission allowances allocated pursuant to section 551 for each calendar year.

(2) PILOT PROGRAM.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall establish a pilot program to distribute, to rural electric cooperatives in the States described in subparagraph (B), for each of calendar years 2012 through 2029, 15 percent of the total number of emission allowances allocated for the calendar year to rural electric cooperatives under section 551.

(B) DESCRIPTION OF STATES.—The States referred to in subparagraph (A) are—

(i) 1 State located east of the Mississippi River in which 13 rural electric cooperatives sold to consumers in that State electricity in a quantity of 9,000,000 to 10,000,000 megawatt-hours, according to data of the Energy Information Administration for calendar year 2005; and

(ii) 1 State located west of the Mississippi River in which 30 rural electric cooperatives sold to consumers in that State electricity in a quantity of 3,000,000 to 4,000,000 megawatt-hours, according to data of the Energy Information Administration for calendar year 2005.

(C) LIMITATION.—No rural electric cooperative that receives emission allowances under this paragraph shall receive any additional emission allowance under subtitle A or the regulations promulgated under subsection (a).

(D) REPORT.—Not later than January 1, 2015, and every 3 years thereafter, the Administrator shall submit to Congress a report describing the success of the pilot program established under this paragraph, including a description of—

(i) the benefits realized by ratepayers of the rural electric cooperatives that receive allowances under the pilot program; and

(ii) the use by those rural electric cooperatives of advanced, low greenhouse gas-emitting electric generation technologies, if any.

Subtitle G—Transition Assistance for Refiners of Petroleum-Based Fuel

SEC. 561. ALLOCATION.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2017, the Administrator shall allocate 2 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities that manufacture petroleum-based liquid or gaseous fuel in the United States.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall allocate 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities described in subsection (a).

SEC. 562. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, among owners and operators of individual entities described in section 561, for each calendar year identified in that section, the emission allowances allocated for that year by that section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) provide that the quantity of emission allowances distributed to the owner or operator of an entity described in section 561 for a calendar year identified in that section shall be the product obtained by multiplying—

(A) the quantity of emission allowances allocated for that year by section 561; by

(B) the quotient obtained by dividing—

(i) the annual average quantity of units of petroleum-based liquid or gaseous fuel that the entity manufactured in the United States during the 3 calendar years preceding the date of distribution of emission allowances; by

(ii) the annual average quantity of petroleum-based liquid or gaseous fuel that all entities described in section 561 manufactured in the United States during the 3 calendar years preceding the date of distribution of emission allowances; and

(2) notwithstanding paragraph (1), provide for appropriate adjustments to reflect the effects of subsections (b)(2), (c), and (h) of section 202.

Subtitle H—Transition Assistance for Natural-Gas Processors

SEC. 571. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate 0.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of—

(1) natural gas processing plants in the United States (other than in the State of Alaska);

(2) entities that produce natural gas in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State; and

(3) entities that hold title to natural gas, including liquefied natural gas, or natural-gas liquid at the time of importation into the United States.

SEC. 572. DISTRIBUTION.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, among owners and operators of individual entities described in section 571, for each calendar year identified in that section, the emission allowances allocated for that year by that section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) provide that the quantity of emission allowances distributed to the owner or operator of an entity described in section 571 for a calendar year identified in that section shall be the product obtained by multiplying—

(A) the quantity of emission allowances allocated for that year by section 571; by

(B) the quotient obtained by dividing—

(i) the annual average quantity, during the 3 calendar years preceding the date of distribution of emission allowances, of units of—

(I) natural gas processed in the United States by the entity (other than in the State of Alaska);

(II) natural gas produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by the entity and not reinjected into the field; and

(III) natural gas, including liquefied natural gas, and natural-gas liquids to which the entity held title at the time of importation into the United States; by

(ii) the annual average quantity, over the 3 calendar years preceding the date of distribution of emission allowances, of units of—

(I) natural gas processed in the United States by the entities described in section 571 (other than in the State of Alaska);

(II) natural gas produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by the entities described in section 571 and not reinjected into the field; and

(III) natural gas, including liquefied natural gas, and natural-gas liquids to which the entities described in section 571 held title at the time of importation into the United States; and

(2) notwithstanding paragraph (1), provide for appropriate adjustments to reflect the effects of subsections (b)(2) and (c) of section 202.

Subtitle I—Federal Program for Energy Consumers

SEC. 581. ESTABLISHMENT.

There is established in the Treasury a fund, to be known as the ''Climate Change Consumer Assistance Fund''.

SEC. 582. AUCTION.

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Climate Change Consumer Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately upon receipt of the auction proceeds, deposit the auction proceeds in the Climate Change Consumer Assistance Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	3.5
2013	3.75
2014	3.75
2015	4
2016	4.25
2017	4.5
2018	5
2019	6
2020	6
2021	6
2022	7
2023	7
2024	8
2025	8
2026	9
2027	10
2028	10
2029	11
2030	12
2031	14
2032	14
2033	14
2034	15
2035	15
2036	15
2037	15
2038	15
2039	15
2040	15
2041	15
2042	15
2043	15
2044	15
2045	15
2046	15
2047	15
2048	15
2049	15
2050	15.

SEC. 583. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 582, immediately on receipt of those proceeds, in the Climate Change Consumer Assistance Fund.

SEC. 584. DISBURSEMENTS FROM THE CLIMATE CHANGE CONSUMER ASSISTANCE FUND.

No disbursements shall be made from the Climate Change Consumer Assistance Fund except pursuant to an appropriations Act.

SEC. 585. SENSE OF SENATE ON TAX INITIATIVE TO PROTECT CONSUMERS.

It is the sense of the Senate that funds deposited in the Climate Change Consumer Assistance Fund under section 583 should be used to fund a tax initiative to protect consumers, especially consumers in greatest need, from increases in energy costs and other costs.

TITLE VI—PARTNERSHIPS WITH STATES, LOCALITIES, AND INDIAN TRIBES

Subtitle A—Partnerships With State Governments to Prevent Economic Hardship While Promoting Efficiency

SEC. 601. ASSISTING ENERGY CONSUMERS THROUGH LOCAL DISTRIBUTION COMPANIES.

(a) ALLOCATION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall allocate—

(A) 9.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.25 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall allocate—

(A) 9.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.25 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall allocate—

(A) 10 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(b) DISTRIBUTION.—

(1) IN GENERAL.—For each calendar year, the emission allowances allocated under subsection (a) shall be distributed by the Administrator to each local distribution entity based on the proportion that—

(A) the quantity of electricity or natural gas delivered by the local distribution entity during the 3 calendar years preceding the calendar year for which the emission allowances are distributed, adjusted upward for electricity or natural gas not delivered as a result of consumer energy-efficiency programs implemented by the local distribution entity and verified by the regulatory agency of the local distribution entity; bears to

(B) the total quantity of electricity or natural gas delivered by all local distribution entities during those 3 calendar years, adjusted upward for the total electricity or natural gas not delivered as a result of consumer energy-efficiency programs implemented by all local distribution entities and verified by the regulatory agencies of the local distribution entities.

(2) BASIS.—The Administrator shall base the determination of the quantity of electricity or natural gas delivered by a local distribution entity for the purpose of paragraph (1) on the most recent data available in annual reports filed with the Energy Information Administration of the Department of Energy.

(c) USE.—

(1) ELIGIBLE CONSUMER CLASSES.—

(A) REGULATION.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall establish, by regulation, the consumer classes to which a local distribution entity shall direct emission allowance proceeds, including low-income and middle-income residential energy consumers and small business commercial consumers that are not allocated emission allowances pursuant to title V.

(B) REQUIREMENT.—The regulation required under subparagraph (A) shall be promulgated in consultation with—

(i) the Secretary of Health and Human Services;

(ii) the Secretary of Agriculture;

(iii) appropriate State agencies; and

(iv) local distribution entities, the regulatory agencies of the local distribution entities, and consumer advocates.

(C) DEFINING LOW-INCOME CONSUMERS.—

(i) IN GENERAL.—Subject to clause (ii), the Administrator shall specify eligibility criteria for low-income residential energy consumers for purposes of the regulation required under subparagraph (A).

(ii) INCLUSIONS.—An individual shall be eligible as a low-income residential energy consumer for purposes of the regulation required under subparagraph (A) if the individual (or the household of which the individual is a member) qualifies for—

(I) benefits under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(II) a premium or cost-sharing subsidy under section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114); or

(III) a low-income program carried out before December 31, 2011, by an electricity or natural gas local distribution entity serving the individual.

(2) CLIMATE CHANGE IMPACT ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—Each local distribution entity that receives emission allowances under subsection (b) shall develop a climate change impact economic assistance program in accordance with this paragraph.

(B) REGULATIONS.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate regulations establishing minimum requirements for the development of climate change impact economic assistance programs under subparagraph (A).

(ii) DEADLINE.—The regulations promulgated pursuant to clause (i) shall require each local distribution entity that receives emission allowances under this section to implement a climate change impact economic assistance program by not later than December 31, 2011, that—

(I) mitigates increases in electricity or natural gas costs, as applicable, that are attributable to the implementation of this Act;

(II) provides to qualifying low-income individuals and households a timely rebate on electricity or natural gas bills, as applicable;

(III) provides greater rebates to consumers in the lowest income classes;

(IV) includes energy efficiency and other programmatic measures designed to reduce the quantity of electricity or natural gas, as applicable, consumed by qualifying low-income households; and

(V) includes economic assistance, energy efficiency, and other programmatic measures designed to reduce the quantity of energy consumed by other residential, small business, and commercial energy consumers that do not receive allowances under this Act.

(C) DEVELOPMENT.—

(i) IN GENERAL.—A local distribution entity may develop an assistance program under this paragraph—

(I) in consultation with appropriate State regulatory authorities; or

(II) for the purpose of supplementing an existing low-income consumer assistance plan of the entity.

(ii) LISTS OF ELIGIBLE CONSUMERS.—In developing a list of consumers eligible to receive assistance pursuant to a climate change impact economic assistance program under this paragraph, a local distribution entity—

(I) may use any list maintained by a State or local agency of eligible recipients of existing public assistance programs; and

(II) shall strictly maintain the privacy of the eligible recipients.

(D) APPROVAL.—

(i) IN GENERAL.—A local distribution entity shall submit the proposed assistance program of the entity to the Administrator for approval.

(ii) APPROVAL OF EXISTING PROGRAMS.—On request of a local distribution entity, the Administrator may approve an existing, State-approved low-income consumer assistance plan of the entity as a climate change impact economic assistance program for purposes of this paragraph, if the Administrator determines that the plan meets the requirements of this paragraph.

(E) IMPLEMENTATION.—On approval of an assistance program by the Administrator under subparagraph (D)(i), a local distribution entity may implement the program, subject to the oversight of appropriate State authorities.

(d) SALE OF EMISSION ALLOWANCES.—

(1) IN GENERAL.—A local distribution entity that receives emission allowances under subsection (b) shall—

(A) sell each emission allowance distributed to the local distribution entity, through direct sale or pursuant to a contract with a third party to sell the allowance, by not later than the date that is 1 year after the date of receipt of the emission allowance; and

(B) seek fair market value for each emission allowance sold.

(2) PROCEEDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the proceeds from the sale of emission allowances under paragraph (1) shall be used solely—

(i) to mitigate economic impacts on the consumer classes established pursuant to subsection (c)(1)(A), including by reducing transmission or distribution charges or issuing rebates;

(ii) to promote the use of zero- and low-carbon distributed generation technologies and energy efficiency on the part of consumers; and

(iii) to implement demand response programs and targeted assistance programs to benefit the consumer classes established pursuant to subsection (c)(1)(A).

(B) MINIMUM PERCENTAGE REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), each local distribution entity shall use not less than 30 percent of the proceeds from the sale of emission allowances under paragraph (1) to benefit low-income residential energy consumers.

(ii) EXCEPTION.—Notwithstanding clause (i), a regulatory agency with authority over a local distribution entity (including a governing board of a municipally owned or cooperatively owned local distribution entity) may reduce the percentage requirement under clause (i) if the agency determines that the increase in electricity or natural gas costs, as applicable, of eligible low-income consumers served by the local distribution entity resulting from the implementation of this Act are mitigated.

(C) PROHIBITION.—No local distribution entity may use any proceeds from the sale of emission allowances under paragraph (1) to provide to any consumer a rebate that is based solely on the quantity of electricity or natural gas used by the consumer.

(D) TREATMENT.—Proceeds from the sale of an emission allowance under this paragraph shall not be considered to be income of a local distribution entity if the value of the proceeds is fully disbursed during the 1-year period beginning on the date of sale of the emission allowance.

(e) REPORTS.—

(1) IN GENERAL.—For each calendar year for which a local distribution entity receives emission allowances under this section, the entity shall submit to the Administrator a report describing, with respect to that calendar year—

(A) the date of each sale of each emission allowance;

(B) the amount of revenue generated from the sale of emission allowances; and

(C) how, and to what extent, the local distribution entity used the proceeds of the sale of emission allowances, including the amount of the proceeds directed to each consumer class covered in the form of rebates, energy efficiency, demand response, and distributed generation.

(2) AVAILABILITY OF REPORTS.—The Administrator shall make available to the public all reports submitted by entities under paragraph (1), including by publishing those reports on the Internet.

(f) OPT-OUT.—If a local distribution entity elects not to receive emission allowances under this section or fails to comply with a requirement of this section, as determined by the Administrator, the emission allowances that would otherwise be distributed to the local distribution entity shall be—

(1) provided to the State served by the local distribution entity; and

(2) used by the State to carry out the objectives of this section.

SEC. 602. ASSISTING STATE ECONOMIES THAT RELY HEAVILY ON MANUFACTURING AND COAL.

(a) ALLOCATION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, the Administrator shall allocate a percentage for distribution among States the economies of which rely heavily on manufacturing or on coal, as determined by the Administrator, in accordance with the table contained in paragraph (2).

(2) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall allocate to States described in paragraph (1) the percentage of emission allowances specified in the following table:

Calendar year	Percent of emission allowances for allocation among States relying heavily on manufacturing and on coal
2012	3
2013	3
2014	3
2015	3
2016	3.25
2017	3.25
2018	3.25
2019	3.25
2020	3.25
2021	3.25
2022	3.25
2023	3.5
2024	3.5
2025	3.5
2026	3.5
2027	3.5
2028	3.5
2029	3.5
2030	3.5
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4

Calendar year	Percent of emission allowances for allocation among States relying heavily on manufacturing and on coal
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4.

(b) DISTRIBUTION.—The emission allowances available for allocation to States under subsection (a) for a calendar year shall be distributed as follows:

(1) For each calendar year, ½ of the quantity of emission allowances shall be distributed among the States based on the proportion that—

(A) the average annual per-capita employment in manufacturing in a State during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor; bears to

(B) the average annual per-capita employment in manufacturing in all States during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor.

(2) For each calendar year, ½ of the quantity of emission allowances available for States under subsection (a) shall be distributed among individual States as follows:

(A) In the case of any State in which the ratio of lignite (in British thermal units) that was mined from 1988 through 1992 within the boundaries of the State to the total quantity of coal (in British thermal units) that was consumed from 1988 through 1992 within the boundaries of that State exceeds 0.75, the share of allowances of the State shall be based on the proportion that—

(i) twice the quantity of carbon contained in the total quantity of coal that was mined within the boundaries of the State from 1988 through 1992, as determined by the Secretary of Energy; bears to

(ii) the sum of twice the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all States described in subparagraph (A) and the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all other States, as determined by the Secretary of Energy.

(B) In the case of any State other than a State described in subparagraph (A), the share of allowances of the State shall be based on the proportion that—

(i) the quantity of carbon contained in the total quantity of coal that was mined within the boundaries of the State from 1988 through 1992, as determined by the Secretary of Energy; bears to

(ii) the sum of twice the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 in all States described in subparagraph (A) and the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all other States, as determined by the Secretary of Energy.

(c) USE.—During any calendar year, a State shall retire or use for 1 or more of the purposes described in section 614(d) all of the allowances allocated to the State (or proceeds of sale of those emission allowances) under this section for that calendar year.

(d) DEADLINE FOR USE.—A State shall distribute or sell emission allowances for use in accordance with subsection (c) by not later than January 1 of each emission allowance allocation year.

(e) RETURN OF ALLOWANCES.—Not later than 330 days before the end of each emission allowance allocation year, each State shall return to the Administrator any emission allowances allocated to the State for the preceding calendar year but not distributed or sold by the deadline described in subsection (d).

(f) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

Subtitle B—Partnerships With States, Localities, and Indian Tribes to Reduce Emissions

SEC. 611. MASS TRANSIT.

(a) TRANSPORTATION SECTOR EMISSION REDUCTION FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Transportation Sector Emission Reduction Fund''.

(b) AUCTION OF ALLOWANCES.—In accordance with subsections (c) and (d), to fund awards for public transportation-related activities, for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(c) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (b), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(d) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (b), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for public transportation
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2.75
2023	2.75
2024	2.75
2025	2.75
2026	2.75
2027	2.75
2028	2.75
2029	2.75
2030	2.75
2031	2.75
2032	2.75
2033	2.75
2034	2.75
2035	2.75
2036	2.75
2037	2.75
2038	2.75
2039	2.75
2040	2.75
2041	2.75
2042	2.75
2043	2.75
2044	2.75
2045	2.75
2046	2.75
2047	2.75
2048	2.75
2049	2.75
2050	2.75.

(e) DEPOSITS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsections (b) and (c), immediately on receipt of those proceeds, in the Transportation Sector Emission Reduction Fund established by subsection (a).

(f) USE OF FUNDS.—For each of calendar years 2012 through 2050, all funds deposited in the Transportation Sector Emission Reduction Fund in the preceding year pursuant to subsection (e) shall be made available, without further appropriation or fiscal year limitation, for grants described in subsections (g) through (i).

(g) GRANTS TO PROVIDE FOR ADDITIONAL AND IMPROVED PUBLIC TRANSPORTATION SERVICE.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 65 percent shall be distributed to designated recipients (as defined in section 5307(a) of title 49, United States Code) to maintain or improve public transportation through activities eligible under that section, including—

(A) improvements to lighting, heating, cooling, or ventilation systems in stations and other facilities that reduce direct or indirect greenhouse gas emissions;

(B) adjustments to signal timing or other vehicle controlling systems that reduce direct or indirect greenhouse gas emissions;

(C) purchasing or retrofitting rolling stock to improve efficiency or reduce greenhouse gas emissions; and

(D) improvements to energy distribution systems.

(2) DISTRIBUTION.—Of the proceeds of auctions conducted under this section, the Administrator shall distribute under paragraph (1)—

(A) 60 percent in accordance with the formulas contained in subsections (a) through (c) of section 5336 of title 49, United States Code; and

(B) 40 percent in accordance with the formula contained in section 5340 of that title.

(3) TERMS AND CONDITIONS.—A grant provided under this subsection shall be subject to the terms and conditions applicable to a grant provided under section 5307 of title 49, United States Code.

(4) COST SHARE.—The Federal share of cost of carrying out an activity using a grant under this subsection shall be determined in accordance with section 5307(e) of title 49, United States Code.

(h) GRANTS FOR CONSTRUCTION OF NEW PUBLIC TRANSPORTATION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection

(e), 30 percent shall be distributed to State and local government authorities for design, engineering, and construction of new fixed guideway transit projects or extensions to existing fixed guideway transit systems.

(2) APPLICATIONS.—Applications for grants under this subsection shall be reviewed according to the process and criteria established under section 5309(c) of title 49, United States Code, for major capital investments and section 5309(d) of title 49, United States Code for other projects.

(3) TERMS AND CONDITIONS.—Grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5309 of title 49, United States Code.

(i) GRANTS FOR TRANSPORTATION ALTERNATIVES AND TRAVEL DEMAND REDUCTION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited into the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 5 percent shall be awarded to designated recipients (as defined in section 5307(a) of title 49, United States Code) to assist in reducing the direct and indirect greenhouse gas emissions of the systems of the designated recipients, through—

(A) programs to reduce vehicle miles traveled;

(B) bicycle and pedestrian infrastructure, including trail networks integrated with transportation plans or bicycle mode-share targets; and

(C) programs to establish or expand telecommuting or car pool projects that do not include new roadway capacity.

(2) DISTRIBUTION OF FUNDS.—In determining the recipients of grants under this subsection, applications shall be evaluated based on the total direct and indirect greenhouse gas emissions reductions that are projected to result from the project and projected reductions as a percentage of the total direct and indirect emissions of an entity.

(3) GOVERNMENT SHARE OF COSTS.—The Federal share of the cost of an activity funded using amounts made available under this subsection may not exceed 80 percent of the cost of the activity.

(4) TERMS AND CONDITIONS.—Except to the extent inconsistent with the terms of this subsection, grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code.

(j) CONDITION FOR RECEIPT OF FUNDS.—To be eligible to receive funds under this section, projects or activities must be part of an integrated State-wide transportation plan that shall—

(1) include all modes of surface transportation;

(2) integrate transportation data collection, monitoring, planning, and modeling;

(3) report on estimated greenhouse gas emissions;

(4) be designed to reduce greenhouse gas emissions from the transportation sector; and

(5) be certified by the Administrator as consistent with the purposes of this Act.

SEC. 612. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

(a) IN GENERAL.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

"SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) UPDATES.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, and not less frequently every 3 years thereafter, the Secretary shall support updating the national model building energy codes and standards to achieve overall energy savings, as compared to the IECC (2006) for residential buildings and ASHRAE Standard 90.1 (2004) for commercial buildings, of at least—

''(A) 30 percent, with respect to each edition of a model code or standard published during the period beginning on January 1, 2010, and ending on December 31, 2019;

''(B) 50 percent, with respect to each edition of a model code or standard published on or after January 1, 2020; and

''(C) targets for intermediate and subsequent years, to be established by the Secretary not less than 3 years before the beginning on each target year, in coordination with IECC and ASHRAE Standard 90.1 cycles, at the maximum level of energy efficiency that is technologically feasible and lifecycle cost-effective.

''(2) REVISIONS TO IECC AND ASHRAE.—

''(A) IN GENERAL.—If the IECC or ASHRAE Standard 90.1 regarding building energy use is revised, not later than 1 year after the date of the revision, the Secretary shall determine whether the revision will—

''(i) improve energy efficiency in buildings; and

''(ii) meet the energy savings goals described in paragraph (1).

''(B) MODIFICATIONS.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the energy savings goals established under paragraph (1) or if a national model code or standard is not updated for more than 3 years, not later than 1 year after the determination or the expiration of the 3-year period, the Secretary shall establish a modified code or standard that meets the energy savings goals.

''(ii) REQUIREMENTS.—

''(I) ENERGY SAVINGS.—A modification to a code or standard under clause (i) shall—

''(aa) achieve the maximum level of energy savings that is technically feasible and lifecycle cost-effective;

''(bb) be achieved through an amendment or supplement to the most recent revision of the IECC or ASHRAE Standard 90.1 and taking into consideration other appropriate model codes and standards; and

''(cc) incorporate available appliances, technologies, and construction practices.

''(II) TREATMENT AS BASELINE.—A modification to a code or standard under clause (i) shall serve as the baseline for the next applicable determination of the Secretary under subparagraph (A)(i).

''(C) PUBLIC PARTICIPATION.—The Secretary shall—

''(i) publish in the Federal Register a notice relating to each goal, determination, and modification under this paragraph; and

''(ii) provide an opportunity for public comment regarding the goals, determinations, and modifications.

''(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

''(1) GENERAL CERTIFICATION.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, each State shall certify to the Secretary that the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

''(B) ENERGY SAVINGS.—A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed, as applicable—

''(i)(I) the IECC (2006) for residential buildings; or

''(II) the ASHRAE Standard 90.1 (2004) for commercial buildings; or

''(ii) the quantity of energy savings represented by the provisions referred to in clause (i).

''(2) REVISION OF CODES AND STANDARDS.—

''(A) IN GENERAL.—If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), not later than 2 years after the determination or proposal, each State shall certify that the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

''(B) ENERGY SAVINGS.—A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed—

''(i) the modified code or standard; or

''(ii) the quantity of energy savings represented by the modified code or standard.

''(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or if the Secretary makes a negative determination, not later than 2 years after the specified date or the date of the determination, each State shall certify that the State has—

''(i) reviewed the revised code or standard; and

''(ii) updated the provisions of the residential and commercial building codes of the State as necessary to meet or exceed, as applicable—

''(I) any provisions of a national code or standard determined to improve energy efficiency in buildings; or

''(II) energy savings achieved by those provisions through other means.

''(c) ACHIEVEMENT OF COMPLIANCE BY STATES.—

''(1) IN GENERAL.—Not later than 3 years after the date on which a State makes a certification under subsection (b), the State shall certify to the Secretary that the State has achieved compliance with the building energy code that is the subject of the certification.

''(2) RATE OF COMPLIANCE.—The certification shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the State code during the preceding calendar year.

''(3) COMPLIANCE.—A State shall be considered to achieve compliance for purposes of paragraph (1) if—

''(A) at least 90 percent of new and renovated buildings covered by the State code during the preceding calendar year substantially meet all the requirements of the code; or

''(B) the estimated excess energy use of new and renovated buildings that did not meet the requirements of the State code during the preceding calendar year, as compared to a baseline of comparable buildings that meet the requirements of the code, is not more than 10 percent of the estimated energy use of all new and renovated buildings covered by the State code during the preceding calendar year.

''(d) FAILURE TO CERTIFY.—

''(1) EXTENSION OF DEADLINES.—The Secretary shall extend a deadline for certification by a State under subsection (b) or (c) for not more than 1 additional year, if the State demonstrates to the satisfaction of the Secretary that the State has made—

''(A) a good faith effort to comply with the certification requirement; and

''(B) significant progress with respect to the compliance.

''(2) NONCOMPLIANCE BY STATE.—

''(A) IN GENERAL.—A State that fails to submit a certification required under subsection (b) or (c), and to which an extension

is not provided under paragraph (1), shall be considered to be out of compliance with this section.

''(B) EFFECT ON LOCAL GOVERNMENTS.—A local government of a State that is out of compliance with this section may be considered to be in compliance with this section if the local government meets each applicable certification requirement of this section.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance (including building energy analysis and design tools, building demonstrations, and design assistance and training) to ensure that national model building energy codes and standards meet the goals described in subsection (a)(1).

''(2) ASSISTANCE TO STATES.—The Secretary shall provide technical assistance to States—

''(A) to implement this section, including procedures for States to demonstrate that the codes of the States achieve equivalent or greater energy savings than the national model codes and standards;

''(B) to improve and implement State residential and commercial building energy efficiency codes; and

''(C) to otherwise promote the design and construction of energy-efficient buildings.

''(f) INCENTIVE FUNDING.—

''(1) IN GENERAL.—The Secretary shall provide incentive funding to States—

''(A) to implement this section; and

''(B) to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with the codes.

''(2) AMOUNT.—In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall take into consideration actions proposed by the State—

''(A) to implement this section;

''(B) to implement and improve residential and commercial building energy efficiency codes; and

''(C) to promote building energy efficiency through use of the codes.

''(3) ADDITIONAL FUNDING.—The Secretary shall provide additional funding under this subsection for implementation of a plan to demonstrate a rate of compliance with applicable residential and commercial building energy efficiency codes at a rate of not less than 90 percent, based on energy performance—

''(A) to a State that has adopted and is implementing, on a statewide basis—

''(i) a residential building energy efficiency code that meets or exceeds the requirements of the IECC (2006) (or a successor code that is the subject of an affirmative determination by the Secretary under subsection (a)(2)(A)(i)); and

''(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1 (2004) (or a successor standard that is the subject of an affirmative determination by the Secretary under subsection (a)(2)(A)(i)); or

''(B) in the case of a State in which no statewide energy code exists for residential buildings or commercial buildings, or in which the State code fails to comply with subparagraph (A), to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

''(4) TRAINING.—Of the amounts made available to carry out this subsection, the Secretary may use not more than $500,000 for each State to train State and local officials to implement State or local energy codes in accordance with a plan described in paragraph (3).''.

(b) CONFORMING AMENDMENT.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following:

''(17) IECC.—The term 'IECC' means the International Energy Conservation Code.''.

SEC. 613. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) IN GENERAL.—In accordance with subsection (b), to fund the Energy Efficiency and Conservation Block Grant Program under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.), for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction 2 percent of the emission allowances established pursuant to section 201(a) for the calendar year; and

(2) immediately on completion of an auction, transfer the proceeds of the auction to the Secretary of Energy for use in carrying out that block grant program.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

SEC. 614. STATE LEADERS IN REDUCING EMISSIONS.

(a) ALLOCATION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year for distribution among States that, as determined by the Administrator, are leaders in the effort of the United States to reduce greenhouse gas emissions and improve energy efficiency, in accordance with paragraph (2).

(2) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall distribute in accordance with paragraph (1) the percentage of emission allowances specified in the following table:

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2012	4
2013	4
2014	4
2015	4
2016	4.25
2017	4.25
2018	4.55
2019	4.75
2020	5
2021	5
2022	6
2023	6.25
2024	6.5
2025	6.75
2026	7
2027	7.25
2028	7.5
2029	7.75
2030	8
2031	9
2032	10
2033	10

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2034	10
2035	10
2036	10
2037	10
2038	10
2039	10
2040	10
2041	10
2042	10
2043	10
2044	10
2045	10
2046	10
2047	10
2048	10
2049	10
2050	10.

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for annually scoring historical State investments and achievements in reducing greenhouse gas emissions and increasing energy efficiency for purposes of subsection (a).

(c) DISTRIBUTION.—

(1) IN GENERAL.—The emission allowances available for allocation to States under subsection (a) shall be distributed among the States based on the proportion that, for a calendar year—

(A) the score of the State, as determined under subsection (b); bears to

(B) the scores of all States, as determined under subsection (b).

(2) STATE CAP-AND-TRADE PROGRAMS.—Allowances under this section for any calendar year shall be distributed to—

(A) States that have never established State or regional cap-and-trade programs for greenhouse gas emissions; and

(B) States that did establish State or regional cap-and-trade programs for greenhouse gas emissions and that, not later than the beginning of the applicable calendar year—

(i) chose to transition the programs into the national system established by this Act; and

(ii) completed the transition and discontinued the State or regional cap-and-trade programs.

(d) USE.—

(1) IN GENERAL.—During any calendar year, a State shall retire or use all emission allowances allocated to the State (or proceeds of sale of those emission allowances) under this section for that calendar year for 1 or more of the following purposes:

(A) To mitigate impacts on low-income energy consumers.

(B) To promote energy efficiency (including support of electricity and natural gas demand reduction, waste minimization, and recycling programs).

(C) To promote investment in nonemitting electricity generation technology, including planning for the siting of facilities employing that technology in States (including in territorial waters of States).

(D) To improve public transportation and passenger rail service and otherwise promote reductions in vehicle miles traveled.

(E) To encourage advances in energy technology that reduce or sequester greenhouse gas emissions.

(F) To address local or regional impacts of climate change, including by accommodating, protecting, or relocating affected communities and public infrastructure.

(G) To collect, evaluate, disseminate, and use information necessary for affected coastal communities to adapt to climate change (such as information derived from inundation prediction systems).

(H) To mitigate obstacles to investment by new entrants in electricity generation markets and energy-intensive manufacturing sectors.

(I) To address local or regional impacts of climate change policy, including providing assistance to displaced workers.

(J) To engage local and municipal governments to provide capacity building and related technical assistance to local and municipal low-carbon green job creation and workforce development programs.

(K) To mitigate impacts on carbon-intensive industries in internationally competitive markets.

(L) To reduce hazardous fuels and prevent and suppress wildland fire.

(M) To fund rural, municipal, and agricultural water projects that are consistent with the sustainable use of water resources.

(N) To improve recycling infrastructure.

(O) To increase public education on the benefits of recycling, particularly with respect to greenhouse gases.

(P) To improve residential, commercial, and industrial collection of recyclables.

(Q) To improve recycling system efficiency.

(R) To increase recycling yields.

(S) To improve the quality and usefulness of recycled materials.

(T) To promote industry cluster or industry sector strategies that involve public-private partnerships of State and local economic and workforce development agencies, leaders from renewable energy, efficiency and low-carbon industries, and other community-based stakeholders, in the development of regional strategies to maximize the creation of good, career-track jobs.

(U) To develop and implement plans to anticipate and reduce the potential threats to health resulting from climate change, including—

(i) development, improvement, and integration of disease surveillance systems, rapid response systems, and communication methods and materials; and

(ii) identification and prioritization of vulnerable communities and populations.

(V) To fund any other purpose the States determine to be necessary to mitigate any negative economic impacts as a result of—

(i) global warming; or

(ii) new regulatory requirements as a result of this Act.

(e) DEADLINE FOR USE.—A State shall distribute or sell emission allowances for use in accordance with subsection (c) by not later than January 1 of each emission allowance allocation year.

(f) RETURN OF ALLOWANCES.—Not later than 330 days before the end of each emission allowance allocation year, each State shall return to the Administrator any emission allowances allocated to the State for the preceding calendar year but not distributed or sold by the deadline described in subsection (e).

(g) RECYCLING.—During any calendar year, a State shall use not less than 5 percent of the quantity of emission allowances allocated to the State (or proceeds of sale of those emission allowances) under this section for increasing recycling rates through activities such as—

(1) improving recycling infrastructure;

(2) increasing public education on the benefits of recycling, particularly with respect to greenhouse gases;

(3) improving residential, commercial, and industrial collection of recyclables;

(4) increasing recycling efficiency;

(5) increasing recycling yields; and

(6) improving the quality and usefulness of recycled materials.

(h) HOME HEATING OIL.—During any calendar year, any State that ranks among the top 20 States in terms of annual usage of home heating oil, as determined by the Secretary of Energy, shall use not less than 5 percent of the quantity of emission allowances allocated to the State (or proceeds of the sale of those allowances) under this section for protecting consumers of home heating oil in the State from suffering hardship as a result of any increases in home heating oil prices.

(i) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

Subtitle C—Partnerships With States and Indian Tribes to Adapt to Climate Change

SEC. 621. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year for distribution among States and Indian tribes for activities carried out in response to the impacts of global climate change, in accordance with subsection (b).

(b) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall distribute in accordance with subsection (a) the percentage of emission allowances specified in the following table:

Calendar Year	Percentage for States and Indian tribes for adaptation activities
2012	3
2013	3
2014	3
2015	3
2016	3.25
2017	3.25
2018	3.25
2019	3.25
2020	3.25
2021	3.25
2022	3.25
2023	3.25
2024	3.25
2025	3.25
2026	3.5
2027	3.5
2028	3.5
2029	3.5
2030	3.5
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4.

SEC. 622. COASTAL IMPACTS.

(a) DEFINITIONS.—In this section:

(1) COASTAL STATE.—

(A) IN GENERAL.—The term ''Coastal State'' means any State that borders on 1 or more of the Atlantic Ocean, the Gulf of Mexico, the Pacific Ocean, the Arctic Ocean, or a Great Lake.

(B) INCLUSIONS.—The term ''Coastal State'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) Guam;

(iii) American Samoa;

(iv) the Commonwealth of the Northern Mariana Islands; and

(v) the United States Virgin Islands.

(C) EXCLUSION.—The term ''Coastal State'' does not include the State of Alaska.

(2) COASTAL WATERSHED.—The term ''coastal watershed'' means a geographical area drained into or contributing water to an estuarine area, an ocean, or a Great Lake, all or a portion of which is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)).

(3) GREAT LAKE.—The term ''Great Lake'' means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario;

(E) Lake Superior; and

(F) the connecting channels of those Lakes, including—

(i) the Saint Marys River;

(ii) the Saint Clair River;

(iii) the Detroit River;

(iv) the Niagara River; and

(v) the Saint Lawrence River to the Canadian border.

(4) SHORELINE MILES.—The term ''shoreline miles'', with respect to a Coastal State, means the mileage of tidal shoreline or Great Lake shoreline of the Coastal State, based on the most recently available data from or accepted by the National Ocean Service of the National Oceanic and Atmospheric Administration.

(b) ALLOCATION.—Of the emission allowances allocated each year pursuant to section 621, the Administrator shall allocate 40 percent to Coastal States.

(c) DISTRIBUTION.—The emission allowances available for allocation under subsection (b) for a calendar year shall be distributed among Coastal States, as follows:

(1) 50 percent based on the proportion that—

(A) the number of shoreline miles of a Coastal State; bears to

(B) the total number of shoreline miles of all Coastal States.

(2) 30 percent based on the proportion that—

(A) the population of a Coastal State; bears to

(B) the total population of all Coastal States.

(3) 20 percent divided equally among all Coastal States.

(d) USE OF EMISSION ALLOWANCES OR PROCEEDS.—

(1) IN GENERAL.—During any calendar year, a Coastal State receiving emission allowances under this section shall use the emission allowances (or proceeds of sale of those emission allowances) only for projects and activities to plan for and address the impacts of climate change in the coastal watershed.

(2) SPECIFIC USES.—The projects and activities described in paragraph (1) shall include projects and activities—

(A) to address the impacts of climate change with respect to—

(i) accelerated sea level rise and lake level changes;

(ii) shoreline erosion;

(iii) increased storm frequency or intensity;

(iv) changes in rainfall; and

(v) related flooding;

(B) to identify public facilities and infrastructure, coastal resources of national significance, public energy facilities, or other public water uses located in the coastal watershed that are affected by climate change, including the development of plans to protect, or, as necessary or applicable, to relocate the facilities or infrastructure;

(C) to research and collect data using, or on matters such as—

(i) historical shoreline position maps;

(ii) historical shoreline erosion rates;

(iii) inventories of shoreline features and conditions;

(iv) acquisition of high-resolution topography and bathymetry;

(v) sea level rise inundation models;

(vi) storm surge sea level rise linked inundation models;

(vii) shoreline change modeling based on sea level rise projections;

(viii) sea level rise vulnerability analyses and socioeconomic studies; and

(ix) environmental and habitat changes associated with sea level rise; and

(D) to respond to—

(i) changes in chemical characteristics (including ocean acidification) and physical characteristics (including thermal stratification) of marine systems;

(ii) saltwater intrusion into groundwater aquifers;

(iii) increased harmful algae blooms;

(iv) spread of invasive species;

(v) habitat loss (particularly loss of coastal wetland);

(vi) species migrations; and

(vii) marine, estuarine, and freshwater ecosystem changes associated with climate change.

(3) COORDINATION.—In carrying out this subsection, a Coastal State shall coordinate with the Administrator and the heads of other appropriate Federal agencies to ensure, to the maximum extent practicable, an efficient and effective use of emission allowances (or proceeds of sale of those emission allowances) allocated under this section.

(4) TECHNICAL ASSISTANCE AND TRAINING.—The Administrator and the heads of such other Federal agencies as are appropriate, including the National Oceanic and Atmospheric Administration, Environmental Protection Agency, United States Geological Survey, Department of the Interior, Corps of Engineers, and Department of Transportation, shall provide technical assistance and training for State and local officials to assist Coastal States in carrying out this subsection.

(5) INSTITUTIONS OF HIGHER EDUCATION PARTICIPATION.—If appropriate, institutions of higher education should use the expertise and research capacity of the institutions to carry out the goals of this subsection, specifically with regard to conducting the research and planning necessary to respond to the impacts on coastal areas from climate change.

(e) RETURN OF UNUSED EMISSION ALLOWANCES.—Any Coastal State receiving emission allowances under this section shall return to the Administrator any such emission allowances that the Coastal State has failed to use in accordance with subsection (d) by not later than 5 years after the date of receipt of the emission allowances from the Administrator.

(f) USE OF RETURNED EMISSION ALLOWANCES.—The Administrator shall, in accordance with subsection (c), distribute any emission allowances returned to the Administrator under subsection (e) to States other than the State that returned those allowances to the Administrator.

(g) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

SEC. 623. IMPACTS ON WATER RESOURCES AND AGRICULTURE.

(a) IN GENERAL.—Of the emission allowances allocated each year pursuant to section 621, the Administrator shall allocate 25 percent to the States facing the earliest and most severe impacts on the availability of freshwater and on agriculture, as determined by the Administrator.

(b) USE.—

(1) IN GENERAL.—For each calendar year, a State receiving emission allowances under this section shall use the allowances, or the proceeds from the sale of the allowances, only for projects and activities to plan for and address the impacts of climate change on water resources.

(2) REGIONALLY-SPECIFIC ANALYSIS.—In developing State programs under paragraph (1), a State shall develop a regionally-specific analysis of the potential climate-change impacts on local water resources.

(3) IMPLEMENTATION PRIORITIES.—Implementation priorities shall be developed through an integrated analysis of a full range of water management alternatives (including urban and agricultural conservation, habitat and watershed protection and restoration, wastewater recycling, groundwater cleanup, nonstructural alternatives, floodplain restoration, and urban stormwater management) to direct funding to the most cost-effective strategies that will generate significant net environmental benefits.

(4) SPECIFIC USES.—Projects and activities under this subsection shall include projects and activities—

(A) to promote investment in research into the impacts of climate change on water resource planning;

(B) to promote water resource planning;

(C) to develop and implement sustainable strategies for adapting to climate change; and

(D) to implement measures to reduce the greenhouse gas emissions of water utilities.

(c) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

SEC. 624. IMPACTS ON ALASKA.

(a) ALLOCATION.—Of the allowances allocated for each year pursuant to section 621, the Administrator shall allocate 20 percent of the allowances to the State of Alaska for the uses described in subsection (b).

(b) USE.—

(1) IN GENERAL.—For each calendar year, emission allowances distributed to the State of Alaska under this section, or the proceeds from the sale of the allowances, shall be used only for projects and activities to plan for and address the impacts of climate change on the State and State residents.

(2) STATE-SPECIFIC ANALYSIS.—In order to receive allowances under this section, the State of Alaska shall develop a State-specific analysis of the potential climate-change impacts on residents of the State.

(3) IMPLEMENTATION PRIORITIES.—Implementation priorities shall be developed through an integrated analysis of impacts and strategies.

(c) REPORT.—The State of Alaska shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

SEC. 625. IMPACTS ON INDIAN TRIBES.

(a) PURPOSES.—The purposes of this section are—

(1) to demonstrate the commitment of the United States to maintaining the unique and continuing relationship of the United States with, and responsibility of the United States to, Indian tribes;

(2) to recognize the obligation of the United States to prepare for the likely disproportionate consequences of global climate change facing Indian tribes located throughout the United States;

(3) to establish, in accordance with the principles of self-determination and government-to-government consultation, cost-efficient mechanisms to provide for meaningful participation by Indian tribes in the planning, implementation, and administration of programs and services authorized by this Act;

(4) to support and assist Indian tribes in the development of strong and stable tribal governments that are capable of administering innovative programs and economic development initiatives in the face of global climate change;

(5) to establish a self-sustaining Tribal Climate Change Assistance Fund to address local and regional impacts of climate change affecting Indian tribes, now and in the future;

(6) to ensure that any proceeds from the sale of emission allowances allocated for Indian tribes are soundly invested and distributed by the Administrator through direct consultation with Indian tribes as beneficiaries; and

(7) to authorize the Administrator to distribute, by regulation, funds to Indian tribes in accordance with the principles established by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), in consultation with the Secretary of the Interior and Indian tribes, not later than 5 years after the date of enactment of this Act.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a program—

(A) to assist Indian tribes in addressing local and regional impacts of climate change in accordance with subsection (a); and

(B) to distribute proceeds from the Tribal Climate Change Assistance Fund established by subsection (c) on an annual basis, beginning not later than January 1, 2011.

(2) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to establish and carry out the program described in paragraph (1)—

(A) in accordance with subchapter IV of chapter 5 of title 5, United States Code; and

(B) in consultation with representatives of Indian tribes located in each region of the Environmental Protection Agency.

(c) FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Tribal Climate Change Assistance Fund''.

(d) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), to raise funds for deposit in the Tribal Climate Change Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(A) auction 15 percent of the emission allowances allocated pursuant to section 621 for the calendar year; and

(B) immediately on completion of the auction, deposit proceeds of the auction in the Tribal Climate Change Assistance Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Amounts deposited in the Tribal Climate Change Assistance Fund under subsection (d)(1)(B) that are in excess of amounts appropriated for the applicable fiscal year to carry out the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) and sections 103 and 360(d) of the Clean Air Act (42 U.S.C. 7403, 7601(d)) shall be made available, without further appropriation or fiscal year limitation, to the Administrator to carry out the program established under subsection (b) in accordance with the purposes described in paragraph (2).

(2) PURPOSES.—The Administrator shall use amounts in the Tribal Climate Change Assistance Fund—

(A) to provide assistance to Indian tribes that face disruption or dislocation as a result of climate change;

(B) to assist Indian tribes in planning and designing agricultural, forestry, and other land use-related projects in accordance with the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b);

(C) to assist Indian tribes in the collection of greenhouse gas and other air quality data through the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) and the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) to mitigate impacts on low-income Indian energy consumers;

(E) to promote energy efficiency (including support of electricity and natural gas demand reduction, waste minimization, and recycling programs);

(F) to promote investment in nonemitting electricity generation technology, including planning for the siting of facilities employing that technology on tribal land;

(G) to collect, evaluate, disseminate, and use information necessary for affected coastal tribal communities to adapt to climate change (such as information derived from inundation prediction systems);

(H) to address local or regional impacts of climate change policy, including providing assistance to displaced workers;

(I) to reduce hazardous fuels and prevent and suppress wildland fire;

(J) to fund rural, municipal, and agricultural water projects that are consistent with the sustainable use of water resources; and

(K) to fund any other purposes an Indian tribe determines to be necessary to mitigate any negative economic impacts as a result of—

(i) global warming; or

(ii) new regulatory requirements as a result of this Act.

(f) NO TRIBAL AUTHORITY REQUIREMENT.—The Administrator shall not require Indian tribes to obtain tribal authority under section 360(d) of the Clean Air Act (42 U.S.C. 7601(d)) as a condition of participation in any program authorized by this subtitle.

(g) REPORT.—An Indian tribe receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the Indian tribe has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the Indian tribe of allowances received under this section

Subtitle D—Partnerships With States, Localities, and Indian Tribes to Protect Natural Resources

SEC. 631. STATE WILDLIFE ADAPTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''State Wildlife Adaptation Fund'' (referred to in this section as the ''Fund'').

(b) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (c), for each of calendar years 2012 through 2050, the Administrator shall auction a percentage of emission allowances established for the calendar year pursuant to section 201(a) to raise funds for deposit in the Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (b)(1), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for Fund
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	2
2019	2
2020	2
2021	2
2022	2
2023	2
2024	3
2025	3
2026	3
2027	4
2028	4
2029	4
2030	4
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4.

(d) PITTMAN-ROBERTSON WILDLIFE RESTORATION PROGRAM.—

(1) DEPOSIT.—As soon as practicable after conducting an auction under subsection (b), the Administrator shall deposit 78 percent of the proceeds of the auction in the Fund.

(2) USE OF PROCEEDS.—Amounts deposited in the Fund under paragraph (1) shall be made available, without further appropriation or fiscal year limitation, to the Secretary of the Interior for distribution to States through the Wildlife Conservation and Restoration Account established under section 3(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(2)), to carry out adaptation activities in accordance with comprehensive State adaptation strategies, as described in section 633.

(e) LAND AND WATER CONSERVATION.—

(1) DEPOSIT.—As soon as practicable after conducting an auction under subsection (b), the Administrator shall deposit 22 percent of the proceeds of the auction in the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5).

(2) USE.—Deposits to the Land and Water Conservation Fund under paragraph (1) shall—

(A) be supplemental to amounts appropriated pursuant to section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6), which shall remain available for nonadaptation needs; and

(B) notwithstanding section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6), be available without further appropriation or fiscal year limitation.

(3) ALLOCATIONS.—Of the amounts deposited in the Land and Water Conservation Fund under paragraph (1)—

(A) ⅙ shall be allocated to the Secretary of the Interior and made available on a competitive basis to carry out adaptation activities through the acquisition of land and interests in land under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8)—

(i) to States, in accordance with comprehensive wildlife conservation strategies, and to Indian tribes;

(ii) notwithstanding section 5 of that Act (16 U.S.C. 460*l*–7); and

(iii) in addition to grants provided pursuant to—

(I) annual appropriations Acts;

(II) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); or

(III) any other authorization for nonadaptation needs;

(B) ⅓ shall be allocated to the Secretary of the Interior to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9);

(C) ⅙ shall be allocated to the Secretary of Agriculture and made available to the States to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Forest Legacy Program under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c); and

(D) ⅓ shall be allocated to the Secretary of Agriculture to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9).

(4) EXPENDITURE OF FUNDS.—In allocating funds under paragraph (2), the Secretary of the Interior and the Secretary of Agriculture shall take into consideration factors including—

(A) the availability of non-Federal contributions from State, local, or private sources;

(B) opportunities to protect wildlife corridors or otherwise to link or consolidate fragmented habitats;

(C) opportunities to reduce the risk of catastrophic wildfires, extreme flooding, or other climate-related events that are harmful to fish, wildlife, and individuals;

(D) the potential for conservation of species or habitat types at serious risk due to climate change, ocean acidification, and other stressors; and

(E) the potential to provide enhanced access to land and water for fishing, hunting, and other public recreational uses.

SEC. 632. COST-SHARING.

Notwithstanding any other provision of law, a State or Indian tribe that receives a grant under section 631 shall provide 10 percent of the costs of each activity carried out using the grant.

SEC. 633. STATE COMPREHENSIVE ADAPTATION STRATEGIES.

(a) IN GENERAL.—Except as provided in subsection (b), amounts made available to States pursuant to this subtitle shall be used only for activities that are consistent with a State strategy that has been approved by—

(1) the Secretary of the Interior; and

(2) for any State with a coastal zone (within the meaning of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), by the Secretary of Commerce, subject to the condition that approval by the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(b) INITIAL RECEIPT OF FUNDS.—

(1) IN GENERAL.—Until the earlier of the date that is 3 years after the date of enactment of this Act or the date on which a State receives approval for a State strategy, a State shall be eligible to receive funds under this subtitle for adaptation activities that are—

(A) consistent with the comprehensive wildlife strategy of the State and, if appropriate, other fish, wildlife, and conservation strategies; and

(B) in accordance with a workplan developed in coordination with—

(i) the Secretary of the Interior; and

(ii) for any State with a coastal zone (within the meaning of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.)), the Secretary of Commerce, subject to the condition that coordination with the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(2) PENDING APPROVAL.—During the period for which approval by the applicable Secretary of a State strategy described in paragraph (1) is pending, the State may continue receiving funds under this subtitle pursuant to the workplan described paragraph (1)(B).

(c) REQUIREMENTS.—A State strategy shall—

(1) describe the impacts of climate change and ocean acidification on the diversity and health of the fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(2) describe and prioritize proposed conservation, protection, and restoration actions to assist fish, wildlife, aquatic and terrestrial ecosystems, and plant populations in adapting to those impacts;

(3) establish programs for monitoring the impacts of climate change on fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(4) include strategies, specific conservation, protection, and restoration actions, and a timeframe for implementing conservation actions for fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(5) establish methods for—

(A) assessing the effectiveness of conservation, protection, and restoration actions

taken to assist fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems and associated ecological processes in adapting to those impacts; and

(B) updating those actions to respond appropriately to new information or changing conditions;

(6) be developed—

(A) with the participation of the State fish and wildlife agency, the State agency responsible for administration of Land and Water Conservation Fund grants, the State Forest Legacy Program coordinator, the State environmental agency, and the State coastal agency; and

(B) in coordination with the Secretary of the Interior and, if applicable, the Secretary of Commerce;

(7) provide for solicitation and consideration of public and independent scientific input;

(8) include strategies that engage youth and young adults (including youth and young adults working in full-time or part-time youth service or conservation corps programs) to provide the youth and young adults with opportunities for meaningful conservation and community service, and to encourage opportunities for employment in the private sector through partnerships with employers;

(9) take into consideration research and information contained in, and coordinate with and integrate the goals and measures identified in, as appropriate, other fish, wildlife, aquatic and terrestrial ecosystems, and habitat conservation strategies, including—

(A) the national fish habitat action plan;

(B) plans under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(C) the Federal, State, and local partnership known as ''Partners in Flight'';

(D) federally approved coastal zone management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(E) federally approved regional fishery management plans and habitat conservation activities under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(F) the national coral reef action plan;

(G) recovery plans for threatened species and endangered species under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(H) habitat conservation plans under section 10 of that Act (16 U.S.C. 1539);

(I) other Federal and State plans for imperiled species;

(J) the United States shorebird conservation plan;

(K) the North American waterbird conservation plan;

(L) federally approved watershed plans under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(M) other State-based strategies that comprehensively implement adaptation activities to remediate the effects of climate change and ocean acidification on fish, wildlife, habitats, and aquatic and terrestrial ecosystems; and

(10) be incorporated into a revision of the comprehensive wildlife conservation strategy of a State—

(A) that has been submitted to the United States Fish and Wildlife Service; and

(B)(i) that has been approved by the Service; or

(ii) on which a decision on approval is pending.

(d) UPDATING.—Each State strategy under this section shall be updated not less frequently than once every 5 years.

TITLE VII—RECOGNIZING EARLY ACTION

SEC. 701. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a program, to be known as the ''Early Action Program'', for distributing emission allowances to entities that emit greenhouse gas in the United States, in recognition of verified greenhouse gas emission reductions that—

(1) occurred before the date of promulgation of the regulations; and

(2) resulted from actions taken by the entities after January 1, 1994, and before the date of enactment of this Act.

SEC. 702. ALLOCATION.

Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate to the Early Action Program established under section 701 quantities of the emission allowances established for calendar years 2012 through 2025 pursuant to section 201(a), in accordance with the following table:

Calendar year	Percentage for allocation to Early Action Program
2012	5
2013	5
2014	5
2015	4
2016	3
2017	3
2018	1
2019	1
2020	1
2021	1
2022	1
2023	1
2024	1
2025	1.

SEC. 703. GENERAL DISTRIBUTION.

Not later than 4 years after the date of enactment of this Act, the Administrator shall complete distribution to entities described in section 701 of all emission allowances allocated to the Early Action Program under section 702.

SEC. 704. DISTRIBUTION TO ENTITIES HOLDING STATE EMISSION ALLOWANCES.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an entity that—

(1) is located in the United States; and

(2) as of December 31, 2011, holds emission allowances issued—

(A) by the State of California; or

(B) for the Regional Greenhouse Gas Initiative.

(b) DISTRIBUTION.—Of the quantity of emission allowances allocated for the Early Action Program under section 702, each eligible entity shall receive emission allowances sufficient to compensate the eligible entity for the cost to the eligible entity of obtaining and holding the emission allowances under subsection (a)(2).

SEC. 705. DISTRIBUTION TO POWER PLANTS THAT REPOWERED PURSUANT TO CONSENT DECREES.

(a) DEFINITION OF ELIGIBLE FACILITY.—In this section, the term ''eligible facility'' means an electricity generating facility that—

(1) is located in the United States; and

(2) repowered from coal before January 1, 2005, pursuant to a consent decree.

(b) DISTRIBUTION.—Subject to subsection (c), of the quantity of emission allowances allocated for the Early Action Program under section 702, each owner or operator of an eligible facility shall receive a quantity of emission allowances equal to the sum of—

(1) the verified quantity of metric tons of carbon dioxide the emission of which by the eligible facility was avoided as a result of the repowering, during the period beginning on the date on which the repowering began and ending on the date of enactment of this Act; and

(2) the aggregate quantity of emission allowances that, as a result of the lower annual carbon dioxide emissions resulting from the repowering, will not be distributed to the owner or operator of the facility pursuant to subtitle F of title V.

(c) LIMITATION.—Notwithstanding subsection (b), the total quantity of emission allowances distributed pursuant to this section shall not exceed 80,000,000.

SEC. 706. DISTRIBUTION TO CARBON CAPTURE AND SEQUESTRATION PROJECTS.

(a) DEFINITION OF ELIGIBLE PROJECT.—In this section, the term ''eligible project'' means a carbon capture and sequestration project associated with an anthropogenic source of carbon dioxide in the United States, the performance of which is monitored by a network developed by an international collaborative government and industry research program.

(b) DISTRIBUTION.—The regulations established pursuant to section 701 shall provide for the distribution of emission allowances to eligible projects.

(c) LIMITATION.—Notwithstanding subsection (b), the total quantity of emission allowances distributed pursuant to this section shall not exceed 25,000,000.

TITLE VIII—EFFICIENCY AND RENEWABLE ENERGY

Subtitle A—Efficient Buildings

SEC. 801. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Efficient Buildings Allowance Program established pursuant to section 802.

SEC. 802. EFFICIENT BUILDINGS ALLOWANCE PROGRAM.

(a) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program, to be known as the ''Efficient Buildings Allowance Program,'' for distributing the emission allowances allocated pursuant to section 801 among owners of buildings in the United States as reward for constructing highly-efficient buildings in the United States and for increasing the efficiency of existing buildings in the United States.

(b) REQUIREMENTS.—Emission allowances shall be distributed under this section to owners of buildings in the United States based on the extent to which projects relating to the buildings of the owners result in verifiable, additional, and enforceable improvements in energy performance—

(1) in new or renovated buildings that demonstrate exemplary performance by achieving a minimum score of 75 on the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent score on an established energy performance benchmarking metric selected by the Climate Change Technology Board; and

(2) in retrofitted existing buildings that demonstrate substantial improvement in the score or rating on that benchmarking tool by a minimum of 30 points, or an equivalent improvement using an established performance benchmarking metric selected by the Climate Change Technology Board.

(c) PRIORITY.—In distributing the allowances, priority shall given to projects—

(1) completed by building owners with a proven track record of building energy performance; or

(2) that result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program described in subsection (b)(1).

Subtitle B—Efficient Equipment and Appliances

SEC. 811. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Super-Efficient Equipment and Appliances Development Program established pursuant to section 812.

SEC. 812. SUPER-EFFICIENT EQUIPMENT AND APPLIANCES DEPLOYMENT PROGRAM.

(a) IN GENERAL.—The Climate Change Technology Board shall establish and administer a program, to be known as the ''Super-Efficient Equipment and Appliances Deployment Program'', to distribute the emission allowances allocated pursuant to section 811 among retailers and distributors in the United States as reward for increasing the sales by the retailers and distributors of high-efficiency building equipment, high-efficiency consumer electronics, and high-efficiency household appliances through marketing strategies such as consumer rebates, with the goal of minimizing life-cycle costs for consumers and maximizing public benefit.

(b) SIZE OF INDIVIDUAL REWARDS.—The size of each reward for each product-type shall be determined by the Climate Change Technology Board, in consultation with the Administrator, the Secretary of Energy, State and utility efficiency program administrators, and national laboratories.

(c) REPORTING.—Each retailer and distributor participating in the program under this section shall be required to report to the Climate Change Technology Board, on a confidential basis for program-design purposes—

(1) the number of products sold within each product-type; and

(2) wholesale purchase-price data.

(d) COST-EFFECTIVENESS REQUIREMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COST-EFFECTIVENESS.—The term ''cost-effectiveness'' means a measure of aggregate savings equal to the product obtained by multiplying—

(i) the net number of highly-efficient pieces of equipment, electronics, and appliances sold by a retailer or distributor in a calendar year; by

(ii) the savings during the projected useful life, but not to exceed 10 years, of the pieces of equipment, electronics, and appliances, including the impact of any documented measures to retire low-performing devices at the time of purchase of highly-efficient substitutes.

(B) SAVINGS.—The term ''savings'' means megawatt-hours of electricity or million British thermal units of other fuels saved by a product, in comparison to projected energy consumption based on the efficiency performance of displaced new product sales.

(2) REQUIREMENT.—The Climate Change Technology Board shall make cost-effectiveness a top priority in distributing emission allowances pursuant to this section.

Subtitle C—Efficient Manufacturing

SEC. 821. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Efficient Manufacturing Program established pursuant to section 822.

SEC. 822. EFFICIENT MANUFACTURING PROGRAM.

(a) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program, to be known as the ''Efficient Manufacturing Program,'' to distribute the emission allowances allocated pursuant to section 821 among owners and operators of manufacturing facilities in the United States, as reward for achieving high levels of efficiency in the operations of the owners and operators.

(b) REQUIREMENTS.—The Efficient Manufacturing Program established pursuant to subsection (a) shall provide that—

(1) the rewards of emission allowances under the Program shall include rewards for use of recycled material in manufacturing; and

(2) the Climate Change Technology Board shall give priority in distributing emission allowances to entities that—

(A) document the greatest use of domestically-sourced parts and components;

(B) return to productive service existing idle manufacturing capacity;

(C) are located in States with the greatest availability of unemployed manufacturing workers;

(D) compensate workers, at a minimum, in an amount that is equal to at least 100 percent of the State average manufacturing wage, plus health insurance benefits;

(E) demonstrate a high probability of commercial success; and

(F) achieve other criteria, as the Climate Change Technology Board determines to be appropriate.

Subtitle D—Renewable Energy

SEC. 831. ALLOCATION.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate to the Climate Change Technology Board established by section 431 4 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

SEC. 832. BONUS ALLOWANCES FOR RENEWABLE ENERGY.

(a) DEFINITION OF RENEWABLE-ENERGY SOURCE.—In this section, the term ''renewable-energy source'' means energy from 1 or more of the following sources:

(1) Solar energy.

(2) Wind.

(3) Geothermal energy.

(4) Incremental hydropower.

(5) Biomass.

(6) Ocean waves.

(7) Landfill gas.

(8) Livestock methane.

(9) Fuel cells powered with a renewable-energy source.

(b) BONUS ALLOWANCES.—The Climate Change Technology Board shall distribute the emission allowances allocated pursuant to section 831 among owners, operators, and developers of facilities, including distributed-energy and transmission systems, in the United States that harness a renewable-energy source, as reward for the start-up, expansion, and operation of the facilities.

(c) ADMINISTRATION.—In distributing emission allowances pursuant to this section, the Climate Change Technology Board shall provide appropriate rewards for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers.

(d) LIMITATION.—A project may not receive a distribution of emission allowances under this section if the project—

(1) receives an award under subtitle A of title IX; or

(2) is supported under subtitle A or subtitle C of title III.

(e) REQUIREMENTS.—

(1) IN GENERAL.—A reward of allowances for construction, alteration, or repair under this subtitle shall be conditioned on a written assurance of payment, to all laborers and mechanics employed by contractors or subcontractors for that work, of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—With respect to the labor standards described in paragraph (1), the Secretary of Labor shall have the authority and functions established in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

TITLE IX—LOW-CARBON ELECTRICITY AND ADVANCED RESEARCH

Subtitle A—Low- and Zero-Carbon Electricity Technology

SEC. 901. DEFINITIONS.

In this subtitle:

(1) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the costs of engineering tasks relating to—

(A) redesigning manufacturing processes to begin producing qualifying components and zero- or low-carbon generation technologies;

(B) designing new tooling and equipment for production facilities that produce qualifying components and zero- or low-carbon generation technologies; and

(C) establishing or expanding manufacturing operations for qualifying components and zero- or low-carbon generation technologies.

(2) QUALIFYING COMPONENT.—The term ''qualifying component'' means a component that the Secretary of Energy determines to be specially designed for zero- or low-carbon generation technology.

(3) SAVINGS.—The term ''savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under an efficiency standard applicable to the product.

(4) ZERO- OR LOW-CARBON GENERATION.—The term ''zero- or low-carbon generation'' means generation of electricity by an electric generation unit that—

(A) emits no carbon dioxide into the atmosphere; and

(B) was placed into commercial service after the date of enactment of this Act.

(5) ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—The term ''zero- or low-carbon generation technology'' means a technology used to create zero- or low-carbon generation.

SEC. 902. LOW- AND ZERO-CARBON ELECTRICITY TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund, to be known as the ''Low- and Zero-Carbon Electricity Technology Fund''.

SEC. 903. AUCTIONS.

(a) FIRST PERIOD.—

(1) IN GENERAL.—For each of calendar years 2012 through 2021, the Administrator shall, in accordance with paragraph (2), auction 1.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2022 through 2030, the Administrator shall, in accordance with paragraph (2), auction 2 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) THIRD PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall, in accordance with paragraph (2), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

SEC. 904. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 903, immediately on receipt of those proceeds, in the Low- and Zero-Carbon Electricity Technology Fund.

SEC. 905. USE OF FUNDS.

For each of calendar years 2012 through 2050, all funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904 shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established by section 431 to carry out the financial incentives program established under section 906.

SEC. 906. FINANCIAL INCENTIVES PROGRAM.

For fiscal year 2011 and each fiscal year thereafter, the Climate Change Technology Board shall competitively award financial incentives under this subtitle in the technology categories of—

(1) the production of electricity from new zero- or low-carbon generation; and

(2) facility establishment or conversion by manufacturers and component suppliers of zero- or low-carbon generation technology.

SEC. 907. REQUIREMENTS.

(a) IN GENERAL.—The Climate Change Technology Board shall make awards under this section to domestic producers of new zero- or low-carbon generation, and domestic facilities and operations of manufacturers and component suppliers of zero- or low-carbon generation technology—

(1) in the case of producers of new zero- or low-carbon generation, based on the bid of each generator in terms of dollars per megawatt-hour of electricity generated; and

(2) in the case of qualifying manufacturers of zero- or low-carbon generation technology, based on the criteria described in section 909.

(b) ACCEPTANCE OF BIDS.—

(1) IN GENERAL.—In making awards under paragraphs (1) and (2) of subsection (a), the Climate Change Technology Board shall—

(A) solicit bids for reverse auction from appropriate producers and manufacturers, as determined by the Climate Change Technology Board; and

(B) award financial incentives to the producers and manufacturers that submit the lowest bids that meet the requirements established by the Climate Change Technology Board.

(2) FACTORS FOR CONVERSION.—

(A) IN GENERAL.—For the purpose of assessing bids under paragraph (1), the Climate Change Technology Board shall specify a factor for converting megawatt-hours of electricity and million British thermal units of natural gas to common units.

(B) REQUIREMENT.—The conversion factor shall be based on the relative greenhouse gas emission benefits of electricity and natural gas conservation.

SEC. 908. FORMS OF AWARDS.

(a) ZERO- AND LOW-CARBON GENERATORS.—

(1) IN GENERAL.—Subject to paragraph (2), an award for zero- or low-carbon generation under this subtitle shall be in the form of a contract to provide a production payment for commercial service of the generation unit in an amount equal to the product obtained by multiplying—

(A) the amount of the bid by the producer of the zero- or low-carbon generation; and

(B) the quantity of net megawatt-hours generated by the zero- or low-carbon generation unit each year during the first 10 years following the end of the calendar year of the award.

(2) COMMERCIAL SERVICE.—A producer may receive an award for a generation unit under this subsection only if the first year of commercial service of the generation unit occurs within 5 years of the end of the calendar year of the award.

(b) MANUFACTURING OF ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—

(1) IN GENERAL.—An award for the establishment of a facility or conversion costs for zero- or low-carbon generation technology shall be in an amount equal to not more than 30 percent of the cost of—

(A) establishing, reequipping, or expanding a manufacturing facility to produce—

(i) qualifying zero- or low-carbon generation technology; or

(ii) qualifying components;

(B) engineering integration costs of zero- or low-carbon generation technology and qualifying components; and

(C) property, machine tools, and other equipment acquired or constructed primarily to enable the recipient to test equipment necessary for the construction or operation of a zero- or low-carbon generation facility.

(2) MINIMUM AMOUNT.—The Climate Change Technology Board shall use not less than ¼ of the amounts made available to carry out this section to make awards to entities for the manufacturing of zero- or low-carbon generation technology.

SEC. 909. SELECTION CRITERIA.

(a) IN GENERAL.—In making awards under this subtitle to qualifying manufacturers of zero- or low-carbon generation technology and qualifying components, the Climate Change Technology Board shall select manufacturers that—

(1) document the greatest use of domestically-sourced parts and components;

(2) return to productive service existing idle manufacturing capacity;

(3) are located in States with the greatest availability of unemployed manufacturing workers;

(4) compensate workers in an amount that is at least 100 percent of the State average manufacturing wage, plus health insurance benefits;

(5) demonstrate a high probability of commercial success; and

(6) achieve other criteria, as the Climate Change Technology Board determines to be appropriate.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Funding for construction, alteration, or repair under this subtitle shall be conditioned on a written assurance of payment, to all laborers and mechanics employed by contractors or subcontractors for the construction, alteration, or repair, of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—The Secretary of Labor shall, with respect to the labor standards described in paragraph (1), have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

Subtitle B—Advanced Research

SEC. 911. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the energy transformation acceleration fund described in section 912.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

SEC. 912. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 911, immediately on receipt of those proceeds, in an energy transformation acceleration fund in the Treasury that is administered by the Director of the Advanced Research Projects Agency of the Department of Energy.

SEC. 913. USE OF FUNDS.

No amounts deposited in the energy transformation acceleration fund pursuant to section 912 shall be disbursed, except pursuant to an appropriation Act.

TITLE X—FUTURE OF COAL

Subtitle A—Kick-Start for Carbon Capture and Sequestration

SEC. 1001. CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund, to be known as the ''Carbon Capture and Sequestration Technology Fund'' (referred to in this subtitle as the ''Fund''), consisting of such amounts as are deposited in the Fund under section 1003.

SEC. 1002. AUCTIONS.

Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2022, the Administrator shall auction, to raise funds for deposit in the Fund, 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that occurs 3 years after the calendar year during which the auction is conducted.

SEC. 1003. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1002, immediately on receipt of those proceeds, in the Fund.

SEC. 1004. USE OF FUNDS.

(a) EXPENDITURES FROM FUND.—On request by the Climate Change Technology Board established by section 431 (referred to in this subtitle as the ''Board''), the Secretary of the Treasury shall transfer from the Fund to the Board such amounts as the Board determines are necessary to carry out the Kick-Start Program under section 1005.

(b) AVAILABILITY OF FUNDS.—Funds transferred under subsection (a) shall be made available to the Board without further appropriation or fiscal year limitation.

SEC. 1005. KICK-START PROGRAM.

(a) IN GENERAL.—The Board shall use the amounts in the Fund to establish and implement a program for early deployment of carbon capture and sequestration technology in the United States (referred to in this section as the ''Kick-Start Program'').

(b) GOAL.—The Board shall design and operate the Kick-Start Program with the goal of rapidly bringing into operation in the United States not fewer than 5 nor more than 10 commercial facilities that capture and geologically sequester carbon released when coal is used to generate electricity.

(c) BASIS.—The Board shall base the Kick-Start Program on the ''Early Deployment Fund'' recommendation contained in the final report issued by the Advanced Coal Technology Work Group of the Clean Air Act Advisory Committee of the Environmental Protection Agency and dated January 29, 2008.

(d) COAL DIVERSITY.—The Kick-Start Program shall ensure that a range of domestic coal types is employed in facilities receiving support under the Kick-Start Program.

(e) PRIORITY.—Awards of financial support under the Kick-Start Program shall be made in a manner that maximizes the avoidance or reduction of greenhouse gas emissions.

(f) REQUIREMENTS.—

(1) IN GENERAL.—As a condition of receiving funding for construction, alteration, or repair activities under the Kick-Start Program, an individual or entity shall provide, to each laborer and mechanic employed by each contractor or subcontractor for the activity, a written assurance of payment of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—With respect to the labor standards described in paragraph (1), the Secretary of Labor shall have the authority and functions established in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

Subtitle B—Long-Term Carbon Capture and Sequestration Incentives

SEC. 1011. ALLOCATION.

Not later than 2 years after the date of enactment of this Act, the Administrator shall—

(1) establish an account to be known as the ''Bonus Allowance Account'' for carbon capture and sequestration projects in the United States; and

(2) allocate to the Bonus Allowance Account quantities of the emission allowances established for calendar years 2012 through 2050 pursuant to section 201(a) in accordance with the following table:

Calendar Year	Percentage for allocation to Bonus Allowance Account
2012	3
2013	3
2014	3
2015	3
2016	3
2017	3
2018	3
2019	3
2020	3
2021	3
2022	3
2023	3
2024	3
2025	3
2026	4
2027	4
2028	4
2029	4
2030	4
2031	1
2032	1
2033	1
2034	1
2035	1
2036	1
2037	1
2038	1
2039	1
2040	1
2041	1
2042	1
2043	1
2044	1
2045	1
2046	1
2047	1
2048	1
2049	1
2050	1.

SEC. 1012. QUALIFYING PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMENCED.—The term ''commenced'', with respect to construction, means that an owner or operator has—

(A) obtained the necessary permits to undertake a continuous program of construction; and

(B) entered into a binding contractual obligation, with substantial financial penalties for cancellation, to undertake a program described in subparagraph (A).

(2) CONSTRUCTION.—The term ''construction'' means the fabrication, erection, or installation of the technology for a carbon capture and sequestration project.

(3) NEW ENTRANT.—The term ''new entrant'' means an electric generating unit that begins operation after the date of enactment of this Act.

(b) ELIGIBILITY.—To be eligible to receive emission allowances under this subtitle, a carbon capture and sequestration project shall—

(1) comply with such criteria and procedures as the Administrator may establish, including a requirement, as prescribed in subsection (c), for an annual emission performance standard for carbon dioxide emissions from any unit for which allowances are allocated;

(2) sequester, in a geological formation permitted by the Administrator for that purpose in accordance with regulations promulgated under part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.), carbon dioxide captured from any unit for which allowances are allocated;

(3) have begun operation during the period beginning on January 1, 2008, and ending on December 31, 2035; and

(4) not produce a transportation fuel that contains more than 10 kilograms of fossil-based carbon per million British thermal units, higher heat value.

(c) EMISSION PERFORMANCE STANDARDS.—Subject to subsection (d), a carbon capture and sequestration project shall be eligible to receive emission allowances under this subtitle only if the project achieves 1 of the following emission performance standards for limiting carbon dioxide emissions from the unit:

(1)(A) An electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment before January 1, 2016, shall—

(i) treat at least the amount of flue gas equivalent to 100 megawatts of the output of the generation unit; and

(ii) be designed to capture and sequester at least 85 percent of the carbon dioxide in that flue gas.

(B) The bonus allowance adjustment ratio under section 1013(b) shall apply only to the megawatt-hours and carbon dioxide emissions attributable to the treated share of the flue gas of the generation unit.

(2) An electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment on or after January 1, 2016, shall achieve an average annual emission rate of not more than 1,200 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(3) A new entrant electric generation unit for which construction of the unit commenced before July 1, 2018, shall achieve an average annual emission rate of not more than 800 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(4) A new entrant electric generation unit for which construction of the unit commenced on or after July 1, 2018, shall achieve an average annual emission rate of not more than 350 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(5) Any unit at a covered entity that is not an electric generation unit shall achieve an average annual emission rate that is achieved by the capture and sequestration of a minimum of 85 percent of the total carbon dioxide emissions produced by the unit.

(d) ADJUSTMENT OF PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Climate Change Technology Board may adjust the emission performance standard for a carbon capture and sequestration project described in subsection (c) for an electric generation unit that uses subbituminous coal, lignite, or petroleum coke in significant quantities.

(2) REQUIREMENT.—In any case described in paragraph (1), the performance standard for the project shall prescribe an annual emission rate that requires the project to achieve

an equivalent reduction from uncontrolled carbon dioxide emissions levels from the use of subbituminous coal, lignite, or petroleum coke, as compared to the emission rate that the project would have achieved if that unit had combusted only bituminous coal during the particular year.

SEC. 1013. DISTRIBUTION.

(a) CALCULATION.—

(1) IN GENERAL.—Subject to section 1014, for each of calendar years 2012 through 2039, the Administrator shall distribute emission allowances from the Bonus Allowance Account established under section 1011 to each qualifying project under this subtitle in a quantity equal to the product obtained by multiplying—

(A) the bonus allowance adjustment factor, as determined under subsection (b);

(B) the number of metric tons of carbon dioxide emissions avoided through capture and geological sequestration of emissions by the project, as determined in accordance with paragraph (2); and

(C) the bonus allowance rate for the applicable calendar year, as provided in the following table:

Calendar Year	Bonus Allowance Rate
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	1.9
2019	1.8
2020	1.7
2021	1.6
2022	1.3
2023	1.2
2024	1.1
2025	1
2026	0.9
2027	0.8
2028	0.7
2029	0.6
2030	0.5
2031	0.5
2032	0.5
2033	0.5
2034	0.5
2035	0.5
2036	0.5
2037	0.5
2038	0.5
2039	0.5.

(2) AVOIDED CARBON DIOXIDE EMISSIONS.—For the purpose of determining the number of metric tons of carbon dioxide avoided in paragraph (1)(B), the Administrator shall—

(A) in the first year, count as avoided carbon dioxide emissions the proportion of carbon dioxide emissions the owner or operator certifies as the designed level of capture for the project, subject to verification and adjustment; and

(B) in each subsequent year, count the higher of—

(i) the actual metric tons of carbon dioxide sequestered in the preceding year; or

(ii) the proportion of emissions the owner or operator certifies as the result of a modification to the designed capture level of the project, subject to verification and adjustment.

(b) BONUS ALLOWANCE ADJUSTMENT RATIO.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall determine the bonus allowance adjustment factor by dividing—

(A) a carbon dioxide emission rate of 350 pounds per megawatt-hour; by

(B) the annual carbon dioxide emission rate, on a pounds per megawatt-hour basis, that a qualifying project at the electric generation unit achieved during a particular year.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), the bonus allowance adjustment factor shall—

(A) in the case of a project that qualifies under section 1012(c)(1), be equal to 1 during the first 4 years that emission allowances are distributed to the project;

(B) in the case of a project that qualifies under section 1012(c)(2), be equal to 1 during the first 4 years that emission allowances are distributed to the project;

(C) in the case of a project that qualifies under section 1012(c)(3), be equal to 1 during the first 8 years that emission allowances are distributed to the project; and

(D) not exceed 1 for any qualifying project.

(c) NON-ELECTRIC GENERATING UNITS.—

(1) IN GENERAL.—For a qualifying project other than an electric generating unit, the Administrator shall by regulation reduce the bonus allowance rates described in section 1013(a)(1)(C) so that the bonus allowance rate for the projects does not exceed the incremental capital and operating costs for carrying out sequestration of carbon dioxide from the facility.

(2) LIMITATION.—In distributing emission allowances under this subtitle, the Administrator shall distribute not more than 20 percent of the quantity of emission allowances in the Bonus Allowance Account for nonelectric generation units described in section 1012(c)(5).

(d) ENHANCED OIL RECOVERY.—For a carbon capture and sequestration project sequestering in a geological formation for purposes of enhanced oil recovery, the Administrator shall by regulation reduce the bonus allowance rates set forth in section 1013(a)(1)(C) to reflect the lower cost of the projects when compared to sequestration into geological formations solely for purposes of disposal.

SEC. 1014. 10-YEAR LIMIT.

A qualifying project may receive annual emission allowances under this subtitle only for—

(1) the first 10 years of operation; or

(2) if the unit covered by the qualifying project began operating before January 1, 2012, the period of calendar years 2012 through 2021.

SEC. 1015. EXHAUSTION OF BONUS ALLOWANCE ACCOUNT.

If, at the beginning of a calendar year, the Administrator determines that the number of emission allowances remaining in the Bonus Allowance Account established under section 1011 will be insufficient to allow the distribution in that calendar year, of the number of allowances that otherwise would be distributed under section 1013 for the calendar year, the Administrator shall, for the calendar year—

(1) distribute the remaining bonus allowances only to qualifying projects that were already qualifying projects during the preceding calendar year;

(2) distribute the remaining bonus allowances to those qualifying projects on a pro rata basis; and

(3) discontinue the program established under this subtitle as of the date on which the Bonus Allowance Account is projected to be fully used based on projects already in operation.

Subtitle C—Legal Framework

SEC. 1021. NATIONAL DRINKING WATER REGULATIONS.

(a) IN GENERAL.—Section 1421 of the Safe Drinking Water Act (42 U.S.C.300h) is amended—

(1) in subsection (b)(1), by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) CARBON DIOXIDE.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Administrator shall promulgate regulations establishing standards for permitting commercial-scale underground injection of carbon dioxide for the purpose of geological sequestration to address climate change.

''(2) INCLUSIONS.—Standards promulgated under paragraph (1) shall include requirements—

''(A)(i) to monitor and control the long-term storage of carbon dioxide;

''(ii) to avoid, to the maximum extent practicable, and quantify any release of carbon dioxide into the atmosphere; and

''(iii) to ensure protection of underground sources of drinking water, human health, and the environment;

''(B) for financial responsibility (including financial responsibility for well plugging, post-injection site care, site closure, monitoring, corrective action, and remedial care), as necessary, allowing for the use of 1 or more financial instruments, including insurance, surety bond, letter of credit, financial guarantee, or qualification as a self-insurer; and

''(C) relating to long-term care and stewardship associated with commercial-scale geological sequestration, including financial responsibility, as necessary, consistent with the degree and duration of risk associated with the geological sequestration of carbon dioxide for purposes of subparagraph (A).

''(3) AUTHORIZATION.—The Administrator may specify the policy or other contractual terms, conditions, or defenses that are necessary to establish evidence of financial responsibility for the purposes of this subsection.''.

(b) CONFORMING AMENDMENT.—Section 1447(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–6(a)(4)) is amended by striking ''section 1421(d)(2)'' and inserting ''section 1421(e)(2)''.

SEC. 1022. ASSESSMENT OF GEOLOGICAL STORAGE CAPACITY FOR CARBON DIOXIDE.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term ''assessment'' means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term ''capacity'' means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term ''engineered hazard'' includes the location and completion history of any well that could affect a storage formation or capacity.

(4) RISK.—The term ''risk'' includes any risk posed by a geomechanical, geochemical, hydrogeological, structural, or engineered hazard.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) STORAGE FORMATION.—The term ''storage formation'' means a deep saline formation, unmineable coal seam, oil or gas reservoir, or other geological formation that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the work performed to develop the Carbon Sequestration Atlas of the United States and Canada completed by the Department of Energy in April 2006.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator regarding data sharing and the format, development of methodology, and content of the assessment to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) comprised, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geosciences organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including not less frequently than once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(3), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of the capacity for carbon dioxide storage in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment, the Secretary shall carry out a characterization program to supplement the geological data relevant to determining storage capacity in carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling characterization under paragraph (2), the Secretary shall enter into partnerships, as appropriate, with other entities to collect and integrate data from other drilling programs relevant to the storage of carbon dioxide in geological formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary shall incorporate the results of the assessment using, to the maximum extent practicable—

(i) the NatCarb database of the National Energy Technology Laboratory of the Department of Energy; or

(ii) a new database developed by the Secretary, as the Secretary determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential storage sites—

(i) for capacity and risk;

(ii) across the United States;

(iii) within each State;

(iv) by formation; and

(v) within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the results of the assessment.

(6) PERIODIC UPDATES.—The assessment shall be updated periodically (including not less frequently than once every 5 years) as necessary to support public and private sector decisionmaking, as determined by the Secretary.

SEC. 1023. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION AND OPERATION OF PIPELINES AND GEOLOGICAL CARBON DIOXIDE SEQUESTRATION ACTIVITIES.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Administrator, the Chairman of the Federal Energy Regulatory Commission, the Secretary of Transportation, and the Secretary of the Interior, and in consultation with representatives of industry, financial institutions, investors, owners and operators of applicable facilities, regulators, institutions of higher education, and other stakeholders, shall conduct a study to assess the feasibility of the construction of—

(1) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; and

(2) geological carbon dioxide sequestration facilities.

(b) SCOPE.—The study shall consider—

(1) any barrier or potential barrier in existence as of the date of enactment of this Act, including any technical, siting, financing, or regulatory barrier, relating to—

(A) the construction and operation of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) the construction and operation of facilities for the geological sequestration of carbon dioxide;

(2) any market risk (including throughput risk) relating to—

(A) the construction and operation of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) the construction and operation of facilities for the geological sequestration of carbon dioxide;

(3) any regulatory, financing, or siting option that, as determined by the Secretary of Energy, would—

(A) mitigate any market risk described in paragraph (2); or

(B) help ensure the construction and operation of pipelines dedicated to the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(4) the means by which to ensure the safe handling, transportation, and sequestration of carbon dioxide;

(5) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(6) any other appropriate use, as determined by the Secretary of Energy, in coordination with the Administrator, the Chairman of the Federal Energy Regulatory Commission, the Secretary of Transportation, and the Secretary of the Interior;

(7) the means by which to ensure that siting is carried out in a manner that is socioeconomically just and environmentally and ecologically sound; and

(8) the findings of the task force established under section 1024, in consultation with industry, financial institutions, investors, owners and operators, regulators, academic experts, and stakeholders.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the results of the study.

SEC. 1024. LIABILITIES FOR CLOSED GEOLOGICAL STORAGE SITES.

(a) ESTABLISHMENT OF TASK FORCE.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall establish a task force, with equal representation from the public, academic subject matter experts, and industry, to conduct a study of the statutory framework, environmental and safety considerations, and financial implications of potential Federal assumption of liabilities with respect to closed geological sites.

(b) CHARGE OF TASK FORCE.—At a minimum, the task force shall consider—

(1) procedures for the certification and approval of geological storage sites and projects, including siting, monitoring, and closure standards;

(2) existing statutory authority under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) to address issues relating to long-term financial responsibility and long-term liabilities; and

(3) successorship of closed geological storage sites used to sequester carbon dioxide, including possible transfer of title and liabilities from the private sector to the public sector and conditions that might be placed on such a transfer, transfer of financial responsibility to the public sector or within the private sector, and possible indemnity from long-term liabilities.

TITLE XI—FUTURE OF TRANSPORTATION

Subtitle A—Kick-Start for Clean Commercial Fleets

SEC. 1101. PURPOSE.

The purpose of this subtitle is to accelerate the commercialization and diffusion of fuel-efficient medium- and heavy-duty hybrid commercial trucks, buses, and vans in the United States.

SEC. 1102. ALLOCATION.

Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate to the program established under section 1103 0.5 percent of the aggregate quantity of emission allowances established pursuant to section 201(a) for calendar years 2012 through 2017.

SEC. 1103. CLEAN MEDIUM- AND HEAVY-DUTY HYBRID FLEETS PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall—

(1) review and revise, as necessary, regulations promulgated under section 113; and

(2) promulgate regulations for a program for distributing emission allowances allocated pursuant to section 1102 to entities in

the United States as an immediate reward for purchase by the entities of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that—

(1) only purchasers of commercial vehicles weighing at least 8,500 pounds are eligible for receipt of emission allowances under the program;

(2) the purchasers of qualifying vehicles are provided certainty of the magnitude and timeliness of delivery of the reward at the time at which the purchasers purchase the vehicles;

(3) rewards increase commensurately with fuel efficiency of qualifying vehicles;

(4) qualifying vehicles shall be categorized into not fewer than 3 classes of vehicle weight, in order to ensure—

(A) adequate availability of rewards for different categories of commercial vehicles; and

(B) that the rewards for heavier, more expensive vehicles are proportional to the rewards for lighter, less expensive vehicles;

(5) rewards decrease over time, in order to encourage early purchases of hybrid vehicles; and

(6) to the maximum extent practicable, all emission allowances allocated to the program shall have been distributed as rewards by not later than 5 years after the date of enactment of this Act.

Subtitle B—Advanced Vehicle Manufacturers

SEC. 1111. CLIMATE CHANGE TRANSPORTATION ENERGY TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund, to be known as the ''Climate Change Transportation Energy Technology Fund'' (referred to in this subtitle as the ''Fund'').

SEC. 1112. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year in order to raise funds for deposit in the Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

SEC. 1113. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1112, immediately on receipt of those proceeds, into the Fund.

SEC. 1114. USE OF FUNDS.

For each of calendar years 2012 through 2050, all funds deposited into the Fund during the preceding year pursuant to section 1113 shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established by section 431 for making manufacturer facility conversion awards under section 1115.

SEC. 1115. MANUFACTURER FACILITY CONVERSION PROGRAM.

(a) IN GENERAL.—The Climate Change Technology Board established by section 431 shall use all amounts in the Fund to provide facility funding awards under this section to manufacturers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(b) PERIOD OF AVAILABILITY.—An award under subsection (a) shall apply to—

(1) facilities and equipment placed in service during the period beginning on the date of enactment of this Act and ending on December 31, 2029; and

(2) engineering integration costs incurred after the date of enactment of this Act.

(c) CAFE REQUIREMENTS.—The Climate Change Technology Board shall not make an award under this section to an automobile manufacturer or component supplier that, directly or through a parent, subsidiary, or affiliated entity, is not in compliance with each corporate average fuel economy standard under section 32902 of title 49, United States Code, in effect on the date of the award.

(d) ADDITIONAL REQUIREMENTS.—

(1) DEFINITION OF PROSPECTIVE RECIPIENT.—In this subsection, the term ''prospective recipient'' means an automobile manufacturer or component supplier (including any parent, subsidiary, or affiliated entity) that seeks to receive an award under this section.

(2) CERTIFICATION.—To be eligible to receive an award under this section, a prospective recipient shall certify to the Climate Change Technology Board that, for the 7-calendar year period beginning on the date of receipt of the award, the prospective recipient will maintain in the United States a number of full-time or full-time-equivalent employees that is—

(A) equal to 90 percent of the monthly average number of full-time or full-time-equivalent employees maintained by the prospective recipient for the 12-month period ending on the date of receipt of the award;

(B) sufficient to ensure that the proportion that the workforce of the prospective recipient in the United States bears to the global workforce of the prospective recipient is equal to or greater than the average monthly proportion that the workforce of the prospective recipient in the United States bears to the global workforce of the prospective recipient for the 12-month period ending on the date of receipt of the award; or

(C) sufficient to ensure that any percentage decrease in the hourly workforce of the prospective recipient in the United States is not greater than the aggregate of the percentage decrease in the market share of the prospective recipient in the United States and the increase in the productivity of the prospective recipient, calculated during the period beginning on the date of receipt of the award and ending on the date of certification under this paragraph.

(3) RECERTIFICATION.—Not later than 1 year after the date of receipt of an award under this section, and annually thereafter, a prospective recipient shall—

(A) recertify to the Climate Change Technology Board that, during the preceding calendar year, the prospective recipient has achieved compliance with an applicable requirement described in paragraph (2); and

(B) provide to the Climate Change Technology Board sufficient data for verification of the recertification.

(4) REPAYMENT.—A prospective recipient that fails to make the recertification required by paragraph (3) shall pay to the Climate Change Technology Board an amount equal to the difference between—

(A) the amount of the original award to the prospective recipient; and

(B) the product obtained by multiplying—

(i) an amount equal to 1/7 of that original amount; and

(ii) the number of years during which the prospective recipient—

(I) received an award under this section; and

(II) made the recertification required by paragraph (3).

(e) ADMINISTRATION.—The terms and conditions established for applicants under section 136(d)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) shall apply to prospective recipients under this section.

Subtitle C—Cellulosic Biofuel

SEC. 1121. CELLULOSIC BIOFUEL PROGRAM.

(a) ALLOCATION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 and 2013, the Administrator shall allocate to the program established under subsection (b) 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2014 through 2017, the Administrator shall allocate to the program established under subsection (b) 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall allocate to the program established under subsection (b) 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to establish a program for distributing emission allowances allocated under subsection (a) to entities in the United States as a reward for production in the United States of fuel from cellulosic biomass grown in the United States.

(2) REQUIREMENTS.—The regulations promulgated pursuant to paragraph (1) shall require that emission allowances shall be distributed under the program—

(A) among a variety of feedstocks and a variety of regions of the United States;

(B) on a competitive basis for projects that have produced in the United States fuels that—

(i) meet United States fuel and emissions specifications;

(ii) help diversify domestic transportation energy supplies;

(iii) improve or maintain air, water, soil, and habitat quality and protect scarce water supplies; and

(iv) are cellulosic biofuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); and

(C) in a manner that provides priority to projects that achieve—

(i) low costs to consumers over the medium- and long-terms;

(ii) demonstrably low lifecycle greenhouse gas emissions, taking into account direct and indirect land-use changes;

(iii) high long-term technological potential, taking into consideration production volume, feedstock availability, and process efficiency;

(iv) low environmental impacts, taking into consideration air, water, and habitat quality; and

(v) fuels with the ability to serve multiple economic segments of the transportation sector, including the aviation and marine segments.

Subtitle D—Low-Carbon Fuel Standard

SEC. 1131. FINDINGS.

Congress finds that—

(1) oil used for transportation contributes significantly to air pollution, including greenhouse gases, water pollution, and other adverse impacts on the environment; and

(2) to reduce greenhouse gas emissions, the United States should rely increasingly on advanced, clean, low-carbon fuels for transportation.

SEC. 1132. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended—

(1) by redesignating subparagraphs (G) through (L) as subparagraphs (J) through (O), respectively;

(2) by inserting after subparagraph (F) the following:

''(G) CULTIVATED NOXIOUS PLANT.—The term 'cultivated noxious plant' means a plant that is included on—

''(i) the Federal noxious weed list maintained by the Animal and Plant Health Inspection Service; or

''(ii) any comparable State list.

''(H) FUEL EMISSION BASELINE.—The term 'fuel emission baseline' means the average lifecycle greenhouse gas emissions per unit of energy of the aggregate of all transportation fuels sold or introduced into commerce in calendar year 2005, as determined by the Administrator under paragraph (13).

''(I) FUEL PROVIDER.—The term 'fuel provider' includes, as the Administrator determines to be appropriate, any individual or entity that produces, refines, blends, or imports any transportation fuel in commerce in, or into, the United States.''; and

(3) by striking subparagraph (O) (as redesignated by paragraph (1)) and inserting the following:

''(O) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, nonroad vehicles, nonroad engines, or aircraft.''.

SEC. 1133. ESTABLISHMENT.

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

''(13) ADVANCED CLEAN FUEL PERFORMANCE STANDARD.—

''(A) STANDARD.—

''(i) IN GENERAL.—Not later than January 1, 2010, the Administrator shall, by regulation—

''(I) establish a methodology for use in determining the lifecycle greenhouse gas emissions per unit of energy of all transportation fuels in commerce for which the Administrator has not already established such a methodology;

''(II) determine the fuel emission baseline; and

''(III) in accordance with clause (ii), establish a requirement applicable to transportation fuel providers to reduce, on an annual average basis, the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of transportation fuel produced, refined, blended, or imported by the fuel provider to a level that is, to the maximum extent practicable—

''(aa) by not later than calendar year 2011, at least equal to or less than the fuel emission baseline;

''(bb) by not later than calendar year 2012, equivalent to the difference between the fuel emission baseline and the lifecycle greenhouse gas emissions per unit of energy reduced by the volumetric renewable fuel requirements of paragraph (2)(B);

''(cc) by not later than calendar year 2023, at least 5 percent less than the fuel emission baseline; and

''(dd) by not later than calendar year 2028, at least 10 percent less than the fuel emission baseline.

''(ii) PREVENTION OF AIR QUALITY DETERIORATION.—

''(I) STUDY.—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall complete a study to determine whether the greenhouse gas emission reductions required under clause (i)(III) will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

''(II) CONSIDERATIONS.—The study shall include consideration of—

''(aa) different blend levels, types of transportation fuels, and available vehicle technologies; and

''(bb) appropriate national, regional, and local air quality control measures.

''(III) REGULATIONS.—Not later than 3 years after the date of enactment of this paragraph, the Administrator shall—

''(aa) promulgate fuel regulations to implement appropriate measures to mitigate, to the maximum extent practicable and taking into consideration the results of the study conducted under this clause, any adverse impacts on air quality as a result of the greenhouse gas emission reductions required by this subsection; or

''(bb) make a determination that no such measures are necessary.

''(iii) CALENDAR YEAR 2033 AND THEREAFTER.—For calendar year 2033, and every 5 years thereafter, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall revise the applicable performance standard under clause (i)(III) to reduce, to the maximum extent practicable, the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of transportation fuel sold or introduced into commerce in the United States.

''(iv) REVISION OF REGULATIONS.—In accordance with the purposes of the Lieberman-Warner Climate Security Act of 2008, the Administrator may, as appropriate, revise the regulations promulgated under clause (i) as necessary to reflect or respond to changes in the transportation fuel market or other relevant circumstances.

''(v) METHOD OF CALCULATION.—In calculating the lifecycle greenhouse gas emissions of hydrogen or electricity (when used as a transportation fuel) under clause (i)(I), the Administrator shall—

''(I) include emission resulting from the production of the hydrogen or electricity; and

''(II) consider to be equivalent to the energy delivered by 1 gallon of ethanol the energy delivered by—

''(aa) 6.4 kilowatt-hours of electricity;

''(bb) 32 standard cubic feet of hydrogen; or

''(cc) 1.25 gallons of liquid hydrogen.

''(vi) DETERMINATION OF LIFECYCLE GREENHOUSE GAS EMISSIONS.—In carrying out this subparagraph, the Administrator shall use the best available scientific and technical information to determine the lifecycle greenhouse gas emissions per unit of energy of transportation fuels derived from—

''(I) renewable biomass;

''(II) electricity, including the entire lifecycle of the fuel;

''(III) 1 or more fossil fuels, including the entire lifecycle of the fuels; and

''(IV) hydrogen, including the entire lifecycle of the fuel.

''(vii) EQUIVALENT EMISSIONS.—In carrying out this subparagraph, the Administrator shall consider transportation fuel derived from cultivated noxious plants, and transportation fuel derived from biomass sources other than renewable biomass, to have emissions equivalent to the greater of—

''(I) the lifecycle greenhouse gas emissions; or

''(II) the fuel emission baseline.

''(B) ELECTION TO PARTICIPATE.—An electricity provider may elect to participate in the program under this subsection if the electricity provider provides and separately tracks electricity for transportation through a meter that—

''(i) measures the electricity used for transportation separately from electricity used for other purposes; and

''(ii) allows for load management and time-of-use rates.

''(C) CREDITS.—

''(i) IN GENERAL.—The regulations promulgated to carry out this paragraph shall permit fuel providers to generate credits for achieving, during a calendar year, greater reductions in lifecycle greenhouse gas emissions of the fuel provided, blended, or imported by the fuel provider than are required under subparagraph (A)(i)(III).

''(ii) METHOD OF CALCULATION.—The number of credits received by a fuel provider under clause (i) for a calendar year shall be the product obtained by multiplying—

''(I) the aggregate quantity of fuel produced, distributed, or imported by the fuel provider during the calendar year; and

''(II) the difference between—

''(aa) the lifecycle greenhouse gas emissions per unit of energy of that quantity of fuel; and

''(bb) the maximum lifecycle greenhouse gas emissions per unit of energy of that quantity of fuel permitted for the calendar year under subparagraph (A)(i)(III).

''(D) COMPLIANCE.——

''(i) IN GENERAL.—Each fuel provider subject to this paragraph shall demonstrate compliance with this paragraph, including, as necessary, through the use of credits banked or purchased.

''(ii) NO LIMITATION ON TRADING OR BANKING.—There shall be no limit on the ability of any fuel provider to trade or bank credits pursuant to this subparagraph.

''(iii) USE OF BANKED CREDITS.—A fuel provider may use banked credits under this subparagraph with no discount or other adjustment to the credits.

''(iv) INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.—A fuel provider that is unable to generate or purchase sufficient credits to meet the requirements of subparagraph (A)(i)(III) may carry the compliance deficit forward, subject to the condition that the fuel provider, for the calendar year following the year for which the deficit is created—

''(I) achieves compliance with subparagraph (A)(i)(III); and

''(II) generates or purchases additional credits to offset the deficit from the preceding calendar year.

''(v) TYPES OF CREDITS.—To encourage innovation in transportation fuels—

''(I) only credits created in the production of transportation fuels may be used for the purpose of compliance described in clause (i); and

''(II) credits created by or in other sectors, such as manufacturing, may not be used for that purpose.

''(E) IMPACT ON FOOD PRODUCTION.—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall evaluate and consider promulgating regulations to address any significant impacts on access to, and production of, food due to the sourcing and production of fuels used to comply with this Act.

''(F) NO EFFECT ON STATE AUTHORITY.—Nothing in this paragraph affects the authority of any State to establish, or to maintain in effect, any transportation fuel standard that reduces greenhouse gas emissions.''.

TITLE XII—FEDERAL PROGRAM TO PROTECT NATURAL RESOURCES

Subtitle A—Auctions

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) BUREAU OF LAND MANAGEMENT FUND.—The term ''Bureau of Land Management Fund'' means the Bureau of Land Management Emergency Firefighting Fund established by section 1211(a).

(2) FOREST SERVICE FUND.—The term ''Forest Service Fund'' means the Forest Service Emergency Firefighting Fund established by section 1212(a).

(3) WILDLIFE ADAPTATION FUND.—The term ''Wildlife Adaptation Fund'' means the National Wildlife Adaptation Fund established by section 1231(a).

SEC. 1202. AUCTIONS.

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Bureau of Land Management Fund, the Forest Service Fund, and the Wildlife Adaptation Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately on receipt of the auction proceeds—

(A) deposit in the Bureau of Land Management Fund the amount of those proceeds that is sufficient to ensure that the amount in the Bureau of Land Management Fund equals $300,000,000;

(B) deposit in the Forest Service Fund the amount of those proceeds that is sufficient to ensure that the amount in the Forest Service Fund equals $800,000,000; and

(C) deposit all remaining proceeds from the auctions conducted under this section in the Wildlife Adaptation Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the actions in a manner to ensure that—

(A) each auction takes place during the period beginning on the date that is 35 days after January 1 of the calendar year and ending on the date that is 60 before December 31 of the calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for funds
2012	3
2013	2.5
2014	2.5
2015	2.5
2016	2.5
2017	2.5
2018	2.5
2019	2.5
2020	2.5
2021	2.5
2022	2.5
2023	3
2024	3
2025	4
2026	4
2027	4
2028	4
2029	4
2030	4
2031	4
2032	5
2033	5
2034	5
2035	5
2036	5
2037	5
2038	5
2039	5
2040	5
2041	5
2042	5
2043	5
2044	5
2045	5
2046	5
2047	5
2048	5
2049	5
2050	5.

Subtitle B—Funds

SEC. 1211. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Bureau of Land Management Emergency Firefighting Fund'', consisting of such amounts as are deposited in the Bureau of Land Management Fund under section 1202(a)(2)(A).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Bureau of Land Management Fund under section 1202(a)(2)(A) shall be—

(1) used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of the Interior (referred to in this section as the ''Secretary'') for normal, nonemergency wildland fire suppression activities; and

(2) made available without further appropriation or fiscal year limitation.

(c) ACCOUNTING AND REPORTING.—

(1) ESTABLISHMENT OF SYSTEM.—In accordance with paragraph (2), not later than 3 years after the date of enactment of this Act, the Secretary shall establish an accounting and reporting system for activities carried out under this section.

(2) REQUIREMENTS OF SYSTEM.—

(A) NATIONAL FIRE PLAN.—To ensure that the accounting and reporting system established by the Secretary under paragraph (1) is compatible with each reporting procedure of the National Fire Plan, the Secretary shall establish the accounting and reporting system in accordance with the National Fire Plan.

(B) MONTHLY AND ANNUAL REPORTS.—The accounting and reporting system under paragraph (1) shall include a requirement that the Secretary submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(i) not later than the last day of each month, a report that contains a description of each expenditure made from the Bureau of Land Management Fund during the preceding month; and

(ii) not later than September 30 of each fiscal year, a report that contains a description of each expenditure made from the Bureau of Land Management Fund during the preceding fiscal year.

SEC. 1212. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Forest Service Emergency Firefighting Fund'', consisting of such amounts as are deposited in the Forest Service Fund under section 1202(a)(2)(B).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Forest Service Fund under section 1202(a)(2)(B) shall be—

(1) used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of Agriculture (referred to in this section as the ''Secretary'') for normal, nonemergency wildland fire suppression activities; and

(2) made available without further appropriation or fiscal year limitation.

(c) ACCOUNTING AND REPORTING.—

(1) ESTABLISHMENT OF SYSTEM.—In accordance with paragraph (2), not later than 3 years after the date of enactment of this Act, the Secretary shall establish an accounting and reporting system for activities carried out under this section.

(2) REQUIREMENTS OF SYSTEM.—

(A) NATIONAL FIRE PLAN.—To ensure that the accounting and reporting system established by the Secretary under paragraph (1) is compatible with each reporting procedure of the National Fire Plan, the Secretary shall establish the accounting and reporting system in accordance with the National Fire Plan.

(B) MONTHLY AND ANNUAL REPORTS.—The accounting and reporting system under paragraph (1) shall include a requirement that the Secretary submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(i) not later than the last day of each month, a report that contains a description of each expenditure made from the Forest Service Fund during the preceding month; and

(ii) not later than September 30 of each fiscal year, a report that contains a description of each expenditure made from the Forest Service Fund during the preceding fiscal year.

Subtitle C—National Wildlife Adaptation Strategy

SEC. 1221. DEFINITIONS.

In this subtitle:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the Science Advisory Board established by the Secretary under section 1223(a).

(2) GREAT LAKE.—The term ''Great Lake'' means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario;

(E) Lake Superior; and

(F) the connecting channels of those Lakes, including—

(i) the Saint Marys River;

(ii) the Saint Clair River;

(iii) the Detroit River;

(iv) the Niagara River; and

(v) the Saint Lawrence River to the Canadian border.

(3) NATIONAL STRATEGY.—The term ''national strategy'' means the National Wildlife Adaptation Strategy developed by the President under section 1222(a).

(4) SCIENCE CENTER.—The term ''Science Center'' means the Climate Change and Natural Resource Science Center established under section 1224(a).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1222. NATIONAL STRATEGY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the President shall develop and implement a national strategy to be known as the ''National Wildlife Adaptation Strategy'' to assist fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes—

(1) to become more resilient; and
(2) to adapt to the impacts of climate change and ocean acidification.
(b) ADMINISTRATION.—In establishing and revising the national strategy, the President shall—
(1) base the national strategy on the best available science, as provided by the Advisory Board;
(2) develop the national strategy in cooperation with—
(A) State fish and wildlife agencies;
(B) State coastal agencies;
(C) State environmental agencies;
(D) territories and possessions of the United States; and
(E) Indian tribes;
(3) coordinate with—
(A) the Secretary;
(B) the Secretary of Commerce;
(C) the Secretary of Agriculture;
(D) the Secretary of Defense;
(E) the Administrator; and
(F) the head of any other appropriate Federal agency, as determined by the President;
(4) consult with—
(A) local governments;
(B) conservation organizations;
(C) scientists; and
(D) any other interested stakeholder; and
(5) provide public notice and opportunity for comment.
(c) CONTENTS.—The President shall include in the national strategy, at a minimum, prioritized goals and measures and a schedule for implementation—
(1) to identify and monitor fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes that—
(A) are particularly likely to be adversely affected by climate change and ocean acidification; and
(B) have the greatest need for protection, restoration, and conservation;
(2) to identify and monitor coastal, estuarine, marine, terrestrial, and freshwater habitats that are at the greatest risk of being damaged by climate change and ocean acidification;
(3) to assist species in adapting to the impacts of climate change and ocean acidification;
(4) to protect, acquire, maintain, and restore fish and wildlife habitat to build resilience to climate change and ocean acidification;
(5) to provide habitat linkages and corridors to facilitate fish, wildlife, and plant movement in response to climate change and ocean acidification;
(6) to restore and protect ecological processes that sustain fish, wildlife, and plant populations that are vulnerable to climate change and ocean acidification;
(7) to protect, maintain, and restore coastal, marine, and aquatic ecosystems to ensure that the ecosystems are more resilient and better able to withstand the additional stresses associated with climate change, including changes in—
(A) hydrology;
(B) relative sea level rise;
(C) ocean acidification; and
(D) water levels and temperatures of the Great Lakes;
(8) to protect ocean and coastal species from the impacts of climate change and ocean acidification;
(9) to incorporate adaptation strategies and activities to address relative sea level rise and changes in Great Lakes water levels in coastal zone planning;
(10) to protect, maintain, and restore ocean and coastal habitats to build healthy and resilient ecosystems (including through the purchase of aquatic and terrestrial ecosystems and coastal and island land);
(11) to protect, maintain, and restore floodplains to build healthy and resilient ecosystems (including through the purchase of land in floodplains);
(12) to protect, maintain, and restore aquatic and terrestrial ecosystems to ensure the long-term sustainability of the ecosystems for human and ecosystem use;
(13) to explore pollution prevention opportunities to reduce or eliminate the environmental impacts caused by climate change on aquatic and terrestrial ecosystems; and
(14) to incorporate consideration of climate change and ocean acidification, and to integrate adaptation strategies and activities for fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes, in the planning and management of Federal land and water administered by the Federal agencies that receive funding under subtitle D.
(d) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the President shall, to the maximum extent practicable—
(1) take into consideration research and information contained in—
(A) State comprehensive wildlife conservation plans;
(B) the North American Waterfowl Management Plan;
(C) the National Fish Habitat Action Plan;
(D) coastal zone management plans;
(E) reports published by the Pew Oceans Commission and the United States Commission on Ocean Policy;
(F) State or local integrated water resource management plans;
(G) watershed plans developed pursuant to section 208 or 319 of the Federal Water Pollution Control Act (33 U.S.C. 1288 and 1329);
(H) the Great Lakes Regional Collaboration Strategy; and
(I) other relevant plans; and
(2) coordinate and integrate the goals and measures identified in the national strategy with the goals and measures identified in those plans.
(e) REVISIONS.—Not later than 5 years after the date on which the national strategy is developed, and not less frequently than every 5 years thereafter, the President shall review and revise the national strategy in accordance with the procedures described in this section.

SEC. 1223. SCIENCE ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and appoint the members of an Advisory Board that is composed of—
(1) not fewer than 10, and not more than 20, members who—
(A) are recommended by the President of the National Academy of Sciences;
(B) have expertise in fish, wildlife, plant, aquatic, and coastal and marine biology, hydrology, ecology, climate change, ocean acidification, and other relevant scientific disciplines; and
(C) represent a balanced membership between Federal, State, local, and tribal representatives, universities, and conservation organizations; and
(2) each Director of the Science Center, each of whom shall be an ex officio member of the Advisory Board.
(b) DUTIES.—The Advisory Board shall—
(1) advise the President, the Directors of the Science Center, and relevant Federal agencies and departments on—
(A) the best available science regarding the impacts of climate change and ocean acidification on fish and wildlife, habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes; and
(B) scientific strategies and mechanisms for adaptation;
(2) identify and recommend priorities for ongoing research needs regarding those issues; and
(3) review the quality of the research programs carried out by the Science Center.
(c) COLLABORATION.—The Advisory Board shall collaborate with any other climate change or ecosystem research entity of any other Federal agency.
(d) PUBLIC AVAILABILITY.—The advice and recommendations of the Advisory Board shall be made available to the public.
(e) NONAPPLICABILITY OF FACA.—The Advisory Board shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 1224. CLIMATE CHANGE AND NATURAL RESOURCE SCIENCE CENTER.

(a) IN GENERAL.—The Secretary shall establish a Climate Change and Natural Resource Science Center within the Department of the Interior.
(b) FUNCTIONS.—In operating the Science Center, the Secretary, in coordination with the Secretaries of Agriculture, Commerce, and Defense, and the Administrator, and in consultation with State fish and wildlife management agencies, State coastal management agencies, territories or possessions of the United States, and Indian tribes, shall—
(1) conduct scientific research on national issues relating to the impacts of climate change on the respective authority of each Federal agency over, and mechanisms of each Federal agency for, adaptation, and avoidance and minimization of, the impacts on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes;
(2) consult with and advise Federal land, water, and natural resource management and regulatory agencies and Federal fish and wildlife agencies on—
(A) the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes; and
(B) mechanisms for addressing the impacts described in subparagraph (A);
(3) consult and, to the maximum extent practicable, collaborate with State and local agencies, territories or possessions of the United States, Indian tribes, universities, and other public and private entities regarding research, monitoring, and other efforts to address the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes; and
(4) collaborate and, as appropriate, enter into contracts with Federal and non-Federal climate change research entities to ensure that the full array of ecosystem types are appropriately addressed.

Subtitle D—National Wildlife Adaptation Program

SEC. 1231. NATIONAL WILDLIFE ADAPTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''National Wildlife Adaptation Fund'', consisting of such amounts as are deposited in the Wildlife Adaptation Fund under section 1202(a)(2)(C).
(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Wildlife Adaptation Fund under section 1202(a)(2)(C) shall be—
(1) used to carry out activities (including research and education activities) to assist fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes in becoming more resilient, adapting to, and surviving the impacts of, climate change and ocean acidification (referred to in this subtitle as ''adaptation activities'') pursuant to this subtitle; and

(2) made available without further appropriation or fiscal year limitation.

(c) CONSISTENCY WITH NATIONAL STRATEGY.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning on the date on which the President establishes the national strategy under section 1222, funds made available under subsection (b) shall be used only for adaptation activities that are consistent with the national strategy.

(2) INITIAL PERIOD.—Until the date on which the President establishes the national strategy, funds made available under subsection (b) shall be used only for adaptation activities that are consistent with a workplan established by the President.

SEC. 1232. DEPARTMENT OF THE INTERIOR.

Of the amounts made available annually under section 1231(b)—

(1) 34 percent shall be allocated to the Secretary of the Interior for use in funding—

(A) adaptation activities carried out—

(i) under endangered species, migratory bird, and other fish and wildlife programs administered by the United States Fish and Wildlife Service;

(ii) on wildlife refuges and other public land under the jurisdiction of the United States Fish and Wildlife Service, the Bureau of Land Management, or the National Park Service;

(iii) within Federal water managed by the Bureau of Reclamation; or

(iv) to address the requirements of Federal and State natural resource agencies through coordination, dissemination, and augmentation of research regarding the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and ecological processes, and the mechanisms to adapt to, mitigate, or prevent those impacts by the Science Center within the United States Geological Survey—

(I) in coordination with the Secretaries of Agriculture, Commerce, and Defense, and the Administrator; and

(II) in consultation with State fish and wildlife management agencies, State environmental, coastal, and Great Lakes management agencies, territories or possessions of the United States, and Indian tribes;

(B) the Advisory Board; and

(C) the Science Center;

(2) 10 percent shall be allocated to the Secretary of the Interior for adaptation activities carried out under cooperative grant programs, including—

(A) the cooperative endangered species conservation fund authorized under section 6(i) of the Endangered Species Act of 1973 (16 U.S.C. 1535(i));

(B) programs under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(C) the multinational species conservation fund established under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' of title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246);

(D) the Neotropical Migratory Bird Conservation Fund established by section 9(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a));

(E) the Coastal Program of the United States Fish and Wildlife Service;

(F) the National Fish Habitat Action Plan;

(G) the Partners for Fish and Wildlife Program;

(H) the Landowner Incentive Program;

(I) the Wildlife Without Borders Program of the United States Fish and Wildlife Service; and

(J) the Park Flight Migratory Bird Program of the National Park Service; and

(3) 2 percent shall be allocated to the Secretary of the Interior and subsequently made available to Indian tribes to carry out adaptation activities through the tribal wildlife grants program of the United States Fish and Wildlife Service.

SEC. 1233. FOREST SERVICE.

Of the amounts made available annually under section 1231(b), 10 percent shall be allocated to the Secretary of Agriculture for use in funding adaptation activities carried out—

(1) on National Forests and National Grasslands under the jurisdiction of the Forest Service; or

(2) pursuant to the cooperative Wings Across the Americas Program.

SEC. 1234. ENVIRONMENTAL PROTECTION AGENCY.

Of the amounts made available annually under section 1231(b), 12 percent shall be allocated to the Administrator for use in adaptation activities for restoring and protecting—

(1) large-scale freshwater aquatic ecosystems, including the Everglades, the Great Lakes, Flathead Lake, the Missouri River, the Mississippi River, the Colorado River, the Sacramento-San Joaquin Rivers, the Ohio River, the Columbia-Snake River System, the Apalachicola, the Chattahoochee and Flint River System, the Connecticut River, and the Yellowstone River;

(2) large-scale estuarine ecosystems, including the Chesapeake Bay, Long Island Sound, Puget Sound, the Mississippi River Delta, San Francisco Bay Delta, Narragansett Bay, and Albemarle-Pamlico Sound; and

(3) other freshwater, estuarine, coastal, and marine ecosystems, watersheds, basins, and groundwater resources identified as priorities by the Administrator (including those identified in accordance with section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330)), working in cooperation with other Federal agencies, States, local governments, scientists, and other conservation partners.

SEC. 1235. CORPS OF ENGINEERS.

Of the amounts made available annually under section 1231(b), 15 percent shall be allocated to the Secretary of the Army for use by the Corps of Engineers to carry out adaptation activities for protecting and restoring—

(1) large-scale freshwater aquatic ecosystems, including the ecosystems described in section 1234(1);

(2) large-scale estuarine ecosystems, including the ecosystems described in section 1234(2);

(3) other freshwater, estuarine, coastal and marine ecosystems, watersheds, basins, and groundwater resources identified as priorities by the Corps of Engineers, working in cooperation with other Federal agencies, States, local governments, scientists, and other conservation partners; and

(4) habitats or ecosystems under programs such as—

(A) the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.);

(B) project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for improvement of the environment; and

(C) the program for aquatic restoration under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 1236. DEPARTMENT OF COMMERCE.

Of the amounts made available annually under section 1231(b), 17 percent shall be allocated to the Secretary of Commerce for use in funding adaptation activities to protect, maintain, and restore coastal, estuarine, Great Lakes, and marine resources, habitats, and ecosystems, including activities carried out under—

(1) the coastal and estuarine land conservation program;

(2) the community-based restoration program;

(3) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), subject to the condition that State coastal agencies shall incorporate, and the Secretary of Commerce shall approve, coastal zone management plan elements that are—

(A) consistent with the National Wildlife Adaptation Strategy developed by the President under section 1222(a), as part of a coastal zone management program established under this Act; and

(B) specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the impacts of—

(i) global warming; and

(ii) where practicable, ocean acidification;

(4) the Open Rivers Initiative;

(5) the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(8) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); and

(9) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

SEC. 1237. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall offer to enter into an arrangement with the National Academy of Sciences, under which the Academy shall establish a panel—

(1) to convene multiple regional scientific symposia to examine the ecological impact of climate change on imperiled species in each region of the United States; and

(2) to examine and analyze the reports, data, documents, and other information produced by the regional scientific symposia.

(b) REPORT.—

(1) IN GENERAL.—The National Academy of Sciences shall prepare and submit to the Secretary of the Interior a report that—

(A) incorporates the information produced through the symposia described in subsection (a)(1); and

(B) includes each component described in paragraph (2).

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) an identification and assessment of the impacts of climate change and ocean acidification on imperiled species, ecosystems, and waters under the jurisdiction of the United States (including the possessions and territories of the United States);

(B) an identification and assessment of different ecological scenarios that may result from different intensities, rates, and other critical manifestations of climate change;

(C) recommendations for the responsibilities of the Federal Government, State, local, and tribal agencies, and private parties in assisting imperiled species in adapting to, and surviving the impacts of, climate change (including a recommended list of prioritized remediation actions by those agencies and parties); and

(D) other relevant ecological information.

(3) PUBLIC AVAILABILITY.—The report shall be made available to the public as soon as practicable after the date on which the report is completed.

(c) USE OF REPORT BY HEADS OF CERTAIN FEDERAL AGENCIES.—The Secretaries of Agriculture, Commerce, the Interior, and Defense, and the Administrator, shall take into account each recommendation contained in the report under subsection (b).

TITLE XIII—INTERNATIONAL PARTNERSHIPS TO REDUCE EMISSIONS AND ADAPT TO CLIMATE CHANGE

Subtitle A—Promoting Fairness While Reducing Emissions

SEC. 1301. DEFINITIONS.

In this subtitle:

(1) BASELINE EMISSION LEVEL.—

(A) COVERED GOODS.—With respect to a covered good of a foreign country, the term ''baseline emission level'' means, as determined by the Commission, the total annual greenhouse gas emissions attributed to the category of the covered good of the foreign country during calendar year 2005, based on the best available information.

(B) COUNTRIES.—With respect to the United States or a foreign country, the term ''baseline emission level'' means, as determined by the Commission, the total annual nationwide greenhouse gas emissions attributed to the country during calendar year 2005, based on the best available information.

(2) BEST AVAILABLE INFORMATION.—The term ''best available information'' means—

(A) all relevant data that are available for a particular period; and

(B) to the extent necessary—

(i) economic and engineering models;

(ii) best available information on technology performance levels; and

(iii) any other useful measure or technique for estimating the emissions from emissions activities.

(3) COMMISSION.—The term ''Commission'' means the International Climate Change Commission established by section 1304(a).

(4) COMPARABLE ACTION.—

(A) IN GENERAL.—The term ''comparable action'' means any greenhouse gas regulatory programs, requirements, and other measures adopted by a foreign country that, in combination, are comparable in effect to actions carried out by the United States through Federal, State, and local measures to limit greenhouse gas emissions, as determined by the Commission in accordance with subparagraph (B).

(B) REQUIREMENTS.—For purposes of subparagraph (A), the Commission shall make a determination on whether a foreign country has taken comparable action for a particular calendar year based on the best available information and in accordance with the following requirements:

(i) A foreign country shall be considered to have taken comparable action if the Commission determines that the percentage change in greenhouse gas emissions in the foreign country during the relevant period is equal to or greater than the percentage change in greenhouse emissions of the United States during that period.

(ii) In the case of a foreign country that is not considered to have taken comparable action under clause (i), the Commission shall take into consideration, in making a determination on comparable action for that foreign country, the extent to which, during the relevant period, the foreign country has implemented, verified, and enforced each of the following:

(I) The deployment and use of state-of-the-art technologies in industrial processes, equipment manufacturing facilities, power generation and other energy facilities, and consumer goods (such as automobiles and appliances), and implementation of other techniques or actions, that have the effect of limiting greenhouse gas emissions of the foreign country during the relevant period.

(II) Any regulatory programs, requirements, and other measures that the foreign country has implemented to limit greenhouse gas emissions during the relevant periods.

(iii) For determinations under clause (i), the Commission shall develop rules for taking into account net transfers to and from the United States and the other foreign country of greenhouse gas allowances and other emission credits.

(iv) Any determination on comparable action made by the Commission under this paragraph shall comply with applicable international agreements.

(5) COMPLIANCE YEAR.—The term ''compliance year'' means each calendar year for which the requirements of this title apply to a category of covered goods of a covered foreign country that is imported into the United States.

(6) COVERED FOREIGN COUNTRY.—The term ''covered foreign country'' means a foreign country that is included on the covered list prepared under section 1306(b)(3).

(7) COVERED GOOD.—The term ''covered good'' means a good that, as identified by the Administrator by regulation—

(A) is a primary product or manufactured item for consumption;

(B) generates, in the course of the manufacture of the good, a substantial quantity of direct greenhouse gas emissions or indirect greenhouse gas emissions; and

(C) is closely related to a good the cost of production of which in the United States is affected by a requirement of this Act.

(8) ENTER; ENTRY.—The terms ''enter'' and ''entry'' mean the point at which a covered good passes into, or is withdrawn from a warehouse for consumption in, the customs territory of the United States.

(9) FOREIGN COUNTRY.—The term ''foreign country'' means any country or separate customs territory other than the United States.

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term ''indirect greenhouse gas emissions'' means greenhouse gas emissions resulting from the generation of electricity consumed in manufacturing a covered good.

(11) INTERNATIONAL AGREEMENT.—The term ''international agreement'' means any international agreement to which the United States is a party, including the Marrakesh agreement establishing the World Trade Organization, done at Marrakesh on April 15, 1994.

(12) INTERNATIONAL RESERVE ALLOWANCE.—The term ''international reserve allowance'' means an allowance (denominated in units of metric tons of carbon dioxide equivalent) that is—

(A) purchased from a special reserve of allowances pursuant to section 1306(a)(2); and

(B) used for purposes of meeting the requirements of section 1306.

(13) MANUFACTURED ITEM FOR CONSUMPTION.—The term ''manufactured item for consumption'' means any good or product—

(A) that is not a primary product;

(B) that generates, in the course of the manufacture, a substantial quantity of direct greenhouse gas emissions or indirect greenhouse gas emissions, including emissions attributable to the inclusion of a primary product in the manufactured item for consumption; and

(C) for which the Commission, in consultation with the Administrator, determines that the application of an international reserve allowance requirement under section 1306 to the particular category of goods or products is administratively feasible and necessary to achieve the purposes of this subtitle.

(14) PERCENTAGE CHANGE IN GREENHOUSE GAS EMISSIONS.—The term ''percentage change in greenhouse gas emissions'', with respect to a country, means, as determined by the Commission, the percentage by which greenhouse gas emissions, on a nationwide basis, have decreased or increased (as the case may be) as compared to the baseline emission level of the country, which percentage for the country shall be equal to the quotient obtained by dividing—

(A) the quantity of the decrease or increase in the total nationwide greenhouse gas emissions for the country, as compared to the baseline emission level for the country; by

(B) the baseline emission level for the country.

(15) PRIMARY PRODUCT.—The term ''primary product'' means—

(A) iron, steel, steel mill products (including pipe and tube), aluminum, cement, glass (including flat, container, and specialty glass and fiberglass), pulp, paper, chemicals, or industrial ceramics; and

(B) any other manufactured product that—

(i) is sold in bulk for purposes of further manufacture or inclusion in a finished product; and

(ii) generates, in the course of the manufacture of the product, direct greenhouse gas emissions or indirect greenhouse gas emissions that are comparable (on an emissions-per-output basis) to emissions generated in the manufacture of products by covered entities in the industrial sector.

SEC. 1302. PURPOSES.

The purposes of this subtitle are—

(1) to promote a strong global effort to significantly reduce greenhouse gas emissions;

(2) to ensure, to the maximum extent practicable, that greenhouse gas emissions occurring outside the United States do not undermine the objectives of the United States in addressing global climate change; and

(3) to encourage effective international action to achieve those objectives through—

(A) agreements negotiated between the United States and foreign countries; and

(B) measures carried out by the United States that comply with applicable international agreements.

SEC. 1303. INTERNATIONAL NEGOTIATIONS.

(a) FINDING.—Congress finds that the purposes described in section 1302 can be most effectively addressed and achieved through agreements negotiated between the United States and foreign countries.

(b) NEGOTIATING OBJECTIVE.—

(1) STATEMENT OF POLICY.—It is the policy of the United States to work proactively under the United Nations Framework Convention on Climate Change and, in other appropriate forums, to establish binding agreements committing all major greenhouse gas-emitting nations to contribute equitably to the reduction of global greenhouse gas emissions.

(2) INTENT OF CONGRESS REGARDING OBJECTIVE.—To the extent that the agreements described in subsection (a) involve measures that will affect international trade in any good or service, it is the intent of Congress that—

(A) the negotiating objective of the United States shall be to focus multilateral and bilateral international agreements on the reduction of greenhouse gas emissions to advance achievement of the purposes described in section 1302; and

(B) the United States should attempt to achieve that objective through the negotiation of international agreements that—

(i) with respect to foreign countries that are not taking comparable action, promote the adoption of regulatory programs, requirements, and other measures that are comparable in effect to the actions carried out by the United States to limit greenhouse gas emissions on a nationwide basis; and

(ii) with respect to foreign countries that are taking comparable action, promote the adoption of requirements similar in effect to the requirements of this subtitle to advance the achievement of the purposes described in section 1302.

(c) NOTIFICATION TO FOREIGN COUNTRIES.—As soon as practicable after the date of enactment of this Act, the President shall provide to each applicable foreign country a notification of the negotiating objective of United States described in subsection (b), including—

(1) a request that the foreign country take comparable action to limit the greenhouse gas emissions of the foreign country, unless that foreign country would otherwise be excluded under clause (ii) or (iii) of section 1306(b)(2)(A); and

(2) an estimate of the percentage change in greenhouse gas emissions that the United States expects to achieve annually through Federal, State, and local measures during the 10-year period beginning on January 1, 2012.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the President shall submit to Congress a report describing the progress made by the United States in achieving the negotiating objective described in subsection (b).

SEC. 1304. INTERNATIONAL CLIMATE CHANGE COMMISSION.

(a) ESTABLISHMENT.—There is established a commission, to be known as the ''International Climate Change Commission''.

(b) ORGANIZATION.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 6 commissioners to be appointed by the President, by and with the advice and consent of the Senate.

(B) REQUIREMENTS.—Each commissioner shall—

(i) be a citizen of the United States; and

(ii) have the required qualifications for developing knowledge and expertise relating to international climate change matters, as the President determines to be necessary for performing the duties of the Commission under this subtitle.

(2) APPOINTMENT OF COMMISSIONERS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President shall appoint the commissioners to the Commission in accordance with this subsection.

(B) FAILURE TO APPOINT.—

(i) IN GENERAL.—If the President fails to appoint 1 or more commissioners by the deadline described in subparagraph (A), the International Trade Commission shall appoint the remaining commissioners by not later than 180 days after the date of enactment of this Act.

(ii) TERMINATION OF AUTHORITY.—On appointment of a commissioner by the International Trade Commission under clause (i), the authority of the President to appoint commissioners under this subsection shall terminate.

(3) POLITICAL AFFILIATION.—

(A) IN GENERAL.—Not more than 3 commissioners serving at any time shall be affiliated with the same political party.

(B) REQUIREMENT.—In appointing commissioners to the Commission, the President or the International Trade Commission, as applicable, shall alternately appoint commissioners from each political party, to the maximum extent practicable.

(4) TERM OF COMMISSIONERS; REAPPOINTMENT.—

(A) IN GENERAL.—The term of a commissioner shall be 12 years, except that the commissioners first appointed under paragraph (2) shall be appointed to the Commission in a manner that ensures that—

(i) the term of not more than 1 commissioner shall expire during any 2-year period; and

(ii) no commissioner serves a term of more than 12 years.

(B) SERVICE UNTIL NEW APPOINTMENT.—The term of a commissioner shall continue after the expiration of the term of the commissioner until the date on which a replacement is appointed by the President and confirmed by the Senate.

(C) VACANCY.—Any commissioner appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of the term.

(D) REAPPOINTMENT.—An individual who has served as a commissioner for a term of more than 7 years shall not be eligible for reappointment.

(5) CHAIRPERSON AND VICE-CHAIRPERSON.—

(A) DESIGNATION.—

(i) IN GENERAL.—The President shall designate a Chairperson and Vice Chairperson of the Commission from the commissioners that are eligible for designation under subparagraph (C).

(ii) FAILURE TO DESIGNATE.—If the President fails to designate a Chairperson under clause (i), the commissioner with the longest period of continuous service on the Commission shall serve as Chairperson.

(B) TERM OF SERVICE.—The Chairperson and Vice-Chairperson shall each serve for a term of 4 years.

(C) ELIGIBILITY REQUIREMENTS.—

(i) CHAIRPERSON.—The President may designate as Chairperson of the Commission any commissioner who—

(I) is not affiliated with the political party with which the Chairperson of the Commission for the immediately preceding year was affiliated; and

(II) except in the case of the first commissioners appointed to the Commission, has served on the Commission for not less than 1 year.

(ii) VICE-CHAIRPERSON.—The President may designate as the Vice Chairperson of the Commission any commissioner who is not affiliated with the political party with which the Chairperson is affiliated.

(6) QUORUM.—A majority of commissioners shall constitute a quorum.

(7) VOTING.—

(A) REQUIREMENT.—The Commission shall not carry out any duty or power of the Commission unless—

(i) a quorum is present at the relevant public meeting of the Commission; and

(ii) a majority of commissioners comprising the quorum, and any commissioner voting by proxy, votes to carry out the duty or function.

(B) EQUALLY DIVIDED VOTES.—With respect to a determination of the Commission regarding whether a foreign country has taken comparable action under section 1305, if the votes of the commissioners are equally divided, the foreign country shall be considered not to have taken comparable action.

(c) DUTIES.—The Commission shall—

(1) determine whether foreign countries are taking comparable action under section 1305;

(2) establish foreign country lists under section 1306(b);

(3) classify categories of goods and products as manufactured items for consumption in accordance with the requirements of section 1301(13);

(4) determine the economic adjustment ratio that applies to covered goods of covered foreign countries under section 1306(d)(4);

(5) adjust the international reserve allowance requirements pursuant to section 1307; and

(6) carry out such other activities as the Commission determines to be appropriate to implement this subtitle.

(d) POWERS.—

(1) PENALTY FOR NONCOMPLIANCE.—The Commission may impose an excess emissions penalty on a United States importer of covered goods if that importer fails to submit the required number of international reserve allowances, as specified in section 1306, in an amount equal to the excess emissions penalty that an owner or operator of a covered entity would be required to submit for noncompliance under section 203.

(2) PROHIBITION ON IMPORTERS.—The Commission may prohibit a United States importer from entering covered goods for a period not to exceed 5 years, if the importer—

(A) fails to pay a penalty for noncompliance imposed under paragraph (1); or

(B) submits a written declaration under section 1306(c) that provides false or misleading information for the purpose of circumventing the international reserve requirements of this subtitle.

(3) DELEGATION TO BICE.—

(A) IN GENERAL.—The Commission, as appropriate, may delegate to the Bureau of Immigration and Customs Enforcement any power of the Commission under this subsection.

(B) ENFORCEMENT.—On delegation by the Commission of a power under subparagraph (A), the Bureau of Immigration and Customs Enforcement shall carry out the power in accordance with such procedures and requirements as the Commission may establish.

SEC. 1305. DETERMINATIONS ON COMPARABLE ACTION.

(a) IN GENERAL.—Not later than July 1, 2013, and annually thereafter, the Commission shall determine whether, and the extent to which, each foreign country that is not exempted under subsection (b) has taken comparable action to limit the greenhouse gas emissions of the foreign country, based on best available information and a comparison between actions that—

(1) the foreign country carried out during the calendar year immediately preceding the calendar year in which the Commission is making a determination under this subsection; and

(2) the United States carried out during the calendar year immediately preceding the calendar year referred to in paragraph (1).

(b) EXEMPTION.—The Commission shall exempt from a determination under subsection (a) for a calendar year any foreign country that is placed on the excluded list pursuant to clause (ii) or (iii) of section 1306(b)(2)(A) for that calendar year.

(c) REPORTS.—The Commission shall, as expeditiously as practicable—

(1) submit to the President and Congress an annual report describing the determinations of the Commission under subsection (a) for the most recent calendar year; and

(2) publish a description of the determinations in the Federal Register.

SEC. 1306. INTERNATIONAL RESERVE ALLOWANCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program under which the Administrator shall offer for sale to United States importers international reserve allowances in accordance with this subsection.

(2) SOURCE.—International reserve allowances under paragraph (1) shall be issued from a special reserve of allowances that is separate from, and established in addition to, the quantity of allowances established pursuant to section 201(a).

(3) DATE OF SALE.—A United States importer shall be able to purchase international reserve allowances under this subsection by not later than the earliest date on which the Administrator distributes allowances under any of titles V through XI.

(4) PRICE.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, a methodology for

determining the daily price of international reserve allowances for sale under paragraph (1).

(B) REQUIREMENT.—The methodology under subparagraph (A) shall require the Administrator—

(i) not later than the date on which importers may first purchase international allowances under paragraph (3), and annually thereafter, to identify 3 leading publicly reported daily price indices for the sale of emission allowances established pursuant to section 201(a); and

(ii) for each day on which international reserve allowances are offered for sale under this subsection, to establish the price of the allowances in an amount equal to the arithmetic mean of the market clearing price for an allowance for the preceding day pursuant to section 201(a) on the indices identified under clause (i).

(5) SERIAL NUMBER.—The Administrator shall assign a unique serial number to each international reserve allowance issued under this subsection.

(6) TRADING SYSTEM.—The Administrator may establish, by regulation, a system for the sale, exchange, purchase, transfer, and banking of international reserve allowances.

(7) COVERED ENTITIES.—International reserve allowances may not be submitted by covered entities to comply with the allowance submission requirements of section 202.

(8) PROCEEDS.—Subject to appropriation, all proceeds from the sale of international reserve allowances under this subsection shall be allocated to carry out a program that the Administrator, in coordination with the Secretary of State, shall establish to mitigate negative impacts of climate change on disadvantaged communities in foreign countries.

(b) FOREIGN COUNTRY LISTS.—

(1) IN GENERAL.—Not later than January 1 of the third calendar year for which emission allowances are required to be submitted under section 202, and annually thereafter, the Commission shall develop and publish in the Federal Register 2 lists of foreign countries, in accordance with this subsection.

(2) EXCLUDED LIST.—

(A) IN GENERAL.—The Commission shall identify and publish in a list, to be known as the ''excluded list'' the name of—

(i) each foreign country determined by the Commission under section 1305(a) to have taken action comparable to that taken by the United States to limit the greenhouse gas emissions of the foreign country;

(ii) each foreign country identified by the United Nations as among the least-developed developing countries; and

(iii) each foreign country the share of total global greenhouse gas emissions of which is below the de minimis percentage described in subparagraph (B).

(B) DE MINIMIS PERCENTAGE.—

(i) IN GENERAL.—The de minimis percentage referred to in subparagraph (A)(iii) shall be a percentage of total global greenhouse gas emissions of not more than 0.5, as determined by the Commission, for the most recent calendar year for which emissions and other relevant data are available.

(ii) REQUIREMENT.—The Commission shall place a foreign country on the excluded list under subparagraph (A)(iii) only if the de minimis percentage is not exceeded in 2 distinct determinations of the Commission—

(I) 1 of which reflects the annual average deforestation rate during a representative period for the United States and each foreign country; and

(II) 1 of which does not reflect that annual average deforestation rate.

(3) COVERED LIST.—

(A) IN GENERAL.—The Commission shall identify and publish in a list, to be known as the ''covered list'', the name of each foreign country the covered goods of which are subject to the requirements of this section.

(B) REQUIREMENT.—The covered list shall include each foreign country that is not included on the excluded list under paragraph (2).

(c) WRITTEN DECLARATIONS.—

(1) IN GENERAL.—Effective beginning January 1, 2014, a United States importer of any covered good shall, as a condition of entry of the covered good into the United States, submit to the Administrator and the Bureau of Immigration and Customs Enforcement a written declaration with respect to the entry of such good, including a compliance statement, supporting documentation, and deposit in accordance with this subsection.

(2) COMPLIANCE STATEMENT.—A written declaration under paragraph (1) shall include a statement certifying that the applicable covered good is—

(A) subject to the international reserve allowance requirements of this section and accompanied by the appropriate supporting documentation and deposit, as required under paragraph (3); or

(B) exempted from the international reserve allowance requirements of this section and accompanied by a certification that the good was not manufactured or processed in any foreign country that is on the covered list under subsection (b)(3).

(3) DOCUMENTATION AND DEPOSIT.—If an importer cannot certify that a covered good is exempted under paragraph (2)(B), the written declaration for the covered good shall include—

(A) an identification of each foreign country in which the covered good was manufactured or processed;

(B) a brief description of the extent to which the covered good was manufactured or processed in each foreign country identified under subparagraph (A);

(C) an estimate of the number of international reserve allowances that are required for entry of the covered good into the United States under subsection (d); and

(D) at the election of the importer, the deposit of —

(i) international reserve allowances in a quantity equal to the estimated number required for entry under subparagraph (C); or

(ii) a bond, other security, or cash in an amount sufficient to cover the purchase of the estimated number of international reserve allowances under subparagraph (C).

(4) FINAL ASSESSMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of submission of the written declaration and entry of a covered good under paragraph (1), the Administrator shall make a final assessment of the international reserve allowance requirement for the covered good under this section.

(B) REQUIREMENT.—A final assessment under subparagraph (A) with respect to a covered good shall specify—

(i) the total number of international reserve allowances that are required for entry of the covered good; and

(ii) the difference between—

(I) the amount of the deposit under paragraph (3)(D); and

(II) the final assessment.

(C) RECONCILIATION.—

(i) ALLOWANCE DEPOSIT.—

(I) IN GENERAL.—The Bureau of Immigration and Customs Enforcement shall—

(aa) promptly reconcile the final assessment under subparagraph (A) with the quantity of international reserve allowances deposited under paragraph (3)(D)(i); and

(bb) provide a notification of the reconciliation to the Administrator and each affected importer.

(II) EXCESS ALLOWANCES.—If the quantity of international reserve allowances deposited under paragraph (3)(D)(i) exceed the quantity described in the final assessment, the Bureau of Immigration and Customs Enforcement shall refund the excess quantity of allowances.

(III) INSUFFICIENT ALLOWANCES.—If the quantity of international reserve allowances described in the final assessment exceeds the quantity of allowances deposited under paragraph (3)(D)(i), the applicable importer shall submit to the Administrator international reserve allowances sufficient to satisfy the final assessment by not later than 14 days after the date on which the notice under subclause (I)(bb) is provided.

(ii) BOND, SECURITY, OR CASH DEPOSIT.—

(I) IN GENERAL.—If an importer has submitted a bond, security, or cash deposit under paragraph (3)(D)(ii), the Bureau of Immigration and Customs Enforcement shall use the deposit to purchase a sufficient number of international reserve allowances, as determined in the final assessment under subparagraph (A).

(II) INSUFFICIENT DEPOSIT.—To the extent that the amount of the deposit fails to cover the purchase of sufficient international reserve allowances under subclause (I), the importer shall submit such additional allowances as are necessary to cover the shortage.

(III) EXCESS DEPOSIT.—To the extent that the amount of the deposit exceeds the price of international reserve allowances required under the final assessment, the Bureau of Immigration and Customs Enforcement shall refund to the importer the unused portion of the deposit.

(5) INCLUSION.—A written declaration required under this subsection shall include the unique serial number of each emission allowance associated with the entry of the applicable covered good.

(6) FAILURE TO DECLARE.—A covered good that is not accompanied by a written declaration that meets the requirements of this subsection shall not be permitted to enter the United States.

(7) CORRECTED DECLARATION.—

(A) IN GENERAL.—If, after making a declaration required under this subsection, an importer has reason to believe that the declaration contains information that is not correct, the importer shall provide a corrected declaration by not later than 30 days after the date of discovery of the error, in accordance with subparagraph (B).

(B) METHOD.—A corrected declaration under subparagraph (A) shall be in the form of a letter or other written statement to the Administrator and the office of the Bureau of Immigration and Customs Enforcement to which the original declaration was submitted.

(d) QUANTITY OF ALLOWANCES REQUIRED.—

(1) METHODOLOGY.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, a method for calculating the required number of international reserve allowances that a United States importer is required to submit, together with a written declaration under subsection (c), for each category of covered goods of each covered foreign country.

(B) REQUIREMENTS.—The method shall—

(i) apply to covered goods that are manufactured and processed entirely in a single covered foreign country; and

(ii) require submission for a compliance year of the quantity of international reserve allowances described in paragraph (2) for calculating the international reserve allowance requirement on a per-unit basis for each category of covered goods that are entered into the United States from that covered foreign country during each compliance year.

(2) GENERAL FORMULA.—The quantity of international reserve allowances required to be submitted for a compliance year referred to in paragraph (1) shall be the product obtained by multiplying—

(A) the national greenhouse gas intensity rate for each category of covered goods of each covered foreign country for the compliance year, as determined by the Administrator under paragraph (3);

(B) the allowance adjustment factor for the industry sector of the covered foreign country that manufactured the covered goods entered into the United States, as determined by the Administrator under paragraph (4); and

(C) the economic adjustment ratio for the covered foreign country, as determined by the Commission under paragraph (5).

(3) NATIONAL GREENHOUSE GAS INTENSITY RATE.—The national greenhouse gas intensity rate for a covered foreign country under paragraph (2)(A), on a per-unit basis, shall be the quotient obtained by dividing—

(A) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions that are attributable to a category of covered goods of a covered foreign country during the most recent calendar year (as adjusted to exclude those emissions that would not be subject to the allowance submission requirements of section 202 for the category of covered goods if manufactured in the United States); by

(B) total number of units of the covered good that are produced in the covered foreign country during that calendar year.

(4) ALLOWANCE ADJUSTMENT FACTOR.—

(A) GENERAL FORMULA.—The allowance adjustment factor for a covered foreign country under paragraph (2)(B) shall be equal to 1 minus the ratio that—

(i) the number of allowances, as determined by the Administrator under subparagraph (B), that an industry sector of the covered foreign country would have received at no cost if the allowances were allocated in the same manner in which allowances are allocated at no cost under titles V through XI to that industry sector of the United States; bears to

(ii) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions that are attributable to a category of covered goods of a covered foreign country during a particular compliance year.

(B) ALLOWANCES ALLOCATED AT NO COST.—For purposes of subparagraph (A)(i), the number of allowances that would have been allocated at no cost to an industry sector of a covered foreign country shall be equal to the product obtained by multiplying—

(i) the baseline emission level that the Commission has attributed to a category of covered goods of the covered foreign country; and

(ii) the ratio that—

(I) the quantity of allowances that are allocated at no cost under titles V through XI to entities in the industry sector that manufactures the covered goods for the compliance year during which the covered goods were entered into the United States; bears to

(II) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions of that sector during the same compliance year.

(5) ECONOMIC ADJUSTMENT RATIO.—The economic adjustment ratio for a covered foreign country under paragraph (2)(C) shall be 1, except in any case in which the Commission determines to decrease the ratio in order to account for the extent to which, during the relevant period, the foreign country has implemented, verified, and enforced each of the following:

(A) The deployment and use of state-of-the-art technologies in industrial processes, equipment manufacturing facilities, power generation and other energy facilities, consumer goods (such as automobiles and appliances) and other techniques or actions that limit the greenhouse gas emissions of the covered foreign country during the relevant period.

(B) Any regulatory programs, requirements, and other measures that the foreign country has implemented to limit greenhouse gas emissions during the relevant period.

(6) ANNUAL CALCULATION.—The Administrator shall—

(A) calculate the international reserve allowance requirements for each compliance year based on the best available information; and

(B) annually revise the applicable international reserve allowance requirements to reflect changes in the variables of the formulas described in this subsection.

(7) PUBLICATION.—Not later than 90 days before the beginning of each compliance year, the Administrator shall publish in the Federal Register a schedule describing the required number of international reserve allowances for each category of imported covered goods of each covered foreign country, as calculated under this subsection.

(8) COVERED GOODS FROM MULTIPLE COUNTRIES.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, procedures for determining the number of the international reserve allowances that a United States importer is required to submit under this section for a category of covered goods that are—

(i) primary products; and

(ii) manufactured or processed in more than 1 foreign country.

(B) REQUIREMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the procedures established under subparagraph (A) shall require an importer—

(I) to determine, for each covered foreign country listed in the written declaration of the importer under subsection (c)(2)(B), the number of international reserve allowances required under this subsection for the category of covered goods manufactured and processed entirely in that covered foreign country for the compliance year; and

(II) of the international reserve allowance requirements applicable to each relevant covered foreign country, to apply the requirement that requires the highest number of international reserve allowances for the category of covered goods.

(C) EXCEPTION.—

(i) IN GENERAL.—The requirements of clause (i) shall not apply if, on request by an importer, the Administrator applies an alternate method for establishing the requirement.

(ii) REQUIREMENT FOR APPLICATION.—The Administrator shall apply an alternate method for establishing a requirement under clause (i) only if the applicable importer demonstrates in an administrative hearing by a preponderance of evidence that the alternate method will establish an international reserve allowance requirement that is more representative than the requirement that would otherwise apply under clause (i).

(D) ADMINISTRATIVE HEARING.—The Administrator shall establish procedures for administrative hearings under subparagraph (C)(ii) to ensure that—

(i) all evidence submitted by an importer will be subject to verification by the Administrator;

(ii) domestic manufactures of the category of covered goods subject to the administrative hearing will have an opportunity to review and comment on evidence submitted by the importer; and

(iii) appropriate penalties will be assessed in cases in which the importer has submitted information that is false or misleading.

(e) FOREIGN ALLOWANCES AND CREDITS.—

(1) FOREIGN ALLOWANCES.—

(A) IN GENERAL.—A United States importer may submit, in lieu of an international reserve allowance issued under this section, a foreign allowance or similar compliance instrument distributed by a foreign country pursuant to a cap-and-trade program that constitutes comparable action.

(B) COMMENSURATE CAP-AND-TRADE PROGRAM.—For purposes of subparagraph (A), a cap-and-trade program that constitutes comparable action shall include any greenhouse gas regulatory program adopted by a covered foreign country to limit the greenhouse gas emissions of the covered foreign country, if the Administrator certifies that the program—

(i)(I) places a quantitative limitation on the total quantity of greenhouse gas emissions of the covered foreign country (expressed in terms of tons emitted per calendar year); and

(II) achieves that limitation through an allowance trading system;

(ii) satisfies such criteria as the Administrator may establish for requirements relating to the enforceability of the cap-and-trade program, including requirements for monitoring, reporting, verification procedures, and allowance tracking; and

(iii) is a comparable action.

(2) FOREIGN CREDITS.—

(A) IN GENERAL.—A United States importer may submit, in lieu of an international reserve allowance issued under this section, an international offset that the Administrator has authorized for use under subtitle B of title III or subtitle B of this title.

(B) APPLICATION.—The limitation on the use of international reserve allowances by covered entities under subsection (a)(7) shall not apply to a United States importer for purposes of this paragraph.

(f) RETIREMENT OF ALLOWANCES.—The Administrator shall retire each international reserve allowance, foreign allowance, and international offset submitted to achieve compliance with this section.

(g) TERMINATION.—The international reserve allowance requirements of this section shall cease to apply to a covered good of a covered foreign country if the Commission places the covered foreign country on the excluded list under subsection (b)(2).

(h) FINAL REGULATIONS.—Not later than January 1, 2013, the Administrator, in consultation with the Commission, shall promulgate such regulations as the Administrator determines to be necessary to carry out this section.

SEC. 1307. ADJUSTMENT OF INTERNATIONAL RESERVE ALLOWANCE REQUIREMENTS.

(a) IN GENERAL.—Not later than January 1, 2017, and annually thereafter, the Commission shall prepare and submit to the President and Congress a report that assesses the effectiveness of the international reserve allowance requirements under section 1306 with respect to—

(1) covered goods entered into the United States from each foreign country included on the covered list under section 1306(b)(3); and

(2) the production of covered goods in those foreign countries that are incorporated into manufactured goods that are subsequently entered into the United States.

(b) INADEQUATE REQUIREMENTS.—If the Commission determines that an applicable international reserve allowance requirement is not adequate to achieve the purposes of this subtitle, the Commission shall include in the report under subsection (a) recommendations—

(1) to increase the stringency or otherwise improve the effectiveness of the applicable requirements in a manner that ensures compliance with all applicable international agreements;

(2) to address greenhouse gas emissions attributable to the production of manufactured items for consumption that are not subject to the international reserve allowance requirements under section 1306; or

(3) to take such other action as the Commission determines to be necessary to address greenhouse gas emissions attributable to the production of covered goods in covered foreign countries, in compliance with all applicable international agreements.

(c) REVISED REGULATIONS.—The Administrator, in consultation with the Commission, shall promulgate revised regulations to implement the recommended changes to improve the effectiveness of the international reserve allowance requirements under subsection (b).

(d) EFFECTIVE DATE.—Any revisions made pursuant to subsection (c) shall take effect on January 1 of the compliance year immediately following the date on which the revision is made.

Subtitle B—International Partnerships to Reduce Deforestation and Forest Degradation

SEC. 1311. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) changes in land use patterns and forest sector emissions account for approximately 20 percent of global greenhouse gas emissions;

(2) land conversion and deforestation are 2 of the largest sources of greenhouse gas emissions in the developing world, comprising approximately 40 percent of the total greenhouse gas emissions of the developing world;

(3) with sufficient data, deforestation and forest degradation rates and forest carbon stocks can be measured with an acceptable degree of uncertainty;

(4) encouraging reduced deforestation and reduced forest degradation in foreign countries could—

(A) provide critical leverage to encourage voluntary participation by developing countries in emission limitation regimes;

(B) facilitate greater overall reductions in greenhouse gas emissions than otherwise would be practicable; and

(C) substantially benefit biodiversity, conservation, and indigenous and other forest-dependent people in developing countries;

(5) in addition to forest carbon activities that can be readily measured, monitored, and verified through national-scale programs and projects, there is great value in reducing emissions and sequestering carbon through forest carbon projects in countries that lack the institutional arrangements to support national-scale accounting of forest carbon stocks; and

(6) providing emission allowances in support of projects in countries that lack fully developed institutions for national-scale accounting could help to build capacity in those countries, sequester additional carbon, and increase participation by developing countries in international climate agreements.

(b) PURPOSE.—The purpose of this subtitle is to reduce greenhouse gas emissions by reducing deforestation and forest degradation in foreign countries in a manner that reduces the costs imposed by this Act on covered entities in the United States.

SEC. 1312. CAPACITY BUILDING PROGRAM.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations to establish programs under which the Administrator shall provide emission allowances allocated pursuant to subsection (b) to individuals and entities (including foreign governments) carrying out projects in foreign countries as described in sections 1313 and 1314.

(b) ALLOCATION.—Not later than 330 days before January 1 of each of calendar years 2012 through 2050, the Administrator shall allocate for distribution under this section 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

SEC. 1313. FOREST CARBON ACTIVITIES.

(a) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations establishing eligibility requirements for the allocation of emission allowances under this subsection for forest carbon activities directed at sequestration of carbon through restoration of forests and degraded land, afforestation, and improved forest management in countries other than the United States, including requirements that those activities shall be—

(A) carried out and managed in accordance with widely-accepted environmentally sustainable forestry practices; and

(B) designed—

(i) to promote native species and restoration of native forests, where practicable;

(ii) to avoid the introduction of invasive nonnative species;

(iii) so as not to adversely impact or undermine the rights (including internationally recognized rights) of indigenous and other forest-dependent individuals residing in the affected areas; and

(iv) in a manner that ensures that local communities—

(I) are provided the right of free, prior, informed consent regarding projects or other activities;

(II) are able to share equitably in profits or other benefits of the activities; and

(III) receive fair compensation for any damages resulting from the activities.

(2) QUALITY CRITERIA FOR FOREST CARBON ALLOCATIONS.—The regulations promulgated pursuant to paragraph (1) shall include requirements to ensure that the emission reductions or sequestrations of a forest carbon activity that receives emission allowances under this section are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage.

(b) PEATLAND AND OTHER NATURAL LAND THAT SEQUESTER CARBON.—The Administrator may provide emission allowances under this section for a project for storage of carbon in peatland or other natural land if the Administrator—

(1) determines that—

(A) the peatland or other natural land is capable of storing carbon; and

(B) the project for storage of carbon in the peatland or other natural land is capable of meeting the quality criteria described in subsection (a); and

(2) provides notice and an opportunity for public comment regarding the project.

(c) RECOGNITION OF FOREST CARBON ACTIVITIES.—With respect to foreign countries other than the foreign countries described in subsection (a) or (b), the Administrator—

(1) shall recognize any forest carbon activities of the foreign country, subject to the quality criteria for forest carbon activities described in subsection (b); and

(2) is encouraged to identify other incentives, including economic and market-based incentives, to encourage developing countries with largely intact native forests to protect those forests.

(d) OTHER FOREST CARBON ACTIVITIES.—A forest carbon activity other than a reduction in deforestation or forest degradation shall be eligible for a distribution of emission allowances under this section, subject to the eligibility requirements and quality criteria for forest carbon activities described in subsection (a) or other regulations promulgated pursuant to this Act.

SEC. 1314. ESTABLISHING AND DISTRIBUTING OFFSET ALLOWANCES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations, including quality and eligibility requirements, for the distribution of offset allowances for international forest carbon activities.

(b) QUALITY AND ELIGIBILITY REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use under this section, offset allowances distributed for an international forest carbon activity shall meet such quality and eligibility requirements as the Administrator may establish, including a requirement that—

(1) the activity shall be designed, carried out, and managed —

(A) in accordance with widely-accepted, environmentally sustainable forestry practices;

(B) to promote native species and conservation or restoration of native forests, where practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that does not adversely impact or undermine the rights (including internationally recognized rights) of indigenous and other forest-dependent individuals residing in affected areas; and

(D) in a manner that ensures that local communities—

(i) are provided the right of free, prior, informed consent regarding projects or other activities;

(ii) are able to share equitably in profits or other benefits of the activities; and

(iii) receive fair compensation for any damages resulting from the activities;

(2) the emission reductions or sequestrations are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage; and

(3) eligible offset allowances are provided only from countries on a list described in subsection (c).

(c) LISTS.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of State, shall identify and periodically update a list of the names of countries that have—

(A) demonstrated capacity to participate in international forest carbon activities, including—

(i) sufficient historical data on changes in national forest carbon stocks;

(ii) technical capacity to monitor and measure forest carbon fluxes with an acceptable level of uncertainty; and

(iii) institutional capacity to reduce emissions from deforestation and degradation;

(B) capped greenhouse gas emissions or otherwise established a credible national baseline or emission reference scenario that is—

(i) consistent with nationally appropriate mitigation commitments or actions, taking into consideration the average annual deforestation and degradation rates of the country during a period of at least 5 years; and

(ii) projected to result in zero-net deforestation by not later than 2050; and

(C)(i) implemented an emission reduction program for the forest sector; and

(ii) demonstrated those reductions using remote sensing technology, taking into consideration relevant international standards.

(2) PERIODIC REVIEW OF NATIONAL-LEVEL REDUCTIONS IN DEFORESTATION AND DEGRADATION.—The Administrator, in consultation with the Secretary of State, shall identify and periodically update a list of the names of countries included in the list under paragraph (1) that have—

(A) achieved national-level reductions of deforestation and degradation below a historical reference scenario, taking into consideration the average annual deforestation and degradation rates of the country, and of all countries, during a period of at least 5 years; and

(B) demonstrated those reductions using remote sensing technology, taking into consideration relevant international standards.

(3) CREDITING AND ADDITIONALITY.—A verified reduction in greenhouse gas emissions from deforestation and forest degradation under a cap or resulting from a nationwide emissions reference scenario described in paragraph (1)(B) shall be—

(A) eligible for crediting; and

(B) considered to satisfy the additionality criterion.

(d) FACILITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance generated under this section shall certify that the offset allowance has not been retired from use in a registry of the applicable foreign country.

(e) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances distributed pursuant to this section in a calendar year shall not exceed 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances distributed in a calendar year pursuant to this section is less than 10 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a), the Administrator shall allow the use, by covered entities during that year, of international allowances under section 322.

(B) QUANTITY.—The aggregate quantity of international allowances the use of which is permitted under subparagraph (A) for a calendar year shall be equal to the difference between—

(i) the quantity of offset allowances distributed during that calendar year pursuant to this section; and

(ii) a value equal to 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(3) CARRYOVER.—Notwithstanding paragraph (1), if the sum of the quantity of offset allowances distributed for a calendar year pursuant to this section and the quantity of international allowances permitted to be used during that year under paragraph (2)(B) is less than a value equal to 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the quantity of offset allowances distributed pursuant to this section for the following calendar year shall not exceed a value equal to the sum of—

(A) 10 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a); and

(B) the difference between—

(i) a value equal to the sum of—

(I) the quantity of offset allowances distributed during the preceding calendar year pursuant to this section; and

(II) the quantity of international allowances used during that year pursuant to paragraph (2); and

(ii) 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(f) LIMITATIONS.—

(1) MAXIMUM QUANTITY.—The Administrator shall not distribute to the government of a foreign country a quantity of offset allowances that exceeds the quantity of metric tons of carbon dioxide that have been biologically sequestered or prevented from being emitted as a result of country-wide reductions in deforestation and forest degradation by the foreign country.

(2) MAXIMUM USE.—The regulations promulgated pursuant to this section shall ensure that offset allowances are not issued for sequestration or emission reductions that have been used or will be used by any other country for compliance with a domestic or international obligation to limit or reduce greenhouse gas emissions.

(g) REVIEWS.—Not later than 3 years after the date of enactment of this Act, and 5 years thereafter, the Administrator shall conduct a review of the program under this section.

(h) DISCOUNT.—If, after the date that is 10 years after the date of enactment of this Act, the Administrator determines that foreign countries that, in the aggregate, generate greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions have not capped those emissions, established emissions reference scenarios based on historical data, or otherwise reduced total forest emissions of the foreign countries, the Administrator may apply a discount to distributions of emission allowances to those countries under this section.

SEC. 1315. LIMITATION ON DOUBLE COUNTING.

Notwithstanding any other provision of this Act, activities that receive credit under subtitle E of title II shall not be eligible to receive emission allowances under this subtitle.

SEC. 1316. EFFECT OF SUBTITLE.

Nothing in this subtitle supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

Subtitle C—International Partnerships to Deploy Clean Energy Technology

SEC. 1321. INTERNATIONAL CLEAN ENERGY DEPLOYMENT.

(a) PURPOSE.—The purpose of this section is to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means

(A) in the Senate—

(i) the Committee on Foreign Relations;

(ii) the Committee on Finance;

(iii) the Committee on Energy and Natural Resources;

(iv) the Committee on Environment and Public Works; and

(v) the Committee on Appropriations; and

(B) in the House of Representatives—

(i) the Committee on Foreign Affairs;

(ii) the Committee on Ways and Means;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources; and

(v) the Committee on Appropriations.

(2) ELIGIBLE COUNTRY.—The term ''eligible country'' means a foreign country that, as determined by the President—

(A) is not a member of the Organization for Economic Cooperation and Development; and

(B)(i) has made a binding commitment, pursuant to an international agreement to which the United States is a party, to carry out actions to produce measurable, reportable, and verifiable greenhouse gas emission mitigations; or

(ii) as certified by the President to the appropriate committees of Congress, has in force binding national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emission mitigations.

(3) FUND.—The term ''Fund'' means the International Clean Energy Deployment Fund established by subsection (c)(1).

(4) QUALIFIED ENTITY.—The term '' qualified entity'' means—

(A) the national government of an eligible country;

(B) a regional or local governmental unit of an eligible country; and

(C) a nongovernmental organization or a private entity located or operating in an eligible country.

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''International Clean Energy Deployment Fund''.

(2) AUCTIONS.—

(A) IN GENERAL.—In accordance with subparagraph (B), to raise funds for deposit in the Fund, for each of calendar years 2012 through 2017, the Administrator shall auction 0.5 percent of the emission allowances established pursuant to section 201(a) for the calendar year.

(B) NUMBER; FREQUENCY.—For each calendar year during the period described in subparagraph (A), the Administrator shall—

(i) conduct not fewer than 4 auctions; and

(ii) schedule the auctions in a manner to ensure that—

(I) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(II) the interval between each auction is of equal duration.

(C) DEPOSIT OF PROCEEDS.—As soon as practicable after conducting an auction under subparagraph (A), the Administrator shall deposit the proceeds of the auction in the Fund.

(d) USE OF FUNDS.—All amounts in the Fund shall be made available, without further appropriation or fiscal year limitation, to carry out the International Clean Energy Deployment Program established by section 114.

Subtitle D—International Partnerships to Adapt to Climate Change and Protect National Security

SEC. 1331. INTERNATIONAL CLIMATE CHANGE ADAPTATION AND NATIONAL SECURITY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''International Climate Change Adaptation and National Security Fund'' (referred to in this subtitle as the ''Fund'').

(b) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (c), to raise funds for deposit in the Fund, for each of calendar years 2012 through 2050, the Administrator shall auction a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(3) DEPOSIT OF PROCEEDS.—As soon as practicable after conducting an auction under paragraph (1), the Administrator shall deposit the proceeds of the auction in the Fund.

(c) PERCENTAGE FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (b) the percentage of emission allowances specified in the following table:

Calendar year	Percentage for auction for Fund
2012	1
2013	1
2014	1.25
2015	1.25
2016	1.25
2017	1.25
2018	2
2019	2
2020	2
2021	2
2022	3
2023	3
2024	3
2025	3
2026	4
2027	4
2028	4
2029	4
2030	4
2031	6
2032	6
2033	6
2034	6
2035	6
2036	6
2037	6
2038	6
2039	7
2040	7
2041	7
2042	7
2043	7
2044	7
2045	7
2046	7
2047	7
2048	7
2049	7
2050	7.

SEC. 1332. INTERNATIONAL CLIMATE CHANGE ADAPTATION AND NATIONAL SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 2 years after the date of enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (referred to in this subtitle as the ''Administrator of the Agency'') and the Administrator, shall establish within the Agency a program, to be known as the '' International Climate Change Adaptation and National Security Program'' (referred to in this subtitle as the ''Program'').

(b) PURPOSES.—The purposes of the Program shall be—

(1) to protect the economic and national security of the United States by minimizing, averting, or increasing resilience to potentially destabilizing global climate change impacts;

(2) to support the development of national and regional climate change adaptation plans in the most vulnerable developing countries, including the planning, financing, and execution of adaptation projects;

(3) to support the identification and deployment of technologies that would help the most vulnerable developing countries respond to destabilizing impacts of climate change, including appropriate low-carbon and energy-efficient technologies that help reduce greenhouse gas and black carbon emissions of those countries;

(4) to support investments, capacity-building activities, and other assistance to reduce vulnerability and promote community-level resilience relating to climate change and the impacts of climate change on the most vulnerable developing countries, including impacts such as—

(A) water scarcity (including drought and reductions in access to safe drinking water);

(B) reductions in agricultural productivity;

(C) floods;

(D) sea level rise;

(E) shifts in agricultural zones or seasons;

(F) shifts in biodiversity; or

(G) other impacts that—

(i) affect economic livelihoods;

(ii) result in increases in refugees and internally displaced individuals; or

(iii) otherwise increase social, economic, political, cultural, or environmental vulnerability;

(5) to support climate change adaptation research in or for the most vulnerable developing countries; and

(6) to encourage the enhancement and diversification of agricultural, fishery, and other livelihoods, the reduction of disaster risk, and the protection and rehabilitation of natural systems in order to reduce vulnerability and provide increased resilience to climate change for local communities and livelihoods in the most vulnerable developing countries.

(c) DUTIES.—The director of the Program shall—

(1) submit to the President, the Committees on Environment and Public Works and Foreign Relations of the Senate, the Committees on Energy and Commerce and Foreign Relations of the House of Representatives, and any other relevant congressional committees with national security jurisdiction, annual reports on the economy and foreign policy that describe, with respect to the preceding calendar year—

(A) the extent to which other countries are committed to reducing greenhouse gas emissions through mandatory programs;

(B) the extent to which global climate change, through the potential negative impacts of climate change on sensitive populations and natural resources in the most vulnerable developed countries, might threaten, cause, or exacerbate political, economic, environmental, cultural, or social instability or international conflict in those regions;

(C) the ramifications of any potentially destabilizing impacts climate change might have on the economic and national security of the United States, including—

(i) the creation of refugees and internally displaced individuals;

(ii) national or international armed conflicts over water, food, land, or other resources;

(iii) loss of agricultural and other livelihoods, cultural stability, and other causes of increased poverty and economic destabilization;

(iv) decline in availability of resources needed for survival, including water;

(v) increased impact of natural disasters, including severe weather events, droughts, and flooding;

(vi) increased prevalence or virulence of climate-related diseases; and

(vii) intensified urban migration;

(D) the means by which funds derived from proceeds of auctions under section 1331 were expended to enhance the economic and national security of the United States and assist in avoiding the economically, politically, environmentally, culturally, and socially destabilizing impacts of climate change in volatile regions of the world, particularly least-developed countries; and

(E) cooperative activities carried out by the United States and foreign countries and international organizations to carry out this subtitle; and

(2) identify and make recommendations regarding the developing countries—

(A) that are most vulnerable to climate change impacts; and

(B) in which Federal assistance could have the greatest and most sustainable benefits with respect to reducing vulnerability to climate change, including in the form of deploying technologies, investments, capacity-building activities, and other types of assistance for adaptation to climate change impacts and approaches to reduce emissions of greenhouse gases in ways that could also provide community-level resilience to climate change impacts.

(d) IMPLEMENTATION OF PROGRAM.—

(1) RECOMMENDATIONS.—Amounts deposited in the Fund under section 1331(b)(3) shall be made available, without further appropriation or fiscal year limitation, to carry out—

(A) the Program; and

(B) international activities that meet the requirements described in paragraph (8).

(2) OVERSIGHT.—The Administrator of the Agency shall have oversight authority with respect to the expenditures of the Program.

(3) MOST VULNERABLE DEVELOPING COUNTRIES.—The director of the Program shall use amounts in the Fund to carry out project and programs in the most vulnerable developing countries, as determined by the Administrator of the Agency, including—

(A) least-developed countries;

(B) low-lying and other small island developing countries;

(C) developing countries with low-lying coastal, arid, and semi-arid areas or areas prone to floods, drought, and desertification; and

(D) developing countries with fragile, mountainous ecosystems.

(4) LIMITATION.—Not more than 10 percent of amounts made available to carry out this subtitle shall be spent in any single country in any calendar year.

(5) CONSULTATION WITH LOCAL COMMUNITIES AND STAKEHOLDERS.—The Administrator of the Agency shall ensure that local communities in areas in which a project is proposed to be carried out under the Program are involved in the project through—

(A) full disclosure of information;

(B) consultation with the communities and stakeholders at international, national, and local levels; and

(C) informed participation.

(6) DEVELOPMENT OBJECTIVES.—The Administrator of the Agency shall, to the maximum extent practicable, ensure that projects proposed to be carried out under the Program are carried out in accordance with broader development, poverty alleviation, or natural resource management objectives and initiatives in the countries served by the projects.

(7) INTERNATIONAL FUNDS.—

(A) IN GENERAL.—The Secretary of State may distribute not more than 60 percent of amounts made available to carry out the

Program to an international fund that meets the requirements of paragraph (8).

(B) NOTIFICATION.—Not later than 15 days before the date on which the Secretary of State distributes funds to an international fund under subparagraph (A), the Secretary of State shall submit to the appropriate congressional committees a notification of the distribution.

(8) REQUIREMENTS.—To be eligible to receive funds under paragraph (7), an international fund shall be established pursuant to the Convention (or an agreement negotiated under the Convention) that—

(A) specifies the terms and conditions under which—

(i) the United States will provide amounts to the fund; and

(ii) the international fund will distribute the amounts to recipient countries;

(B) ensures that United States assistance to the international fund and the principal and income of the fund are disbursed only for purposes that are consistent with subsection (b);

(C) requires a regular meeting of a governing body of the international fund that provides full public access and includes members representing the most vulnerable developing countries;

(D) requires that not more than 10 percent of the amounts available to the international fund shall be spent for any single country in any calendar year; and

(E) requires the international fund to prepare and make public an annual report that—

(i) identifies and recommends the developing countries—

(I) that are most vulnerable to climate change impacts; and

(II) in which assistance can have the greatest and most sustainable benefit to reducing vulnerability to climate change;

(ii) describes the process and methodology for selecting the recipients of assistance or grants from the fund;

(iii) describes specific programs and projects funded by the international fund and the extent to which the assistance is addressing the adaptation needs of the most vulnerable developing countries;

(iv) describes the performance goals for assistance under the fund and expresses those goals in an objective and quantifiable form, to the maximum extent practicable;

(v) describes the performance indicators to be used in measuring or assessing the achievement of the performance goals described in clause (iv);

(vi) provides a basis for recommendations for adjustments to assistance under this subtitle to enhance the impact of the assistance; and

(vii) describes the participation of other countries and international organizations in funding and administering the international fund.

SEC. 1333. MONITORING AND EVALUATION OF PROGRAMS.

(a) IN GENERAL.—The Administrator of the Agency shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this subtitle on a program-by-program basis in order to maximize the long-term sustainable developmental impact of the assistance, including the extent to which the assistance is—

(1) meeting the purposes of this subtitle in addressing the climate change adaptation needs of developing countries; and

(2) enhancing the national security of the United States.

(b) REQUIREMENTS.—In carrying out subsection (a), the Administrator of the Agency shall—

(1) in consultation with heads of government of recipient foreign countries—

(A) establish performance goals for assistance under this subtitle; and

(B) expresses those goals in an objective and quantifiable form, to the maximum extent practicable;

(2) establish performance indicators for use in assessing the achievement of the performance goals described in paragraph (1);

(3) provide a basis for recommendations for adjustments to assistance under this subtitle to enhance the impact of the assistance; and

(4) include in the report to Congress under section 1332(c)(1) a description of the results of the monitoring and evaluation of programs under this section.

(c) REVIEWS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator of the Agency, in cooperation with the National Academy of Sciences and other research and development institutions, as appropriate, shall conduct a review of—

(1) the global needs and opportunities for, and costs of, adaptation assistance in developing countries, especially least-developed developing countries;

(2) the progress of international adaptation among developing countries, including an evaluation of—

(A) the impact of expenditures by the Secretary under this subtitle; and

(B) the extent to which adaptation needs are addressed;

(3) the best practices for adapting to climate change in terms of promoting community-level resilience and social, economic, political, environmental, and cultural stability; and

(4) any guidelines or regulations established by the Administrator of the Agency to carry out this subtitle.

TITLE XIV—REDUCING THE DEFICIT

SEC. 1401. DEFICIT REDUCTION FUND.

There is established in the Treasury of the United States a fund, to be known as the ''Deficit Reduction Fund''.

SEC. 1402. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, in accordance with subsections (b) and (c), a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Deficit Reduction Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each of calendar years 2012 through 2050, the quantity of emission allowances auctioned pursuant to subsection (a) shall be the quantity represented by the percentages specified in the following table:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	5.75
2013	5.75
2014	5.75
2015	6.50
2016	6.75
2017	6.75
2018	7.25
2019	7
2020	8
2021	9.5
2022	8.75
2023	9.75
2024	10.75
2025	10.75
2026	12.75
2027	12.75
2028	12.75
2029	13.75
2030	13.75
2031	19.75
2032	17.75
2033	17.75
2034	16.75
2035	16.75
2036	16.75
2037	16.75
2038	16.75
2039	16.75
2040	16.75
2041	16.75
2042	16.75
2043	16.75
2044	16.75
2045	16.75
2046	16.75
2047	16.75
2048	16.75
2049	16.75
2050	16.75.

SEC. 1403. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1402, immediately on receipt of those proceeds, in the Deficit Reduction Fund.

SEC. 1404. DISBURSEMENTS FROM FUND.

No disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

TITLE XV—CAPPING HYDROFLUOROCARBON EMISSIONS

SEC. 1501. REGULATIONS.

(a) IN GENERAL .—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a program requiring reductions in hydrofluorocarbons consumed in the United States by entities that—

(1) manufacture HFCs in the United States; or

(2) import HFCs into the United States.

(b) DEFINITION OF HFC CONSUMED.—The regulations promulgated pursuant to subsection (a) shall provide that the term ''HFC consumed''—

(1) means—

(A) in the case of an HFC producer, a value equal to the difference between—

(i) the sum of—

(I) the quantity of HFC produced in the United States; and

(II) the quantity of HFC imported from any source into the United States, including quantities contained in products or equipment, or acquired in the United States from another HFC producer through sale or other transaction; and

(ii) the quantity of HFC exported or transferred to another HFC producer in the United States through sale or other transaction; and

(B) in the case of an HFC importer for resale, a value equal to the difference between—

(i) the quantity of HFC imported for resale from any source into the United States; and

(ii) the quantity of HFC exported; and

(2) shall not include the consumption of any quantity of HFC that is recycled.

(c) REQUIREMENTS.—The program established under subsection (a) shall—

(1) be based on, and parallel the major regulatory structure of, the program established under this Act for requiring reductions of emissions in the United States of non-HFC greenhouse gases;

(2) provide that the compliance obligation under this section shall require the submission of HFC allowances for any HFC consumed or imported in products or equipment;

(3) provide that the compliance obligation under the program shall not be satisfied, in whole or in part, by the submission of any emission allowances or offset allowances established pursuant to titles II, III, or XIII;

(4) establish annual HFC limitations in accordance with subsection (d);

(5) take into consideration, in establishing the limitations, whether the automobile manufacturing industry will begin selling, before 2012, automobiles the air conditioning systems of which use a refrigerant with a lower global warming potential than HFCs currently in use;

(6) require the auction of—

(A) not more than 10 percent of the quantity of HFC allowances established for calendar year 2012;

(B) for each of calendar years 2013 through 2030, a percentage of the quantity of HFC allowances established for the applicable calendar year that is greater than the percentage auctioned under this section for the preceding calendar year; and

(C) 100 percent of the quantity of HFC allowances established for calendar years 2031 through 2050;

(7) for each of calendar years 2012 through 2030, require the allocation, at no charge, to entities that manufacture HFCs in the United States and import HFCs into the United States of—

(A) subject to subparagraph (B), not less than 80 percent of the HFC allowances established for the applicable calendar year and not auctioned in accordance with paragraph (6), with the allocation being based on 100 percent of the HFCs and 60 percent of the hydrochlorofluorocarbons consumed by an HFC producer or importer for resale during—

(i) a base period covering calendar years 2004 through 2006; or

(ii) as the Secretary determines to be appropriate, an extended base period covering calendar years 2004 through 2008 with respect to an HFC producer or importer for resale that commenced operation of a new manufacturing facility in the United States after 2006; and

(B) not less than 10 percent of the emission allowances established for the applicable calendar year and not auctioned to a class of entities, to be defined by the Administrator, that manufacture in the United States commercial products containing HFCs, including, at a minimum, entities that manufactured in the United States during calendar year 2005 commercial or residential air conditioning, heat pump, commercial, or residential refrigeration products or plastic foam products (including formulated systems) containing HFC or hydrochlorofluorocarbon, if the HFC or hydrochlorofluorocarbon was included in the products at the time of sale;

(8) establish a system under which—

(A) a manufacturer or importer of HFCs may reduce a compliance obligation under this section for a calendar year by demonstrating to the Administrator the quantity of HFCs the manufacturer or importer destroyed during that calendar year; and

(B) the Administrator establishes and distributes HFC allowances, on a discounted basis, to entities for destruction of chlorofluorocarbons or hydrochlorofluorocarbons; and

(9) require the use of all proceeds from the auction of HFC allowances under this section to support—

(A) research into commercial alternatives with lower global warming potential than HFCs currently in use;

(B) the recovery, reclamation, and destruction of HFCs;

(C) manufacturers in the United States the products of which contain HFCs to transition to manufacturing products that contain refrigerants or blowing agents with lower global warming potential than HFCs currently in use; and

(D) the promotion of energy-efficient manufactured products that contain refrigerants or blowing agents with low global warming potential.

(d) ANNUAL LIMITATIONS.—The Administrator shall establish HFC allowances for each calendar year in a manner that establishes limitations on annual consumption of HFCs pursuant to the program under this section of—

(1) for calendar year 2012, not more than 289,000,000 carbon dioxide equivalents of HFCs;

(2) for each of calendar years 2013 through 2019, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(3) for calendar year 2020, a quantity of carbon dioxide equivalents of HFCs equal to not more than the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.85;

(4) for each of calendar years 2021 through 2029, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(5) for calendar year 2030, a quantity of carbon dioxide equivalents of HFCs equal to not more than the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.55;

(6) for each of calendar years 2031 through 2036, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(7) for each of calendar years 2037 through 2039, a quantity of carbon dioxide equivalents of HFCs that does not exceed the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year; and

(8) for each of calendar years 2040 through 2050, a quantity of carbon dioxide equivalents of HFCs that does not exceed the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.30.

SEC. 1502. NATIONAL RECYCLING AND EMISSION REDUCTION PROGRAM.

Section 608 of the Clean Air Act (42 U.S.C. 7671g) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITION OF HYDROFLUOROCARBON SUBSTITUTE.—In this section, the term 'hydrofluorocarbon substitute' means a hydrofluorocarbon—

''(1) with a global warming potential of more than 150; and

''(2) that is used in or for types of equipment, appliances, or processes that previously relied on a class I or class II substance.'';

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) in the matter following paragraph (3), by striking ''Such regulations'' and inserting the following:

''(5) The regulations'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3)(A) Not later than 1 year after date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Administrator shall promulgate regulations establishing standards and requirements regarding the sale or distribution, or offer for sale and distribution in interstate commerce, use, and disposal of hydrofluorocarbon substitutes for class I substances and class II substances not covered by paragraph (1), including the use, recycling, and disposal of those hydrofluorocarbon substitutes during the maintenance, service, repair, or disposal of appliances and industrial process refrigeration equipment.

''(B) The standards and requirements established under subparagraph (A) shall take effect not later than 1 year after the date of promulgation of the regulations.'';

(4) in subsection (c) (as redesignated by paragraph (1))—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through ''following—'' and inserting the following:

''(c) SAFE DISPOSAL.—The regulations under subsection (b) shall—

''(1) establish standards and requirements for the safe disposal of class I substances and class II substances and hydrofluorocarbon substitutes for those substances; and

''(2) include each of the following:''; and

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting ''(or hydrofluorocarbon substitutes for those substances)'' after ''class I or class II substances''.

SEC. 1503. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking ''Effective'' and inserting the following:

''(1) IN GENERAL.—Effective'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in subparagraph (B) (as so redesignated), by striking ''or'' at the end;

(B) in subparagraph (C) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(C) by inserting after subparagraph (C) the following:

''(D) the Administrator determines that the substance—

''(i) is used as a fire suppression agent for military, commercial aviation, industrial, space, or national security applications; and

''(ii) reduces overall risk to human health and the environment, as compared to alternative substances.''; and

(4) in the second sentence, by striking ''As used in'' and inserting the following:

''(2) DEFINITION OF REFRIGERANT.—In''.

TITLE XVI—PERIODIC REPORTS AND RECOMMENDATIONS

SEC. 1601. NATIONAL ACADEMY OF SCIENCES REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Administrator shall offer to enter into an arrangement with the National Academy of Sciences, under which the Academy shall, by not later than January 1, 2012, and every 3 years thereafter, make public and submit to the Administrator a report in accordance with this section.

(b) LATEST SCIENTIFIC INFORMATION.—Each report submitted pursuant to subsection (a) shall—

(1) address recent scientific reports on climate change, including the most recent assessment by the Intergovernmental Panel on Climate Change; and

(2) include a description of—

(A) trends in, and projections for, total United States greenhouse gas emissions, including the Inventory of United States Greenhouse Gas Emissions and Sinks;

(B) trends in, and projections for, total worldwide greenhouse gas emissions;

(C) current and projected future atmospheric concentrations of greenhouse gases;

(D) current and projected future global average temperature, including an analysis of whether an increase of global average temperature in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average has occurred or is more likely than not to occur in the foreseeable future;

(E) current and projected future adverse impacts of global climate change on human populations, wildlife, and natural resources; and

(F) trends in, and projections for, the health of the oceans and ocean ecosystems, including predicted changes in ocean acidity, temperatures, extent of coral reefs, and other indicators of ocean ecosystem health, resulting from anthropogenic carbon dioxide emissions and climate change.

(c) PERFORMANCE OF THIS ACT.—In addition to information required to be included under subsection (b), each report submitted pursuant to subsection (a) shall include an assessment of—

(1) the extent to which this Act, in concert with other policies, will prevent a dangerous increase in global average temperature;

(2) the extent to which this Act, in concert with other policies, will prevent dangerous atmospheric concentrations of greenhouse gases;

(3) the current and future projected deployment of technologies and practices that reduce or limit greenhouse gas emissions, including—

(A) technologies for capturing, transporting, and sequestering carbon dioxide;

(B) efficiency improvement technologies;

(C) zero- and low-greenhouse gas-emitting energy technologies, including solar, wind, geothermal, and nuclear technologies; and

(D) above- and below-ground biological sequestration technologies;

(4) the extent to which this Act and other policies are accelerating the development and commercial deployment of technologies and practices that reduce and limit greenhouse gas emissions;

(5) the extent to which the allocations and distributions of emission allowances and auction proceeds under this Act are advancing the purposes of this Act;

(6) the feasibility of retiring quantities of the emission allowances established pursuant to section 201(a);

(7) the feasibility of establishing policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(8) whether the use and trading of emission allowances is resulting in increases in pollutants that are listed as criteria pollutants under section 108(a)(1) of the Clean Air Act (42 U.S.C. 7408(a)(1)), defined as toxic air pollutants in section 211(k)(10)(C) of that Act (42 U.S.C. 7545(k)(10)(C)), or listed as hazardous air pollutants in section 112(a) of that Act (42 U.S.C. 7412(a)) (referred to collectively in this title as ''covered pollutants'');

(9) whether the transformation of the market and technologies deployed in response to carbon controls and reductions are resulting in increases in covered pollutants;

(10) whether the use and trading of emission allowances and the transformation of the market and technologies deployed in response to carbon controls and reductions are resulting in an increase in covered pollutants in environmental justice communities, specifically; and

(11) with respect to the offset programs established under this Act—

(A) the uncertainty and additionality of domestic offsets, international offsets, and international markets;

(B) the impacts of changing the restrictions on the market and the economic costs of the offset programs;

(C) the interaction with the cost management efforts of the Board;

(D) the impacts on deforestation in foreign countries; and

(E) the progress covered entities are making in reducing emissions from covered activities of the covered entities.

SEC. 1602. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS.

(a) IN GENERAL.—Not later than January 1, 2013, and every 3 years thereafter, the Administrator shall submit to Congress legislative recommendations based in part on the most recent report submitted by the National Academy of Sciences pursuant to section 1601.

(b) CATEGORIES OF LEGISLATION.—The legislative measures eligible for inclusion in the recommendations required by subsection (a) shall include measures that would—

(1) expand the definition of the term ''covered entity'' under this Act;

(2) expand the scope of the compliance obligation established by section 202;

(3) adjust quantities of emission allowances available in 1 or more calendar years;

(4) establish other policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(5) establish policies for reducing nationwide emissions into the atmosphere of sulfur dioxide, nitrogen oxides, and mercury in excess of the reductions resulting from the implementation of this Act; and

(6) prevent or abate any direct, indirect, or cumulative increases in covered pollutants resulting from the use and trading of emission allowances or from transformations in technologies or markets.

(c) CONSISTENCY WITH REPORTS.—The Administrator shall include with each submission of recommendations made pursuant to subsection (a) an explanation for each significant inconsistency between the recommendations and the reports submitted by the National Academies of Sciences pursuant to section 1601.

(d) ONGOING EVALUATION OF IMPACTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee that includes representatives of impacted communities to advise the Administrator on the implementation of Executive Order No. 12898 (59 Fed. Reg. 7629) in implementing this Act.

(e) EFFECT ON OTHER AUTHORITY.—Nothing in this title limits the authority of the Administrator, a State, or any person to use any authority under this Act or any other law to promulgate, adopt, or enforce any regulation.

SEC. 1603. PRESIDENTIAL RECOMMENDATIONS.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than January 1, 2018, the President shall establish a task force, to be known as the ''Interagency Climate Change Task Force''.

(b) COMPOSITION.—The members of the Interagency Climate Change Task Force shall be—

(1) the Administrator;

(2) the Secretary of Energy;

(3) the Secretary of the Treasury;

(4) the Secretary of Commerce; and

(5) such other Cabinet Secretaries as the President may name to the membership of the Interagency Climate Change Task Force.

(c) CHAIRMAN.—The Administrator shall act as Chairperson of the Interagency Climate Change Task Force.

(d) REPORT TO PRESIDENT.—

(1) IN GENERAL.—Not later than April 1, 2019, the Interagency Climate Change Task Force shall make public and submit to the President a consensus report making recommendations, including for specific legislation for the President to recommend to Congress.

(2) BASIS.—The report submitted pursuant to paragraph (1) shall be based on the third set of recommendations submitted by the Administrator to Congress under section 1602.

(3) INCLUSIONS.—The Interagency Climate Change Task Force shall include with the consensus report an explanation for each significant inconsistency between the consensus report and the third set of recommendations submitted by the Administrator to Congress pursuant to section 1602.

(e) PRESIDENTIAL RECOMMENDATION TO CONGRESS.—Not later than July 1, 2020, the President shall submit to Congress the text of a proposed Act based upon the consensus report submitted to the President pursuant to subsection (d).

TITLE XVII—MISCELLANEOUS

Subtitle A—Climate Security Act Administrative Fund

SEC. 1701. ESTABLISHMENT.

There is established in the Treasury of the United States a fund, to be known as the ''Climate Security Act Administrative Fund'' (referred to in this subtitle as the ''Fund'').

SEC. 1702. AUCTIONS.

(a) FIRST PERIOD.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2027, the Administrator shall auction, to raise funds for deposit in the Fund, 0.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that is 3 years after the calendar year during which the auction is conducted.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, to raise funds for deposit in the Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of the calendar year; and

(ii) the interval between each auction is of equal duration.

SEC. 1703. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1702, immediately on receipt of those proceeds, in the Fund.

SEC. 1704. DISBURSEMENTS FROM FUND.

No disbursements shall be made from the Fund, except pursuant to an appropriation Act.

SEC. 1705. USE OF FUNDS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the amounts deposited into the Fund during the preceding calendar year under section 1703 shall be made available to pay the administrative costs of carrying out this Act.

(b) TREATMENT OF AMOUNTS IN FUND.—Amounts in the Fund—

(1) may be used as an offsetting collection available to the Administrator, the Secretary of Agriculture, the Secretary of Labor, the Secretary of the Interior, the Secretary of Energy, the heads of other Federal departments or agencies required to carry out activities under this Act, the Board, or the Climate Change Technology Board to offset expenses incurred, or amounts made available through an appropriation Act for use, in carrying out this Act; and

(2) shall remain available until expended.

Subtitle B—Presidential Emergency Declarations and Proclamations

SEC. 1711. EMERGENCY DECLARATION.

(a) IN GENERAL.—If the President determines that a national security, energy security, or economic security emergency exists, and that it is in the paramount interest of the United States to modify any requirement under this Act to minimize the effects of the emergency, the President may make an emergency declaration.

(b) CONSULTATION.—In making an emergency declaration under subsection (a), the President shall, to the maximum extent practicable, consult with and take into consideration any advice received from—

(1) the National Security Advisor;

(2) the Secretary of the Treasury;

(3) the Secretary of Energy;

(4) the Administrator;

(5) relevant committees of Congress; and

(6) the Board.

SEC. 1712. PRESIDENTIAL PROCLAMATION.

After making an emergency declaration under section 1711, the President shall declare by proclamation each action required to minimize the emergency.

SEC. 1713. CONGRESSIONAL RESCISSION OR MODIFICATION.

(a) TREATMENT OF PROCLAMATION.—A proclamation issued pursuant to section 1712 shall be considered to be a final action by the President.

(b) ACTION BY CONGRESS.—Congress shall rescind or modify a proclamation issued pursuant to section 1712, if necessary, not later than 30 days after the date of issuance of the proclamation.

SEC. 1714. REPORT TO FEDERAL AGENCIES.

Not later than 30 days after the date on which a proclamation issued pursuant to section 1712 takes effect, and every 30 days thereafter during the effective period of the proclamation, the President shall submit to the head of each appropriate Federal agency a report describing the actions required to be carried out by the proclamation.

SEC. 1715. TERMINATION.

(a) IN GENERAL.—Subject to subsection (b), a proclamation issued pursuant to section 1712 shall terminate on the date that is 180 days after the date on which the proclamation takes effect.

(b) EXTENSION.—The President may request an extension of a proclamation terminated under subsection (a), in accordance with the requirements of this subtitle.

(c) CONGRESSIONAL APPROVAL.—Congress shall approve or disapprove a request of the President under subsection (b) not later than 30 days after the date of receipt of the request.

SEC. 1716. PUBLIC COMMENT.

(a) IN GENERAL.—During the 30-day period beginning on the date on which a proclamation is issued pursuant to section 1712, the President shall accept public comments relating to the proclamation.

(b) RESPONSE.—Not later than 60 days after the date on which a proclamation is issued, the President shall respond to public comments received under subsection (a), including by providing an explanation of—

(1) the reasons for the relevant emergency declaration; and

(2) the actions required by the proclamation.

(c) NO IMPACT ON EFFECTIVE DATE.—Notwithstanding subsections (a) and (b), a proclamation under section 1712 shall take effect on the date on which the proclamation is issued.

SEC. 1717. PROHIBITION ON DELEGATION.

The President shall not delegate to any individual or entity the authority—

(1) to make a declaration under section 1711; or

(2) to issue a proclamation under section 1712.

Subtitle C—Administrative Procedure and Judicial Review

SEC. 1721. REGULATORY PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (b), any rule, requirement, regulation, method, standard, program, determination, or final agency action made or promulgated pursuant to this Act shall be subject to the regulatory procedures described in subchapter II of chapter 5 of title 5, United States Code.

(b) EXCEPTION.—Subsection (a) does not apply to the establishment or any allocation of emission allowances under this Act by the Administrator.

SEC. 1722. ENFORCEMENT.

(a) VIOLATIONS.—

(1) IN GENERAL.—It shall be unlawful for any owner or operator of a covered entity to violate any prohibition, requirement, or other provision of this Act (including a regulation promulgated pursuant to this Act).

(2) OPERATION OF COVERED ENTITIES.—The operation of any covered entity in a manner that results in emissions of greenhouse gas in excess of the number of emission allowances submitted for compliance with section 202 by the covered entity shall be considered to be a violation of this Act.

(3) TREATMENT.—Each carbon dioxide equivalent of greenhouse gas emitted by a covered entity in excess of the number of emission allowances held by the covered entity shall be considered to be a separate violation of this Act.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Each provision of this Act, and any regulation promulgated pursuant to this Act, shall be fully enforceable in accordance with sections 113, 303, and 304 of the Clean Air Act (42 U.S.C. 7413, 7603, 7604).

(2) TREATMENT.—For purposes of enforcement under this subsection, all requirements under this Act shall be considered to be requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), and, for purposes of enforcement under section 304 of that Act (42 U.S.C. 7604), all requirements of this Act shall be considered to be emission standards or limitations under that Act (42 U.S.C. 7401 et seq.).

(3) MANDATORY DUTIES.—Any provision of this Act relating to a mandatory duty of the Administrator or any other Federal official shall be fully enforceable in accordance with section 304 of the Clean Air Act (42 U.S.C. 7604).

(4) JURISDICTION OF UNITED STATES DISTRICT COURTS.—Each United States district court shall have jurisdiction to compel agency action (including discretionary agency action) required under this Act that, as determined by the United States district court, has been unreasonably delayed.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any individual or entity may submit a petition for judicial review of any regulation promulgated, or final action carried out, by the Administrator or any other Federal official pursuant to this Act.

(2) COURT JURISDICTION.—

(A) IN GENERAL.—Subject to subparagraph (B), a petition under paragraph (1) may be filed in the United States court of appeals for the appropriate circuit.

(B) PETITIONS AGAINST ADMINISTRATOR.—A petition under paragraph (1) relating to a regulation promulgated, or final action carried out, by the Administrator shall be filed only in the United States Court of Appeals for the District of Columbia Circuit, in accordance with section 307(b) of the Clean Air Act (42 U.S.C. 7607(b)).

(3) REMEDY.—

(A) CORRECTION OF DEFICIENCIES.—Subject to subparagraph (B), on a determination by the reviewing court that a final agency action under this Act is arbitrary, capricious, or unlawful, the court shall require the agency to correct each deficiency identified by the court—

(i) as expeditiously as practicable; and

(ii) in no case later than the earlier of—

(I) the date that is 1 year after the date on which the court makes the determination; and

(II) the applicable deadline under this Act for the relevant original agency action.

(B) REQUIREMENT.—In selecting a remedy for an arbitrary, capricious, or unlawful action by the agency in carrying out this Act, the reviewing court shall avoid vacating the action if vacating the action could jeopardize the full and timely achievement of the emission reductions required by this Act.

(d) LITIGATION COSTS.—A court of competent jurisdiction may award costs of litigation (including reasonable attorney and expert witness fees) for a civil action filed pursuant to this section in accordance with section 307(f) of the Clean Air Act (42 U.S.C. 7607(f)).

SEC. 1723. POWERS OF ADMINISTRATOR.

The Administrator shall have the same powers and authorities provided under sections 114 and 307(a) of the Clean Air Act (42 U.S.C. 7414, 7607(a)) in carrying out, administering, and enforcing this Act.

Subtitle D—State Authority

SEC. 1731. RETENTION OF STATE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this Act precludes, diminishes, or abrogates the right of any State to adopt or enforce—

(1) any standard, limitation, or prohibition, or cap relating to emissions of greenhouse gas; or

(2) any requirement relating to control, abatement, mitigation, or avoidance of emissions of greenhouse gas.

(b) EXCEPTION.—Notwithstanding subsection (a), no State may adopt a standard, limitation, prohibition, cap, or requirement that is less stringent than the applicable standard, limitation, prohibition, or requirements under this Act.

Subtitle E—Tribal Authority

SEC. 1741. TRIBAL AUTHORITY.

For the purposes of this Act, the Administrator may treat any Indian tribe as a State in accordance with section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)).

Subtitle F—Clean Air Act

SEC. 1751. INTEGRATION.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the President shall submit to Congress a report describing any direct regulation of carbon dioxide emissions that has occurred or may occur under the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) RECOMMENDATIONS.—The report shall include recommendations of the President to ensure efficiency and certainty in the regulation of carbon dioxide emissions by the Federal Government.

Subtitle G—State–Federal Interaction and Research

SEC. 1761. STUDY AND RESEARCH.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academy of Sciences or an institution of higher education or collaborative of such institutions under which the National Academy of Sciences or institutions shall conduct a study of—

(1) the reasonably foreseeable economic and environmental benefits and costs to a State and the United States as a result of the operation by the State of a cap-and-trade program for greenhouse gases, in addition to the Federal programs under this Act;

(2) the reasonably foreseeable economic and environmental benefits and costs to a State and the United States as a result of the operation by the State, in addition to the Federal programs under this Act, of a program that achieves greenhouse gas reductions through mechanisms other than a cap-and-trade program, including—

(A) efficiency standards for vehicles, buildings, and appliances;

(B) renewable electricity standards;

(C) land use planning and transportation policy; and

(D) fuel carbon intensity standards; and

(3) the reasonably foreseeable effect on emission allowance prices and price volatility, costs to businesses and consumers (including low-income consumers), economic growth, and total cumulative emissions associated with each State program described in paragraphs (1) and (2), as compared to a national greenhouse gas control policy limited to the Federal programs under this Act.

(b) GREAT LAKES CENTER FOR GREEN TECHNOLOGY MANUFACTURING.—

(1) DESIGNATION.—The Administrator, in cooperation with the Secretary of Commerce and the Secretary of Energy, shall designate the University of Toledo as the ''Great Lakes Center for Green Technology Manufacturing'', to recognize the importance of research, development, and deployment of manufacturing technology needed to reduce worldwide greenhouse gas emissions.

(2) PURPOSES.—The purposes of the Great Lakes Center for Green Technology Manufacturing shall be—

(A) to carry out activities to increase domestic production of renewable energy technology and components;

(B) to develop, or assist in the development and commercialization of, advanced manufacturing processes, materials, and infrastructure for a low-carbon economy; and

(C) to assist the transition of historically manufacturing-based economies to the production of renewable energy technologies.

(3) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(c) PROCEEDS FROM AUCTIONS.—None of the proceeds from any auction conducted under this Act may be obligated after fiscal year 2047 except as provided in an appropriations Act.

SA 4826. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end of title XIII, insert the following:

SEC. 1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the ''Convention'').

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear ''common but differentiated responsibilities'' for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a ''binding international agreement'' with participation by all countries with major economies in ''goals and policies that reflect their unique energy resources and economic circumstances''.

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 4827. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4826 proposed by Mr. REID (for Mr. BIDEN) to the amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environment Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment, strike all after the word ''SEC'' on line 2 and insert the following:

1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the ''Convention'').

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear ''common but differentiated responsibilities'' for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a ''binding international agreement'' with participation by all countries with major economies in ''goals and policies that reflect their unique energy resources and economic circumstances''.

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

The provisions of this section shall become effective in 7 days after enactment.

SA 4828. Mr. REID proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end of the bill, add the following:

The provision of this Act shall become effective 5 days after enactment.

SA 4829. Mr. REID proposed an amendment to amendment SA 4828 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment, strike ''5'' and insert ''4''.

SA 4830. Mr. REID proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end, insert the following:

This section shall become effective 3 days after enactment of the bill.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

On line 2, strike ''3'' and insert ''2''.

SA 4832. Mr. REID proposed an amendment to amendment SA 4831 proposed by Mr. REID to the amendment SA 4830 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment strike ''2'' and insert ''1''.

SA 4833. Mr. KERRY (for himself, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 2, strike ''and''.

On page 15, line 12, strike the period and insert ''; and''.

On page 15, between lines 12 and 13, insert the following:

(25) a Federal climate program for the United States must respond in a timely fashion to the most up-to-date science on climate change, including scientific findings on the reductions in United States greenhouse gas emissions needed to avert the worst effects of climate change.

On page 471, strike lines 3 through 5 and insert the following:

(1) consider and incorporate existing findings and reports, including the most recent assessments from the U.S. Global Change Research Program and the Intergovernmental Panel on Climate Change; and

On page 471, line 24, strike ''and'' at the end.

On page 472, line 7, strike the period at the end and insert ''; and''.

On page 472, between lines 7 and 8, insert the following:

(G) the potential for abrupt changes in climate that occur so rapidly or unexpectedly that human or natural systems have difficulty adapting.

On page 475, between lines 5 and 6, insert the following:

(d) RECOMMENDATIONS ON GLOBAL AND UNITED STATES EMISSION BUDGETS.—In addition to and taking into account the information required to be included under subsections (b) and (c), each report required to be submitted under subsection (a) shall include recommendations regarding—

(1) a global cumulative emission budget for the period beginning on the date of submission of the first report under subsection (a) and ending on December 31, 2050, that would likely achieve the goals of—

(A) preventing an increase in global average temperature of more than 2 degrees Celsius above the preindustrial average; or

(B) preventing an alternate temperature increase above the preindustrial average, if the Academy finds that such an alternate average temperature is the threshold above which warming is likely to cause dangerous interference with the climate system; and

(2) a range for the emission budget of the United States, for the period described in paragraph (1), that—

(A) is realistically consistent with remaining within the global cumulative emission budget recommended under paragraph (1); and

(B) takes into consideration emission reductions and other commitments by industrialized and developing nations under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

Beginning on page 475, strike line 6 and all that follows through page 478, line 17, and insert the following:

SEC. 1602. PRESIDENTIAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than September 30, 2018, and every 3 years thereafter, the Administrator shall make public and submit to the President a report making legislative recommendations to achieve cumulative United States emission reductions through calendar year 2050 for the President to transmit to Congress.

(b) COORDINATION WITH OTHER AGENCIES.—In developing those recommendations, the Administrator shall coordinate with—

(1) the Secretary of Energy;

(2) the Secretary of the Treasury;

(3) the Secretary of Commerce;

(4) the Secretary of the Interior; and

(5) other relevant Federal officials, as determined by the Administrator, appointed to a position at level I of the Executive Schedule and listed in section 5312 of title 5, United States Code.

(c) BASIS.—The recommendations submitted pursuant to subsection (a) shall be based on the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.

(d) INCLUSIONS.—The report shall include—

(1) recommendations for amendments to this Act to achieve cumulative United States emission reductions through calendar year 2050 that are realistically consistent with remaining within the global cumulative emission budget described in section 1601(d)(1), including measures that would—

(A) adjust the definition of the term ''covered entity'' under this Act;

(B) adjust the scope of the compliance obligation established by section 202;

(C) adjust quantities of emission allowances available in 1 or more calendar years;

(D) establish other policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(E) establish policies for reducing nationwide emissions into the atmosphere of sulfur dioxide, nitrogen oxides, and mercury in excess of the reductions resulting from the implementation of this Act; and

(F) prevent or abate any direct, indirect, or cumulative increases in covered pollutants resulting from the use and trading of emission allowances or from transformations in technologies or markets; and

(2) safeguards to achieve all the purposes of this Act in accordance with paragraph (1), including—

(A) the accomplishment of robust growth and the creation of new jobs in the United States economy; and

(B) the protection of United States consumers, especially consumers in greatest need, from hardship.

(e) CONSISTENCY WITH REPORTS.—The Administrator shall include with each submission of recommendations made pursuant to subsection (a) an explanation for each significant inconsistency between the recommendations and the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.

(f) PRESIDENTIAL RECOMMENDATION TO CONGRESS.—Not later than January 1, 2019, and every 3 years thereafter, the President shall submit to Congress the text of proposed legislation based on the recommendations submitted to the President pursuant to subsection (a).

(g) ONGOING EVALUATION OF IMPACTS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee that includes representatives of affected communities to advise the Administrator on the implementation of Executive Order No. 12898 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations) in implementing this Act.

(h) EFFECT ON OTHER AUTHORITY.—Nothing in this title limits the authority of the Administrator, a State, or any person to use any authority under this Act or any other law to promulgate, adopt, or enforce any regulation.

SEC. 1603. CONGRESSIONAL REVIEW OF PRESIDENTIAL RECOMMENDATIONS.

(a) DEFINITION OF IMPLEMENTING LEGISLATION.—In this section, the term ''implementing legislation'' means only legislation introduced in the period beginning on the date on which recommendations for legislation are submitted to Congress under section 1602(f), and every third year thereafter, and ending 60 days after such submission (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), which proposes the legislative changes recommended by the President under section 1602.

(b) REFERRAL.—Implementing legislation described in subsection (a) shall be referred immediately to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) CONSIDERATION.—

(1) IN GENERAL.—Implementing legislation shall be considered by the committee to which the legislation is referred under subsection (b).

(2) SENATE PROCEDURE.—In the Senate—

(A) a committee to which legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation at the end of the period of 30 calendar days after the introduction of the legislation, upon a petition supported in writing by 30 Members of the Senate; and

(B) after that 30-calendar-day period, the legislation shall be placed on the calendar.

(d) MOTION TO PROCEED IN SENATE.—

(1) IN GENERAL.—In the Senate, after the committee to which implementing legislation is referred under subsection (b) has reported the legislation or been discharged under subsection (c)(2)(A) from further consideration of the legislation, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the implementing legislation.

(2) DEBATE AND POSTPONEMENT.—A motion to proceed described in paragraph (1) shall not be debatable or subject to a motion to postpone, or to a motion to proceed to the consideration of other business.

(3) MOTION TO RECONSIDER.—A motion to reconsider the vote by which a motion to proceed under paragraph (1) is agreed to or disagreed to shall not be in order.

(4) AGREEMENT.—If a motion to proceed to the consideration of the implementing legislation is agreed to, the implementing legislation shall remain the unfinished business of the Senate until disposed of.

(e) PROCEDURE IN HOUSE OF REPRESENTATIVES.—In the House of Representatives—

(1) the committee to which implementing legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation—

(A) at the end of the 60-calendar-day period beginning on the date of introduction of the legislation in the House of Representatives; and

(B) upon a petition supported in writing by 130 Members of the House of Representatives; and

(C) the implementing legislation shall be placed on the calendar, and called up on the floor of the House of Representatives, subject to the rules of the House of Representatives.

(f) EFFECT OF SECTION ON CONGRESSIONAL RULES.—This section—

(1) is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively;

(2) as such rulemaking power—

(A) is deemed to be part of the rules of each of the Senate and House of Representatives, respectively;

(B) shall be applicable only with respect to the procedure to be followed in the Senate or House of Representatives, respectively, in the case of implementing legislation described in subsection (a); and

(C) supersedes other rules only to the extent that the section is inconsistent with those other rules; and

(3) is enacted by Congress with full recognition of the constitutional right of either the Senate or House of Representatives to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 4834. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, between lines 7 and 8, insert the following:

SEC. 127. FUTUREGEN COOPERATIVE AGREEMENT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE-FC 26-06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) ADMINISTRATION.—During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

SA 4835. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION.

(a) SHORT TITLE.—This section may be cited as the ''Protect Science Act of 2008''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551(1) of title 5, United States Code.

(2) SCIENTIFIC.—The term ''scientific'' means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering.

(c) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Scientific research and innovation is a principal component to American prosperity.

(B) There have been numerous cases where Federal scientific studies and reports have been altered by political appointees and Federal employees to misrepresent or omit information.

(C) Political interference has also resulted in—

(i) the censorship of scientific information and documents requested by Congress;

(ii) the delayed release of Government science reports; and

(iii) the denial of media access to scientific researchers.

(D) Such political interference with science in the Federal agencies undermines the credibility, integrity, and consistency of the United States Government.

(2) PURPOSE.—The purpose of this section is to protect scientific credibility, integrity, and communication in research and policymaking.

(d) PROHIBITION OF POLITICAL INTERFERENCE WITH SCIENCE.—

(1) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''§ 7354. Interference with science

''(a) DEFINITIONS.—In this section—

''(1) the term 'censorship' means improper prevention of the dissemination of valid and nonclassified scientific findings;

''(2) the term 'scientific' means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering; and

''(3) the term 'tampering' means improperly altering or obstructing so as to substantially distort, or directing others to do so.

''(b) IN GENERAL.—An employee may not engage in any of the following:

''(1) Tampering with the conduct or findings of federally funded scientific research or analysis.

''(2) Censorship of findings of federally funded scientific research or analysis.

''(3) Directing the dissemination of scientific information known by the directing employee to be false or misleading.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, is amended by inserting after the item relating to section 7353 the following:

''7354. Interference with science.''.

(e) PUBLICATION REQUIREMENT RELATING TO SCIENTIFIC STUDIES AND REPORTS.—

(1) DEFINITION.—In this subsection, the term ''political appointee'' means an individual who holds a position that—

(A) requires appointment by the President, by and with the advice and consent of the Senate;

(B) is within the Executive Office of the President;

(C) is on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

(D) is a Senior Executive Service position as defined under section 3132 (2) of title 5, United States Code, and not a career reserved position as defined under paragraph (8) of that section; or

(E) is in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 48 hours after an agency publishes a scientific study or report, including a summary, synthesis, or analysis of a scientific study or report, that has been modified to incorporate oral or written comments by a political appointee that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall—

(i) make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public—

(I) the final version by the principal scientific investigators before review;

(II) the final version as published by the agency; and

(III) a version making a comparison of the versions described under subclauses (I) and (II), that identifies—

(aa) any modifications; and

(bb) the text making those modifications;

(ii) identify any political appointee who made those comments; and

(iii) provide uniform resource locator links on that website to both versions and related publications.

(B) PRINTED PUBLICATIONS.—The head of each agency shall ensure that the printed publication of any summary, synthesis, or analysis of a scientific study or report described under subparagraph (A) shall include a reference to the website described under that paragraph.

(3) FORMAT AND EASE OF COMPARISON.—The versions of any study or report described under paragraph (2) shall be made available—

(A) in a format that is generally available to the public; and

(B) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 versions.

(f) STATE OF SCIENTIFIC INTEGRITY REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General shall submit a report to Congress on compliance with the requirements of section 7354 of title 5, United States Code, (as added by subsection (d) of this section) and section (e) of this section.

SA 4836. Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. WARNER, Mr. MENENDEZ, Ms. SNOWE, Mr. CARDIN, Mr. CASEY, Mr. BAYH, Ms. COLLINS, Mr. OBAMA, Mr. WEBB, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. NELSON, of Florida, Mr. BINGAMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, insert the following:

SEC. 1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the ''Convention'').

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear ''common but differentiated responsibilities'' for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a ''binding international agreement'' with participation by all countries with major economies in ''goals and policies that reflect their unique energy resources and economic circumstances''.

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 4837. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 553. EXCLUSION OF NEW FOSSIL FUEL-FIRED ELECTRICITY GENERATORS.

Notwithstanding any other provision of this subtitle shall not apply to fossil fuel-fired electricity generators (including fossil fuel-fired electricity generators owned or operated by a rural electric cooperative) for 2 which construction began after January 19, 2007.

At the end of section 614(d), add the following:

(2) EXCLUSION OF FOSSIL FUEL-FIRED ELECTRICITY GENERATORS.—Notwithstanding paragraph (1), a State shall not use any emission allowance (or proceeds of sale of an emission allowance) to mitigate obstacles to investment by fossil fuel-fired electricity generators (including fossil fuel-fired electricity generators owned or operated by a rural electric cooperative) or fossil fuel-fired electricity generation markets.

SA 4837. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 2 and 3, insert the following:

(d) NATIONAL EMISSION REDUCTION MILESTONES FOR 2050.—Not later than January 1, 2012, after an opportunity for public notice and comment, the Administrator shall promulgate rules and take any other actions necessary (including revising the post-2020 emission allowances in the chart in subsection (a)) to achieve an 80 percent reduction in all United States global warming emissions by calendar year 2050, as compared to calendar year 1990.

SA 4839. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 833. REBATES FOR PURCHASE AND INSTALLATION OF PHOTOVOLTAIC SYSTEMS FOR 10 MILLION-SOLAR ROOFS.

(a) FINDINGS.—Congress finds that—

(1)(A) there is huge potential for increasing the quantity of electricity produced in the United States from distributed solar photovoltaics; and

(B) the use of photovoltaics on the roofs of 10 percent of existing buildings could meet 70 percent of peak electric demand;

(2) investment in solar photovoltaics technology will create economies of scale that will allow the technology to deliver electricity at prices that are competitive with electricity from fossil fuels;

(3) electricity produced from distributed solar photovoltaics helps to reduce greenhouse gas emissions and does not emit harmful air pollutants, such as mercury, sulfur dioxide, and nitrogen oxides;

(4) electricity produced from distributed solar photovoltaics enhances national energy security;

(5) investments in renewable energy stimulate the development of green jobs that provide substantial economic benefits;

(6)(A) rebate programs in several States have been successful in increasing the quantity of solar energy from distributed photovoltaics;

(B) the State of California has used rebate programs to install nearly 190 megawatts of grid-connected photovoltaics since 2000; and

(C) the State of New Jersey has installed nearly 50 megawatts of grid-connected photovoltaics since 2001, including 20 megawatts in 2007 alone; and

(7) Germany has installed nearly 4,000 megawatts of distributed solar photovoltaics and sustained an annual growth rate approaching 67 percent since enacting aggressive laws to encourage photovoltaic installations

(b) PROGRAM.—The Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program under which the Secretary shall provide rebates to eligible individuals or entities for the purchase and installation of photovoltaic systems for residential and commercial properties in order to install, over the 10-year period beginning on the date of enactment of this Act, at least an additional 10,000,000 solar systems in the United States (as compared to the number of solar systems installed in the United States as of the date of enactment of this Act) with a cumulative capacity of at least 30,000 megawatts.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), to be eligible for a rebate under this section—

(A) the recipient of the rebate shall be a homeowner, business, nonprofit entity, or State or local government that purchased and installed a photovoltaic system for a property located in the United States;

(B) the total capacity of the photovoltaic system for the property shall not exceed 4 megawatts;

(C) the buildings on the property for which the photovoltaic system is installed shall—

(i) in the case of a new or renovated building, achieve a rating of not less than 75 under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) (or an equivalent rating under an established benchmarking metric); and

(ii) in the case of any building not described in clause (i), be retrofitted to achieve a rating improvement of not less than 30 points under the Energy Star program (or an equivalent improvement under an established benchmarking metric); and

(D) the recipient of the rebate shall meet such other eligibility criteria as are determined to be appropriate by the Secretary.

(2) OTHER ENTITIES.—After public review and comment, the Secretary may identify other individuals or entities located in the United States that qualify for a rebate under this section.

(d) AMOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the amount of a rebate provided to an eligible individual or entity for the purchase and installation of a photovoltaic system for a property under this section shall be at least $3 for each watt of installed capacity.

(2) MAXIMUM AMOUNT.—The total amount of a rebate provided to an eligible individual or entity for the purchase and installation of a photovoltaic system for a property under this section shall not exceed 50 percent of the cost of the purchase and installation of the system.

(e) RELATIONSHIP TO OTHER LAW.—The authority provided under this section shall be in addition to any other authority under which credits or other types of financial assistance are provided for installation of a photovoltaic system for a property.

(f) ALLOCATION.—

(1) IN GENERAL.—Notwithstanding section 551, not later than 330 days before the beginning of each of calendar years 2012 through 2021, of the quantity of emission allowances established pursuant to section 201(a) that are made available under section 551 for each of those calendar years, the Administrator shall allocate a percentage to provide rebates under this section.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for rebates under 10-million solar roofs program
2012	9.73
2013	9.19
2014	8.73
2015	8.33
2016	8.06
2017	7.82
2018	7.60
2019	7.42
2020	7.25
2021	7.01

SA 4840. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle C—Renewable Energy Standard

SEC. 921. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding municipal waste and electricity generated by a hydroelectric facility (including a pumped storage facility, but excluding incremental hydropower).

''(2) BIOMASS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'biomass' means—

''(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy; or

''(ii) nonhazardous, plant or algal matter that is derived from any of—

''(I) an agricultural crop, crop byproduct or residue resource;

''(II) waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, or wood contaminated with plastic or metals);

''(III) gasified animal waste; or

''(IV) landfill methane.

''(B) NATIONAL FOREST LAND AND CERTAIN OTHER PUBLIC LAND.—With respect to organic material removed from National Forest System land or from public land administered by the Secretary of the Interior, the term 'biomass' means only organic material from—

''(i) ecological forest restoration;

''(ii) pre-commercial thinnings;

''(iii) brush;

''(iv) mill residues; and

''(v) slash.

''(C) EXCLUSION OF CERTAIN FEDERAL LAND.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass shall not be included in the term 'biomass' if the material or matter is located on—

''(i) Federal land containing old growth forest or late successional forest, unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from the Federal land—

''(I) is appropriate for the applicable forest type; and

''(II) maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition;

''(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System;

''(iii) a Wilderness Study Area;

''(iv) an inventoried roadless area of Federal land;

''(v) any part of the National Landscape Conservation System; or

''(vi) a National Monument.

''(3) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(4) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (8)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass, or landfill gas.

''(5) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

''(6) INCREMENTAL GEOTHERMAL PRODUCTION.—

''(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

''(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

''(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

''(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

''(7) INCREMENTAL HYDROPOWER.—

''(A) IN GENERAL.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

''(B) EXCLUSION.—The term 'incremental hydropower' does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

''(C) MEASUREMENT.—Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

''(8) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass;

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

''(i) the additional energy above the average generation during the 3-year period ending on the date of enactment of this section at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass;

''(III) landfill gas; or

''(IV) incremental hydropower; and

''(ii) incremental geothermal production.

''(9) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

''(b) RENEWABLE ENERGY REQUIREMENT.—

''(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity the electric utility sells to electric consumers in any calendar year from new renewable energy or existing renewable energy.

''(2) MINIMUM ANNUAL PERCENTAGE.—The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year:	Minimum annual percentage:
2010	1
2011	2
2012	4
2013	6
2014	8
2015	10

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"Calendar year:	Minimum annual percentage:
2016	12
2017	14
2018	16
2019	18
2020	20

''(3) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of this subsection by—

''(A) submitting to the Secretary renewable energy credits issued under subsection (c);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (h)); or

''(C) conducting a combination of activities described in subparagraphs (A) and (B).

''(c) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a renewable energy credit trading program under which each electric utility shall submit to the Secretary renewable energy credits to certify the compliance of the electric utility with respect to obligations under subsection (b).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

''(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

''(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (i);

''(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that as of the date of enactment of this section has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy.

''(3) DURATION.—A credit described in subparagraph (A) or (B) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (b) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate entity that establishes markets the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(d) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (b) shall be subject to a civil penalty.

''(2) AMOUNT OF PENALTY.—Subject to paragraph (3), the amount of the civil penalty shall be equal to the product obtained by multiplying—

''(A) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); by

''(B) the greater of—

''(i) 2 cents (adjusted for inflation under subsection (h)); or

''(ii) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—

''(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (b) for reasons outside of the reasonable control of the utility.

''(B) REDUCTION.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (b).

''(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

''(e) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—Not later than December 31, 2008, the Secretary of the Treasury shall establish a State renewable energy account in the Treasury.

''(2) DEPOSITS.—

''(A) IN GENERAL.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established under paragraph (1).

''(B) SEPARATE ACCOUNT.—The State renewable energy account shall be maintained as a separate account in the Treasury and shall not be transferred to the general fund of the Treasury.

''(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

''(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

''(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

''(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

''(B) to State programs to stimulate or enhance innovative renewable energy technologies.

''(f) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

''(g) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

''(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

''(2) in Hawaii.

''(h) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and December 31 of

each year thereafter, the Secretary shall adjust for United States dollar inflation (as measured by the Consumer Price Index)—

''(1) the price of a renewable energy credit under subsection (c)(2); and

''(2) the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

''(i) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (d)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section.

''(2) COORDINATION.—The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility subject to the requirements of this section that is also subject to a State renewable energy standard receives renewable energy credits in relation to equivalent quantities of renewable energy associated with compliance mechanisms, other than the generation or purchase of renewable energy by the electric utility, including the acquisition of certificates or credits and the payment of taxes, fees, surcharges, or other financial compliance mechanisms by the electric utility or a customer of the electric utility, directly associated with the generation or purchase of renewable energy.

''(B) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

''(j) RECOVERY OF COSTS.—

''(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

''(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

''(k) WIND ENERGY DEVELOPMENT STUDY.—The Secretary, in consultation with appropriate Federal and State agencies, shall conduct, and submit to Congress a report describing the results of, a study on methods to increase transmission line capacity for wind energy development.

''(l) SUNSET.—This section expires on December 31, 2040.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 609. Rural and remote communities electrification grants.

''Sec. 610. Federal renewable portfolio standard.''.

SA 4841. Mr. SANDERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 833. GRANTS FOR DEVELOPMENT OR CONSTRUCTION OF CONCENTRATING SOLAR POWER PLANTS.

(a) GOAL.—It is the goal of this section to add, over the 10-year period beginning on the date of enactment of this Act, at least an additional 200,000 megawatts of renewable electric power from concentrating solar power plants.

(b) GRANTS.—The Secretary of Energy, in consultation with the Administrator, shall establish a program under which the Secretary shall provide grants to eligible entities to pay the Federal share of the cost of developing or constructing concentrating solar power plants.

(c) FEDERAL SHARE.—The Federal share of a grant under this section shall be 12.5 percent of the cost of developing or constructing a concentrating solar power plant.

(d) RELATIONSHIP TO OTHER LAW.—The authority provided under this section shall be in addition to any other authority under which credits or other types of financial assistance are provided for the development or construction of a concentrating solar power plant.

(e) ALLOCATION.—

(1) IN GENERAL.—Notwithstanding section 551, not later than 330 days before the beginning of each of calendar years 2012 through 2021, of the quantity of emission allowances established pursuant to section 201(a) that are made available under section 551 for each of those calendar years, the Administrator shall allocate a percentage to provide grants under this section.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for grants for concentrating solar power plants
2012	9.7
2013	9.2
2014	8.7
2015	8.3
2016	8.1
2017	7.8
2018	7.6
2019	7.4
2020	7.3
2021	7.0.

SA 4842. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 291, strike line 24 and all that follows through page 292, line 16.

On page 301, line 12, strike ''(a) IN GENERAL.—''.

On page 302, strike lines 6 through 22.

Beginning on page 306, strike line 17 and all that follows through page 307, line 9.

SA 4843. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, strike lines 6 through 12 and insert the following:

(c) LEGAL STATUS.—

(1) IN GENERAL.—An emission allowance shall constitute a property right.

(2) COMPENSATION.—The Administrator shall provide to the holder of an emission allowance just compensation for the termination or limitation of the emission allowance.

SA 4844. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. 16____. REPORT ON THE ECONOMIC IMPACTS OF CLIMATE CHANGE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academy of Sciences (referred to in this section as the ''Academy''), under which the Academy shall, not later than January 1, 2011, and every 5 years thereafter, submit to the Administrator and make available to the public a report that assesses the costs of climate change on the United States economy, including the costs associated with hurricanes and other storms, drought, hunger, water shortages, and coastal flooding.

(b) INITIAL REPORT.—

(1) REQUIREMENTS.—The initial report required under subsection (a) shall—

(A) include an analysis of the economic, social, and environmental consequences of climate change in the United States if action is not taken to reduce global greenhouse gas emissions;

(B) take into account the risks of increased climate volatility and major irreversible impacts of climate change;

(C) be organized by region of the United States;

(D) identify—

(i) the key economic and environmental effects from climate change; and

(ii) the main impacts to be expected from climate change, including impacts on—

(I) agriculture and forestry;

(II) the food supply;

(III) energy;

(IV) transportation;

(V) fisheries;

(VI) coastal impacts and habitability;

(VII) recreation and tourism;

(VIII) public health;

(IX) water quantity and quality;

(X) low-income consumers; and

(XI) ecosystems, such as forests, rivers, and lakes;

(E) include estimates of costs of the main impacts of climate change identified under subparagraph (D)(ii);

(F) express in monetary terms the cost of climate change on each sector of the economy on a regional basis and to the United States as a whole;

(G) make predictions for the economic cost of climate change in the United States for each decade beginning in 2020 and ending in 2100; and

(H) reference the latest information available from—

(i) the U.S. Global Change Research Program; and

(ii) the Intergovernmental Panel on Climate Change.

(2) LIMITATION.—The initial report shall not take into account any possible adaptations to the effects of climate change, including the construction of levies or other infrastructure adjustments.

(c) SUBSEQUENT REPORTS.—In addition to including the components required under subsection (b)(1), any report submitted after the date of the initial report shall include an estimate of the savings to the United States economy achieved due to any reduced climate change impacts associated with reductions in greenhouse gas emissions since the submission of the previous report.

SA 4845. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 196, strike line 15 and all that follows through page 198, line 16.

At the end of section 614(d)(1), add the following:

(W) To promote the development of renewable-energy sources, as defined in section 832(a).

At the end of section 614, add the following:

(e) ADDITIONAL ALLOCATION.—

(1) IN GENERAL.—In addition to the allocation made under subsection (a), not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) that are made available for that calendar year for distribution to reduce greenhouse gas emissions and promote renewable electricity generation in accordance with this subsection.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for additional allocation
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	1
2019	1
2020	1
2021	1
2022	1
2023	1
2024	1
2025	1
2026	1
2027	1
2028	1
2029	1
2030	1

(3) USE.—During any calendar year, of the total quantity of allowances allocated to a State under this section, a State shall use at least 25 percent to promote renewable electricity generation under subsection (d)(1)(W).

In section 832(b), strike ''start-up, expansion, and operation of the facilities'' and insert ''start-up or expansion of the facilities''.

SA 4846. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that appears on page 193, before line 1, and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	16.5
2013	16.5
2014	16.5
2015	16.5
2016	16.25
2017	16
2018	15.75
2019	14.75
2020	13.5
2021	12
2022	9.75
2023	8.75
2024	7.5
2025	7.25
2026	4.25
2027	3
2028	2.75
2029	1.5
2030	1.25.

On page 426, strike lines 14 through 16 and insert the following:

section—

(1) for each of calendar years 2012 through 2030, 2.5 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a); and

(2) for each of calendar years 2031 through 2050, 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

SA 4847. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

In section 551(a), strike''2030'' and insert ''2022''.

In section 551(b), strike the table and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	18
2013	16.25
2014	14.5
2015	12.75
2016	11
2017	9.25
2018	7.5
2019	5.75
2020	4
2021	2.25
2022	0.5

In section 552(a), strike''2030'' and insert ''2022''.

At the end of section 614(d)(1), add the following:

(W) To promote the development of renewable-energy sources, as defined in section 832(a).

(X) To provide funding to pay the costs of training for climate change adjustment assistance-eligible individuals under section 535(h).

At the end of section 614, add the following:

(e) ADDITIONAL ALLOCATION.—

(1) IN GENERAL.—In addition to the allocation made under subsection (a), not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) that are made available for that calendar year for distribution to reduce greenhouse gas emissions, promote renewable electricity generation, assist low-income consumers, train workers, and improve energy efficiency in accordance with this subsection.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for additional allocation
2012	0
2013	1.75
2014	3.5
2015	5.25
2016	6.75
2017	8.25
2018	9.75
2019	10.5
2020	11
2021	11.25
2022	10.75
2023	10.25
2024	9
2025	8.75
2026	5.75
2027	4.5
2028	4.25
2029	3

Calendar year	Percentage for additional allocation
2030	2.75

(3) USE.—During any calendar year, of the total quantity of allowances allocated to a State under this section, a State shall use—

(A) at least 20 percent to promote renewable electricity generation under subsection (d)(1)(W);

(B) at least 10 percent to promote energy efficiency under subsection (d)(1)(B);

(C) at least 15 percent to train workers under subsection (d)(1)(X); and

(D) at least 5 percent to mitigate impacts on low-income energy consumers under subsection (d)(1)(A).

In section 832(b), strike ''start-up, expansion, and operation of the facilities'' and insert ''start-up or expansion of the facilities''.

SA 4848. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NATIONAL COMMISSION ON ENERGY POLICY AND GLOBAL CLIMATE CHANGE.

(a) ESTABLISHMENT.—There is established a commission, to be known as the ''National Commission on Energy Policy and Global Climate Change'' (referred to in this section as the ''Commission'').

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine all aspects of the national energy situation and related policies in order to develop a comprehensive, economy-wide policy approach to energy issues;

(2) to examine relevant data relating to global climate change, including impacts of human activities; and

(3) to report to Congress and the President the findings, conclusions, and recommendations of the Commission for legislation to establish a comprehensive national energy policy that ensures national energy security and significantly reduces greenhouse gas emissions in order to address global climate change without damaging the economy.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members, of whom—

(A) 1 shall be jointly appointed by the Majority Leader of the Senate and the Speaker of the House of Representatives, who shall serve as Chairperson of the Commission;

(B) 1 shall be jointly appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives, who shall serve as Vice-Chairperson of the Commission;

(C) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Environment and Public Works of the Senate;

(D) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives, in consultation with the Select Committee on Energy Independence and Global Warming of the House of Representatives;

(E) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Natural Resources of the Senate;

(F) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Commerce of the House of Representatives;

(G) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate;

(H) 1 shall be jointly appointed by the Chairpersons and Ranking Members of the Committees on Science and Technology and Transportation and Infrastructure of the House of Representatives;

(I) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(J) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture of the House of Representatives;

(K) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Finance of the Senate; and

(L) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS.—

(A) POLITICAL PARTY AFFILIATION.—An appointment of a member of the Commission under paragraph (1) shall be made—

(i) without regard to the political party affiliation of the member; and

(ii) on a nonpartisan basis.

(B) NONGOVERNMENTAL APPOINTEES.—A member appointed to the Commission under paragraph (1) shall not be an officer or employee of—

(i) the Federal Government; or

(ii) any unit of State or local government.

(C) SENSE OF CONGRESS REGARDING OTHER QUALIFICATIONS.—It is the sense of Congress that members appointed to the Commission under paragraph (1) should be prominent, nationally recognized United States citizens, with a significant depth of experience in professions such as governmental service, science, energy, economics, the environment, agriculture, manufacturing, public administration, and commerce (including aviation matters).

(3) DEADLINE FOR APPOINTMENTS.—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(4) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall hold the initial meeting of the Commission as soon as practicable, and not later than 60 days, after the date on which all members of the Commission are appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting under subparagraph (A), the Commission shall meet at the call of—

(i) the Chairperson; or

(ii) a majority of the members of the Commission.

(5) QUORUM.—7 members of the Commission shall constitute a quorum.

(6) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

(d) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) study and evaluate relevant data, studies, and proposals relating to national energy policies and policies to address global climate change, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure relating to—

(i) domestic production and consumption of energy from all sources and imported sources of energy, particularly oil and natural gas;

(ii) domestic and international oil and gas exploration, production, refining, and pipelines and other forms of infrastructure and transportation;

(iii) energy markets, including energy market speculation, transparency, and oversight;

(iv) the structure of the energy industry, including the impacts of consolidation, antitrust, and oligopolistic concerns, market manipulation and collusion concerns, and other similar matters;

(v) electricity production and transmission issues, including fossil fuels, renewable energy, energy efficiency, and energy conservation matters;

(vi) transportation fuels, biofuels and other renewable fuels, fuel cells, motor vehicle power systems, efficiency, and conservation; and

(vii) nuclear energy, including matters relating to permitting, regulation, and legal liability;

(B) examine relevant data relating to global climate change and the national and global environment, including—

(i) the impacts on the global climate system and the environment of human activities, particularly greenhouse gas emissions and pollution; and

(ii) the consequences of global climate change on humans and other species, particularly consequences to the national security, economy, and public health and safety of the United States;

(C) identify, review, and evaluate the lessons of past energy policies, energy crises, environmental problems, and attempts to address global climate change;

(D) evaluate proposals for energy and global climate change policies, including proposals developed by Members of Congress, congressional Committees, relevant Federal, regional, and State government agencies, nongovernmental organizations, independent organizations, and international organizations, with the goal of expanding those proposals to develop a blueprint for comprehensive energy and global climate change legislation; and

(E) submit to Congress and the President the reports required under subsection (h).

(2) RELATIONSHIP TO EFFORTS OF CONGRESS.—The Commission shall—

(A) review the information compiled by, and the findings, conclusions, and recommendations of, congressional Committees of relevant jurisdiction; and

(B) based on the results of the review, pursue any appropriate inquiry that the Commission determines to be necessary to carry out the duties of the Commission under paragraph (1).

(e) POWERS.—

(1) IN GENERAL.—

(A) RULES.—The Commission may establish such rules relating to administrative procedures as are reasonably necessary to enable the Commission to carry out this section.

(B) HEARINGS AND EVIDENCE.—

(i) IN GENERAL.—The Commission or any subcommittee or member of the Commission may, for the purpose of carrying out this section—

(I) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission determines to be appropriate; and

(II) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence,

memoranda, papers, and documents, as the Commission determines to be necessary.

(ii) PUBLIC REQUIREMENT.—In accordance with applicable laws (including regulations) and Executive orders regarding protection of information acquired by the Commission, the Commission shall ensure that, to the maximum extent practicable—

(I) all hearings of the Commission are open to the public, including by—

(aa) providing live and recorded public access to hearings on the Internet; and

(bb) publishing all transcripts and records of hearings at such time and in such manner as is agreed to by the majority of members of the Commission; and

(II) all findings and reports of the Commission are made public.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) on agreement of the Chairperson and Vice-Chairperson of the Commission; or

(II) on the affirmative vote of at least 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph may be—

(I) issued under the signature of the Chairperson of the Commission (or a designee who is a member of the Commission); and

(II) served by any individual or entity designated by the Chairperson or designee.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed individual or entity resides, is served, or may be found, or to which the subpoena is returnable, may issue an order requiring the individual or entity to appear at a designated place to testify or to produce documentary or other evidence.

(ii) FAILURE TO OBEY.—

(I) IN GENERAL.—A failure to obey the order of a United States district court under clause (i) may be punished by the United States district court as a contempt of the court.

(II) ENFORCEMENT BY COMMISSION.—In the case of failure of a witness to comply with a subpoena, or to testify if summoned pursuant to this paragraph—

(aa) the Commission, by majority vote, may certify to the appropriate United States Attorney a statement of fact regarding the failure; and

(bb) the United States Attorney may bring the matter before the grand jury for action in accordance with sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 et seq.).

(3) CONTRACTING.—To the extent amounts are made available in appropriations Acts, the Commission may enter into contracts to assist the Commission in carrying out the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) TREATMENT.—Information provided to the Commission under this paragraph shall be received, handled, stored, and disseminated by members and staff of the Commission in accordance with applicable law (including regulations) and Executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other services to assist the Commission in carrying out the duties of the Commission under this section.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance described in subparagraph (A), any other Federal department or agency may provide to the Commission such services, funds, facilities, staff, and other support as the head of the department or agency determines to be appropriate.

(6) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(7) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property only in accordance with the ethical rules applicable to congressional officers and employees.

(8) VOLUNTEER SERVICES.—

(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use the services of volunteers serving without compensation.

(B) REIMBURSEMENT.—The Commission may reimburse a volunteer for office supplies, local travel expenses, and other travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

(C) TREATMENT.—A volunteer of the Commission shall be considered to be an employee of the Federal Government in carrying out activities for the Commission, for purposes of—

(i) chapter 81 of title 5, United States Code;

(ii) chapter 11 of title 18, United States Code; and

(iii) chapter 171 of title 28, United States Code.

(f) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(D) STATUS.—The executive director and any employee (not including any member) of the Commission shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(E) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid to an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2009, and thereafter as the Commission determines to be appropriate, the Commission shall submit to Congress and the President an interim report describing the findings and recommendations agreed to by a majority of members of the Commission during the period beginning on the date on which, as applicable—

(A) all members of the Commission are appointed under subsection (c); or

(B) the most recent interim report was submitted under this paragraph.

(2) FINAL REPORT.—Not later than 18 months after the date on which all members of the Commission are appointed under subsection (c), the Commission shall submit to Congress and the President a final report establishing a plan for development of legislation for a comprehensive national policy relating to energy security that—

(A) addresses global climate change; and

(B) describes the findings and recommendations agreed to by a majority of members of the Commission.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this section, to remain available until the later of—

(1) the date on which the funds are expended; or

(2) the date of termination of the Commission under subsection (j).

(j) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate on the date that is 60 days after the date on which the final report is submitted under subsection (h)(2).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—During the 60-day period described in paragraph (1), the Commission may conclude the activities of the Commission, including—

(A) providing testimony to appropriate committees of Congress regarding the reports of the Commission; and

(B) publishing the final report of the Commission.

SA 4849. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Committees of Appropriate Jurisdiction

SEC. 1771. COMMITTEES OF APPROPRIATE JURISDICTION.

No revenue or outlays may be disbursed from any fund established in the Treasury of the United States by this Act, except pursuant to legislation reported by the congressional Committees of appropriate jurisdiction and subsequently enacted by Congress.

SA 4850. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 9 and 10, insert the following:

(50) TAX RELIEF FUND.—The term ''Tax Relief Fund'' means the fund established by section 581.

On page 31, line 10, strike ''(50)'' and insert ''(51)''.

On page 31, line 14, strike ''(51)'' and insert ''(52)''.

On page 161, strike lines 9 through 12.

On page 161, lines 15 and 16, strike ''Climate Change Worker Training and Assistance'' and insert ''Tax Relief Fund''.

On page 161, lines 23 and 24, strike ''Climate Change Worker Training and Assistance'' and insert ''Tax Relief Fund''.

In the heading of the right column of the table contained on page 162, after line 17, strike ''Climate Change Worker Training and Assistance'' and insert ''Tax Relief Fund''.

On page 163, lines 4 and 5, strike ''Climate Change Worker Training and Assistance'' and insert ''Tax Relief Fund''.

Beginning on page 163, strike line 6 and all that follows through page 183, line 3.

On page 201, strike lines 20 through 23 and insert the following:

SEC. 581. ESTABLISHMENT OF TAX RELIEF FUND.

There is established in the Treasury of the United States a fund, to be known as the ''Tax Relief Fund''.

On page 202, strike lines 3 and 4 and insert the following:

(b) and (c) and in addition to other auctions conducted pursuant to this Act, to raise funds for deposit in the Tax Relief Fund, for each of calendar

On page 202, lines 10 and 11, strike ''Climate Change Consumer Assistance'' and insert ''Tax Relief Fund''.

In the heading of the right column of the table contained on page 203, after line 2, strike ''Climate Change Consumer Assistance'' and insert ''Tax Relief Fund''.

On page 204, lines 1 and 2, strike ''Climate Change Consumer Assistance'' and insert ''Tax Relief Fund''.

On page 204, strike lines 3 through 14 and insert the following:

SEC. 584. SENSE OF SENATE REGARDING USE OF AMOUNTS IN TAX RELIEF FUND.

It is the Sense of the Senate that the Secretary of the Treasury should use amounts deposited in the Tax Relief Fund pursuant to this Act for each calendar year to provide tax relief to consumers in the United States.

Beginning on page 204, strike line 22 and all that follows through page 217, line 4, and insert the following:

SEC. 601. AUCTIONS FOR TAX RELIEF.

(a) AUCTION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall auction 12.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall auction 13 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall auction 13.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Tax Relief Fund for use in accordance with section 584.

On page 217, strike lines 8 through 16 and insert the following:

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with the table contained in paragraph (2).

On page 217, line 19, strike ''allocate to States described in'' and insert ''auction under''.

In the heading of the right column of the table contained on page 217, after line 21, strike ''allocation among States relying heavily on manufacturing and on coal'' and insert ''auction''.

Beginning on page 218, strike line 1 and all that follows through page 222, line 4, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 222, strike line 8 and all that follows through page 223, line 11, and insert the following:

SEC. 611. AUCTIONS FOR TAX RELIEF.

(a) AUCTION OF ALLOWANCES.—In accordance with subsections (b) and (c), for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

In the heading of the right column of the table contained on page 223, after line 11, strike ''for public transportation''.

Beginning on page 224, strike line 1 and all that follows through page 228, line 25, and insert the following:

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

On page 240, strike lines 5 through 17 and insert the following:

(a) IN GENERAL.—In accordance with subsection (b), for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction 2 percent of the emission allowances established pursuant to section 201(a) for the calendar year; and

(2) immediately on completion of an auction, deposit the proceeds of the auction in the Tax Relief Fund, for use in accordance with section 584.

On page 241, strike lines 6 through 21 and insert the following:

(a) AUCTION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with paragraph (2).

(2) PERCENTAGES FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with paragraph (1) the percentage of emission allowances specified in the following table:

In the heading of the right column of the table contained on page 241, after line 21, strike ''State leaders in reducing greenhouse gas emissions and improving energy efficiency'' and insert ''auction''.

Beginning on page 242, strike line 1 and all that follows through page 249, line 9, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

On page 249, strike lines 13 through 24 and insert the following:

SEC. 621. AUCTIONS.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with subsection (b).

(b) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (a) the per-

In the heading of the right column of the table contained on page 250, after line 2, strike ''States and Indian tribes for adaptation activities'' and insert ''auction''.

Beginning on page 250, strike line 3 and all that follows through page 267, line 11, and insert the following:

SEC. 622. USE OF PROCEEDS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to this subtitle, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 283, strike line 14 and all that follows through page 292, line 16, and insert the following:

SEC. 801. AUCTIONS FOR TAX RELIEF.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall auction 6.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall auction 3.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 292, strike line 22 and all that follows through page 302, line 22, and insert the following:

SEC. 901. AUCTIONS FOR TAX RELIEF.

(a) FIRST PERIOD.—

(1) IN GENERAL.—For each of calendar years 2012 through 2021, the Administrator shall auction 1.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2022 through 2030, the Administrator shall auction 2 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) THIRD PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 303, strike line 2 and all that follows through page 304, line 7, and insert the following:

SEC. 911. AUCTIONS FOR TAX RELIEF.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with subsection (b).

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 304, strike line 9 and all that follows through page 307, line 19, and insert the following:

Subtitle A—Auctions for Tax Relief

SEC. 1001. AUCTIONS FOR TAX RELIEF.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2022, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that occurs 3 years after the calendar year during which the auction is conducted.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

SEC. 1002. ADDITIONAL AUCTIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall auction

In the heading of the right column of the table contained on page 307, after line 22, strike ''allocation to Bonus Allowance Account'' and insert ''auction''.

Beginning on page 308, strike line 1 and all that follows through page 318, line 4, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 330, strike line 8 and all that follows through page 332, line 9, and insert the following:

SEC. 1101. AUCTIONS FOR TAX RELIEF.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall auction 0.5 percent of the quantity of emission allowances established pursuant to section 201(a) for calendar years 2012 through 2017.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 332, strike line 12 and all that follows through page 338, line 5, and insert the following:

SEC. 1111. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with subsection (b).

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 338, strike line 7 and all that follows through page 340, line 21, and insert the following:

SEC. 1121. AUCTIONS FOR TAX RELIEF.

(a) AUCTIONS.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 and 2013, the Administrator shall auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2014 through 2017, the Administrator shall auction 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 426, strike line 1 and all that follows through page 442, line 2, and insert the following:

SEC. 1312. AUCTIONS FOR TAX RELIEF.

(a) AUCTIONS.—For each of calendar years 2012 through 2050, the Administrator shall auction a quantity of allowances described in subsection (b) established pursuant to section 201(a) for that calendar year.

(b) QUANTITY OF ALLOWANCES.—The quantity of allowances referred to in subsection (a) is, with respect to each applicable calendar year—

(1) 1 percent of the quantity of emission allowances established for that calendar year; and

(2) of the quantity of offset allowances established for that calendar year—

(A) the number of offset allowances that the Administrator determines to be appropriate; but

(B) in no case more than 10 percent of the quantity of emission allowances established for that calendar year.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

SEC. 1313. ADDITIONAL AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—For each of calendar years 2012 through 2017, the Administrator shall auction 0.5 percent of the emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

SA 4851. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Carbon Output Reduction Plans for National Forest Land and Resource Management Areas

SEC. 1241. CARBON OUTPUT REDUCTION PLANS.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term ''management plan'' means—

(A) a National Forest management plan under—

(i) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(ii) the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.); and

(B) a resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) SECRETARY.—The term ''Secretary'' means—

(A) with respect to subsection (b), the Secretary of Agriculture (acting through the Chief of the Forest Service); and

(B) with respect to subsection (c) the Secretary of the Interior (acting through the Director of the Bureau of Land Management).

(b) NATIONAL FOREST LAND MANAGED BY THE SECRETARY OF AGRICULTURE.—

(1) CARBON OUTPUT REDUCTION PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall require the forest supervisor of each National Forest to amend the management plan of the National Forest under the jurisdiction of the forest supervisor to develop and carry out a carbon output reduction plan to reduce the quantity of carbon output generated by hazardous fuels and wildfires, to the maximum extent practicable, by—

(i) as of January 1, 2015, 10 percent;

(ii) as of January 1, 2020, 25 percent; and

(iii) as of January 1, 2050, 50 percent.

(B) CARBON OUTPUT BASELINE.—

(i) IN GENERAL.—In developing a carbon output reduction plan under subparagraph (A), the forest supervisor of each National Forest shall include in the carbon output reduction plan applicable to the National Forest under the jurisdiction of the forest supervisor a carbon output baseline developed in accordance with clause (ii).

(ii) BASELINE METHODOLOGY.—

(I) IN GENERAL.—In developing a carbon output baseline under clause (i), each forest supervisor of a National Forest shall base the carbon output baseline for the National Forest on the average annual quantity of carbon output generated by the National Forest during the most recent 5 calendar-year period for which data are available.

(II) PRESCRIBED BURNS AND WILDLAND FIRE USE FIRES.—In developing a carbon output baseline under clause (i), each forest supervisor of a National Forest shall not consider carbon output generated as the result of prescribed burns or wildland fire use fires in the National Forest.

(iii) USE.—Each forest supervisor of a National Forest shall use the carbon output baseline applicable to the National Forest to determine the reduction of carbon output generated by the National Forest for each calendar year.

(2) AUTHORIZED FORMS OF PAYMENT.—In carrying out a carbon output reduction plan under paragraph (1), a forest supervisor of a National Forest may enter into a contract with an appropriate individual or entity to allow the individual or entity to perform services in exchange for any form of payment authorized by the forest supervisor (including any goods-for-services contract or stewardship contract).

(c) RESOURCE MANAGEMENT AREAS MANAGED BY THE SECRETARY OF THE INTERIOR.—

(1) CARBON OUTPUT REDUCTION PLANS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall require the district director of each resource management area that the Secretary determines to be extensively forested to amend the management plan of the resource management area under the jurisdiction of the district director to develop and carry out a carbon output reduction plan to reduce the quantity of carbon output generated by hazardous fuels and wildfires, to the maximum extent practicable, by—

(i) as of January 1, 2015, 10 percent;

(ii) as of January 1, 2020, 25 percent; and

(iii) as of January 1, 2050, 50 percent.

(B) CARBON OUTPUT BASELINE.—

(i) IN GENERAL.—In developing a carbon output reduction plan under subparagraph (A), the district director of each resource management area described in subparagraph (A) shall include in the carbon output reduction plan applicable to the resource management area under the jurisdiction of the district director a carbon output baseline developed in accordance with clause (ii).

(ii) BASELINE METHODOLOGY.—

(I) IN GENERAL.—In developing a carbon output baseline under clause (i), each district director of a resource management area described in subparagraph (A) shall base the carbon output baseline for the resource management area on the average annual quantity of carbon output generated by the resource management area during the most recent 5 calendar-year period for which data are available.

(II) PRESCRIBED BURNS AND WILDLAND FIRE USE FIRES.—In developing a carbon output baseline under clause (i), each district director of a resource management area described in subparagraph (A) shall not consider carbon output generated as the result of prescribed burns or wildland fire use fires in the resource management area.

(iii) USE.—Each district director of a resource management area described in subparagraph (A) shall use the carbon output baseline applicable to the resource management area to determine the reduction of carbon output generated by the resource management area for each calendar year.

(2) AUTHORIZED FORMS OF PAYMENT.—In carrying out a carbon output reduction plan under paragraph (1), a district director of a resource management area may enter into a contract with an appropriate individual or entity to allow the individual or entity to perform services in exchange for any form of payment authorized by the district director (including any goods-for-services contract or stewardship contract).

SA 4852. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that begins on page 183, after line 18, and ends on page 184, before line 1, and insert the following:

Calendar Year	Percentage for distribution among carbon-intensive manufacturing facilities in United States
2012	12
2013	12
2014	12
2015	12
2016	12
2017	12
2018	12
2019	12
2020	12
2021	12
2022	11
2023	10
2024	8
2025	7
2026	6
2027	5
2028	4
2029	3
2030	2.

On page 184, line 16, insert ''and nonfuel minerals'' after ''metals''.

Strike the table that begins on page 458, after line 5, and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	4.75
2013	4.75
2014	4.75
2015	5.50
2016	5.75
2017	5.75
2018	6.25
2019	6
2020	7
2021	8.5
2022	7.75
2023	8.75
2024	9.75
2025	9.75
2026	11.75
2027	11.75
2028	11.75
2029	12.75
2030	12.75
2031	19.75
2032	17.75
2033	17.75
2034	16.75
2035	16.75
2036	16.75
2037	16.75
2038	16.75
2039	16.75
2040	16.75
2041	16.75
2042	16.75
2043	16.75
2044	16.75
2045	16.75
2046	16.75
2047	16.75
2048	16.75
2049	16.75
2050	16.75.

SA 4853. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 10___. ADVANCED COAL AND SEQUESTRATION TECHNOLOGIES PROGRAM.

(a) ADVANCED COAL TECHNOLOGIES.—

(1) DEFINITIONS.—In this section:

(A) ADVANCED COAL GENERATION TECHNOLOGY.—Subject to paragraph (2), the term ''advanced coal generation technology'' means an advanced coal-fueled power plant technology that meets 1 of the following performance standards for limiting carbon dioxide emissions from an electric generation unit on an annual average basis, as determined by the Climate Change Technology Board:

(i) For an electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment not later than December 31, 2015—

(I) treatment of at least the quantity of flue gas equivalent to 100 megawatts of the output of the electric generation unit; and

(II) a capability of capturing and sequestering at least 85 percent of the carbon dioxide in that flue gas.

(ii) For an electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment after December 31, 2016, achievement of an average annual emission rate of not more than 1,200 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(iii) For a new entrant electric generation unit for which construction of the unit commenced prior to July 1, 2018, achievement of an average annual emission rate of not more than 800 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(iv) For a new entrant electric generation unit for which construction of the unit commenced on or after July 1, 2018, achievement of an average annual emissions rate of not more than 350 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(v) For any unit at a covered entity that is not an electric generation unit, achievement of an average annual emission rate that is achieved by the capture and sequestration of a minimum of 85 percent of the total carbon dioxide emissions produced by the unit.

(B) COMMENCED.—The term ''commenced'', with respect to construction, means that an owner or operator has—

(i) obtained the necessary permits to carry out a continuous program of construction; and

(ii) entered into a binding contractual obligation, with substantial financial penalties for cancellation, to undertake such a program.

(C) CONSTRUCTION.—The term ''construction'', with respect to a carbon capture and sequestration project, means the fabrication, erection, or installation of technology for the project.

(2) ADJUSTMENT OF PERFORMANCE STANDARDS.—

(A) IN GENERAL.—The Climate Change Technology Board may adjust the emission performance standards for a carbon capture and sequestration project under paragraph (1)(A) for an electric generation unit that uses subbituminous coal, lignite, or petroleum coke in significant amounts.

(B) REQUIREMENT.—If the Climate Change Technology Board adjusts a standard under subparagraph (A), the adjusted performance standard for the applicable project shall prescribe an annual emission rate that requires the project to achieve an equivalent reduction from uncontrolled carbon dioxide emissions levels from the use of subbituminous coal, lignite, or petroleum coke, as compared to the emissions the project would have achieved if that unit had combusted only bituminous coal during the particular calendar year.

(C) APPLICABILITY OF BONUS ALLOWANCE ADJUSTMENT RATIO.—The bonus allowance adjustment ratio under section 1013(b) shall apply to an electric generation unit described in paragraph (1)(A)(i) only with respect to the megawatt-hours and carbon dioxide emissions attributable to the treated share of the flue gas of the electric generation unit.

(3) DEMONSTRATION PROJECTS AND DEPLOYMENT INCENTIVES.—

(A) IN GENERAL.—The Climate Change Technology Board shall use not less than $40,000,000,000 of amounts made available from the sale of allowances under the program to carry out this section to support demonstration projects using advanced coal generation technology, including retrofit technology that could be deployed on existing coal generation facilities, and to provide financial incentives to facilitate the deployment of not more than 20 gigawatts of advanced coal generation technologies.

(B) CERTAIN PROJECTS.—Of the amounts described in subparagraph (A), the Climate Change Technology Board shall make available up to 25 percent for projects that meet the carbon dioxide emission performance standard under paragraph (1)(A)(i).

(C) ADMINISTRATION.—In providing incentives under this paragraph, the Climate Change Technology Board shall—

(i) provide appropriate incentives for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers, as determined by the Secretary of Energy; and

(ii) ensure that a range of the domestic coal types is employed in the facilities that receive incentives under this paragraph.

(D) FUNDING REQUIREMENTS.—

(i) SEQUESTRATION ACTIVITIES.—The Climate Change Technology Board shall provide incentives only to projects that meet 1 of the emission performance standards for limiting carbon dioxide described in clause (ii) or (iii) of paragraph (1)(A).

(ii) PROJECTS USING CERTAIN COALS.—In providing incentives under this paragraph, the Climate Change Technology Board shall set aside not less than 25 percent of any amounts made available to carry out this subsection for projects using coal with an energy content of not more than 10,000 British thermal units per pound.

(4) STORAGE AGREEMENT REQUIRED.—The Climate Change Technology Board shall require a binding storage agreement for the carbon dioxide captured in a project under this subsection in a geological storage project permitted by the Administrator under regulations promulgated pursuant to section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)).

(5) DISTRIBUTION OF FUNDS.—

(A) REQUIREMENT.—The Climate Change Technology Board shall make awards under this section in a manner that maximizes the avoidance or reduction of greenhouse gas emissions.

(B) INCENTIVES.—A project that receives an award under this subsection may elect 1 of the following financial incentives:

(i) A loan guarantee.

(ii) A cost-sharing grant to cover the incremental cost of installing and operating carbon capture and storage equipment (for which utilization costs may be covered for the first 10 years of operation).

(iii) Production payments of not more than 1.5 cents per kilowatt-hour of electric output during the first 10 years of commercial service of the project.

(6) LIMITATION.—A project may not receive an award under this subsection if the project receives an award under section 4402.

(b) SEQUESTRATION.—

(1) IN GENERAL.—The Climate Change Technology Board shall use not less than $10,000,000,000 of amounts made available from the sale of allowances to carry out this section for large-scale geological carbon storage demonstration projects that store carbon dioxide captured from electric generation units using coal gasification or other advanced coal combustion processes, including units that receive assistance under subsection (a).

(2) PROJECT CAPITAL AND OPERATING COSTS.—

(A) IN GENERAL.—The Climate Change Technology Board shall provide assistance under this subsection to reimburse the project owner for a percentage of the incremental project capital and operating costs of the project that are attributable to carbon capture and sequestration, as the Secretary determines to be appropriate.

(B) CERTAIN PROJECTS.—Of the assistance provided under subparagraph (A), the Climate Change Technology Board shall make available up to 25 percent for projects that meet the carbon dioxide emissions performance standard under subsection (a)(1)(A)(i).

SA 4854. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 381, between lines 9 and 10, insert the following:

SEC. 1238. RECOVERY PLANS.

Nothing in this subtitle requires the Secretary of the Interior (or the Secretary of Commerce, with respect to any species for which the Secretary of Commerce has program responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)) to update any recovery plan developed under section 4(f) of the At Act 916 U.S.C. 1533(f0 that was approved before the date of enactment of this Act.

SA 4855. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Small Business Refiners

SEC. 591. DEFINITION OF SMALL BUSINESS REFINER.

In this subtitle:

(1) IN GENERAL.—The term ''small business refiner'' means a refiner that meets the applicable Federal refinery capacity and employee limitations criteria described in section 45H (c) of the Internal Revenue Code of 1986 (in effect on the date of enactment of this Act).

(2) EXCLUSION.—The term ''small business refiner'' does not include an entity formed by a merger or acquisition involving a refining entity that—

(A) does not meet the applicable criteria referred to in paragraph (1); and

(B) occurred after December 31, 2007.

SEC. 592. ALLOCATIONS.

(a) CALENDAR YEARS 2012 THROUGH 2017.—Notwithstanding any other provision of this

Act, for each of calendar years 2012 through 2017, the Administrator shall—

(1) adjust the allocations under subtitles E and F to owners and operators of carbon-intensive manufacturing facilities and fossil fuel-fired electric power generating facilities, respectively, by ½ percent; and

(2) allocate 1 percent of the emission allowances established under section 201(a) for those facilities to small business refiners in accordance with this subtitle.

(b) CALENDAR YEARS 2018 THROUGH 2030.—Notwithstanding any other provision of this Act, for each of calendar years 2012 through 2017, the Administrator shall—

(1) adjust the allocations under subtitle G to owners and operators of facilities that manufacture petroleum-based liquid or gaseous fuel by 1 percent; and

(2) allocate 1 percent of the emission allowances established under section 201(a) for those facilities to small business refiners in accordance with this subtitle.

SEC. 593. TREATMENT OF EXPANSIONS.

Emissions of carbon dioxide equivalent from transportation fuel resulting from an expansion in capacity by a small business refiner that qualifies under section 179(c) of the Internal Revenue Code of 1986 shall be added to the 2006 carbon dioxide equivalents of the small business refiner for the purpose of calculating the quantity of emission allowances to be distributed to the small business refiner under this subtitle.

SA 4856. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Atmospheric Removal of Greenhouse Gases

SEC. 1771. SHORT TITLE.

This subtitle may be cited as the ''Greenhouse Gas Emission Atmospheric Removal Act'' or the ''GEAR Act''.

SEC. 1772. STATEMENT OF POLICY.

It is the policy of the United States to provide incentives to encourage the development and implementation of technology to permanently remove greenhouse gases from the atmosphere on a significant scale.

SEC. 1773. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Greenhouse Gas Emission Atmospheric Removal Commission established by section 1775(a).

(2) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) sulfur hexafluoride;

(E) a hydrofluorocarbon;

(F) a perfluorocarbon; and

(G) any other gas that the Commission determines is necessary to achieve the purposes of this subtitle.

(3) INTELLECTUAL PROPERTY.—The term ''intellectual property'' means—

(A) an invention that is patentable under title 35, United States Code; and

(B) any patent on an invention described in subparagraph (A).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 1774. GREENHOUSE GAS EMISSION ATMOSPHERIC REMOVAL PROGRAM.

The Secretary, acting through the Commission, shall provide to public and private entities, on a competitive basis, financial awards for the achievement of milestones in developing and applying technology that could significantly slow or reverse the accumulation of greenhouse gases in the atmosphere by permanently capturing or sequestrating those gases without significant countervailing harmful effects.

SEC. 1775. GREENHOUSE GAS EMISSION ATMOSPHERIC REMOVAL COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of Energy a commission to be known as the ''Greenhouse Gas Emission Atmospheric Removal Commission''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members appointed by the President, by and with the advice and consent of the Senate, who shall provide expertise in—

(A) climate science;

(B) physics;

(C) chemistry;

(D) biology;

(E) engineering;

(F) economics;

(G) business management; and

(H) such other disciplines as the Commission determines to be necessary to achieve the purposes of this subtitle.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall serve for a term of 6 years.

(B) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(7) COMPENSATION.—A member of the Commission shall be compensated at level III of the Executive Schedule.

(c) DUTIES.—The Commission shall—

(1) subject to subsection (d), develop specific requirements for—

(A) the competition process;

(B) minimum performance standards;

(C) monitoring and verification procedures; and

(D) the scale of awards for each milestone identified under paragraph (3);

(2) establish minimum levels for the capture or net sequestration of greenhouse gases that are required to be achieved by a public or private entity to qualify for a financial award described in paragraph (3);

(3) in coordination with the Secretary, offer those financial awards to public and private entities that demonstrate—

(A) a design document for a successful technology;

(B) a bench scale demonstration of a technology;

(C) technology described in subparagraph (A) that—

(i) is operational at demonstration scale; and

(ii) achieves significant greenhouse gas reductions; and

(D) operation of technology on a commercially viable scale that meets the minimum levels described in paragraph (2); and

(4) submit to Congress—

(A) an annual report that describes the progress made by the Commission and recipients of financial awards under this section in achieving the demonstration goals established under paragraph (3); and

(B) not later than 1 year after the date of enactment of this Act, a report that describes the levels of funding that are necessary to achieve the purposes of this subtitle.

(d) PUBLIC PARTICIPATION.—In carrying out subsection (c)(1), the Commission shall—

(1) provide notice of and, for a period of at least 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subsection (c)(1); and

(2) take into account public comments received in developing the final version of those requirements.

(e) PEER REVIEW.—No financial award may be provided under this subtitle until such time as the proposal for which the award is sought has been peer reviewed in accordance with such standards for peer review as the Commission shall establish.

SEC. 1776. INTELLECTUAL PROPERTY CONSIDERATIONS.

(a) IN GENERAL.—Title to any intellectual property arising from a financial award provided under this subtitle shall vest in 1 or more entities that are incorporated in the United States.

(b) RESERVATION OF LICENSE.—The United States—

(1) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subsection (a); but

(2) shall not, in the exercise of a license reserved under paragraph (1), publicly disclose proprietary information relating to the license.

(c) TRANSFER OF TITLE.—Title to any intellectual property described in subsection (a) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

SEC. 1777. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 1778. TERMINATION OF AUTHORITY.

The Commission and all authority of the Commission provided under this subtitle terminate on December 31, 2020.

SA 4857. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, strike line 19 and insert the following:

(a) IN GENERAL.—Not later than 120 days after the date of enactment

On page 304, after line 25, add the following:

(b) ADDITIONAL FUNDS.—

(1) IN GENERAL.—For the period of calendar years 2009 through 2018, of the proceeds of the auctions conducted under section 1402(a), $20,000,000,000 shall be allocated by the Administrator to the Kick-Start Program in accordance with the schedule described in paragraph (2).

(2) SCHEDULE.—

(A) IN GENERAL.—Subject to subparagraph (B), of the $20,000,000,000 described in paragraph (1), the Administrator shall allocate—

(i) $1,200,000,000 in calendar year 2009;
(ii) $1,100,000,000 in calendar year 2010;
(iii) $900,000,000 in calendar year 2011;
(iv) $3,100,000,000 in 2012;
(v) $3,000,000,000 in each of calendar years 2013 and 2014; and
(vi) $2,000,000,000 in each of calendar years 2015 through 2018.

(B) INCREASE IN ALLOCATION.—If any portion of the funds to be allocated under subparagraph (A) for a calendar year is unavailable for that allocation, that portion shall be added to the amount to be allocated in the subsequent calendar year.

On page 305, line 19, insert ''research, development, demonstration, and'' before ''early deployment''.

Beginning on page 305, strike line 22 and all that follows through page 306, line 2, and insert the following:

(b) GOALS.—The Board shall design and operate the Kick-Start Program with the goals of—

(1) advancing additional advanced coal research and development innovations for capturing and storing carbon dioxide; and

(2) rapidly bringing into operation in the United States not fewer than 5 commercial facilities that capture and geologically sequester carbon released when coal is used to generate electricity.

(c) KICK-START COMPONENTS.—

(1) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—For each fiscal year, the Secretary of Energy shall use 50 percent of the amounts in the Fund derived from auctions conducted under section 1002(b) to carry out the programs established under sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293).

(B) REQUIREMENTS.—In carrying out the programs, the Secretary of Energy shall provide for the investigation of a wide variety of technologies for carbon capture for—

(i) retrofitting of existing facilities; and

(ii) installation of carbon-capture technology on next-generation coal-fueled facilities.

(2) DEPLOYMENT.—The Secretary of Energy shall use 50 percent of the amounts in the Fund derived from auctions conducted under section 1002(b) to carry out a program to facilitate the deployment of the technologies described in paragraph (1)(B).

On page 306, line 3, strike ''(c)'' and insert ''(d)''.

On page 306, strike lines 4 through 9 and insert the following:

Program on—

(1) the ''Early Deployment Fund'' recommendations contained in the final report issued by the Advanced Coal Technology Work Group of the Clean Air Act Advisory Committee of the Environmental Protection Agency and dated January 29, 2008; and

(2) the programs established under sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293).

(e) COAL DIVERSITY.—The Kick-Start Program

On page 306, line 13, strike ''(e)'' and insert ''(f)''.

On page 306, line 17, strike ''(f)'' and insert ''(g)''.

On page 457, line 13, insert ''and the Carbon Capture and Sequestration Technology Fund established by section 1001'' before the period at the end.

SA 4858. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 341, strike lines 5 through 7 and insert the following:

(2) to reduce greenhouse gas emissions, the United States should not rely on ethanol produced from corn and should rely increasingly on advanced, clean, low-carbon fuels for transportation.

SA 4859. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, strike lines 13 and 14 and insert the following:

(ii) forest management activities inclusive of associated recognized carbon pools, including—

(I) forest product carbon sequestration;

(II) afforestation; and

(III) forest management activities that contribute to forest carbon sequestration;

SA 4860. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

Subtitle H—Sense of the Senate Regarding the Need to Expedite Certain Outer Continental Shelf Oil and Gas Lease Sales

SEC. 1771. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the citizens of the United States face economic hardships due to high fuel costs;

(2) the citizens of the United States rely on oil and gas produced from resources located in the approximately 1,760,000,000 acres of the outer Continental Shelf;

(3) the Secretary of the Interior (referred to in this section as the ''Secretary''), in accordance with section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), has prepared, for calendar years 2007 through 2012, an oil and gas leasing program (referred to in this section as the ''5-year program'') indicating a 5-year schedule of lease sales designed to best meet the energy needs of the United States;

(4) the 5-year program includes 21 lease sales in 8 areas, including—

(A) 4 areas located off of the coast of the State of Alaska;

(B) 1 area located off of the Atlantic Coast; and

(C) 3 areas located in the Gulf of Mexico;

(5) the analysis completed for the 5-year program has indicated that implementation of the 5-year program would result in—

(A) the production of an estimated 10,000,000,000 barrels of oil and 45,000,000,000,000 cubic feet of natural gas; and

(B) the generation of $170,000,000,000 in net benefits for the United States during the 40-year period beginning on the date of implementation of the 5-year program; and

(6) the United States should—

(A) be less dependent on foreign oil; and

(B) develop more domestic sources of energy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as soon as practicable after the date of enactment of this Act, the Secretary should expedite each remaining lease sale included in the 5-year program regardless of the year for which any particular lease sale is scheduled.

SA 4861. Mrs. DOLE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 291, strike line 24 and all that follows through page 292, line 16.

On page 301, strike line 12 and insert the following:

In making awards under this sub-

On page 302, strike lines 6 through 22.

Beginning on page 306, strike line 17 and all that follows through page 307, line 9.

SA 4862. Mrs. DOLE (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, strike lines 1 through 13 and insert the following:

(A) IN GENERAL.—The term ''Coastal State'' means any State or territory of the United States with a coastal zone management plan or program that is approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

On page 251, line 14, strike ''(C)'' and insert ''(B)''.

On page 254, strike lines 13 through 20 and insert the following:

(B) to identify and develop plans to protect, or, as necessary or applicable, to relocate public facilities and infrastructure, coastal resources of national significance, public energy facilities, or other public water uses located in the coastal watershed that are affected by climate change, including the development of strategies that use natural resources, such as natural buffer zones, natural shorelines, and habitat protection or restoration, to mitigate risks and impacts;

On page 255, strike lines 23 and 24 and insert the following:

(v) coastal habitat loss;

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on June 17, 2008, at 2:30 p.m, in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1774, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the

National Trails System, and for other purposes; S. 2359, to establish the St. Augustine 450th Commemoration Commission, and for other purposes; S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; S. 3010, to reauthorize the Route 66 Corridor Preservation Program; S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; and H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 4, 2008 at 11 a.m. in room 332 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Improving Detainee Policy: Handling Terrorism Detainees within the American Justice System'' on Wednesday, June 4, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, June 4, 2008 to conduct a hearing. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. CARPER. I ask unanimous consent that Karl Cordova, Alicia Jackson, Lucas Knowles, and Bryan Mignone, of the Committee on Energy and Natural Resources, be granted the privilege of the floor during debate on the Climate Security Act.

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

AMERICAN EAGLE DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 583.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 583) designating June 20, 2008, as ''American Eagle Day,'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 583) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RES. 583

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned citizens of the United States that represented Federal, State, and private sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens of the United States, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2006, the population of bald eagles that nested in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles will still be protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940''); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3934)—

(1) was signed into law on December 23, 2004; and

(2) directs the Secretary of the Treasury to mint commemorative coins in 2008—

(A) to celebrate the recovery and restoration of the bald eagle; and

(B) to mark the 35th anniversary of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas section 7(b) of the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3937) provides that each surcharge

received by the Secretary of the Treasury from the sale of a coin issued under that Act ''shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee'' to support efforts to protect the bald eagle;

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins;

Whereas, if not for the vigilant conservation efforts of concerned citizens and the enactment of strict environmental protection laws (including regulations) the bald eagle would be extinct;

Whereas the dramatic recovery of the population of bald eagles is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2008, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to help generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the citizens of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

MEASURE READ THE FIRST TIME—H.R. 6049

Mr. DURBIN. Mr. President, I understand that H.R. 6049 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

Mr. DURBIN. Mr. President, I ask for its second reading and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

SIGNING AUTHORIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader, Senator REID of Nevada, be authorized to sign duly enrolled bills and joint resolutions through June 9, 2008.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–18

Mr. DURBIN. 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 4, 2008, by the President of the United States: Tax Convention with Bulgaria with Proposed Protocol of Amendment, Treaty Document No. 110–18. I further ask 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 Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007 (the ''Proposed Treaty''), as well as the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed at Sofia on February 26, 2008 (the ''Proposed Protocol of Amendment''). The Proposed Treaty and Proposed Protocol of Amendment are consistent with U.S. tax treaty policy. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Proposed Treaty and Proposed Protocol of Amendment.

The Proposed Treaty generally reduces the withholding tax on cross-border dividend, interest, and royalty payments. Importantly, the Proposed Treaty generally eliminates withholding tax on cross-border dividend payments to pension funds and cross-border interest payments made to financial institutions. The Proposed Treaty also contains provisions, consistent with current U.S. tax treaty policy, that are designed to prevent so-called treaty shopping. The Proposed Protocol of Amendment further strengthens these treaty shopping provisions.

I recommend that the Senate give early and favorable consideration to the Proposed Treaty and give its advice and consent to ratification to both the Proposed Treaty and the Proposed Protocol of Amendment.

GEORGE W. BUSH.

THE WHITE HOUSE *June 4, 2008*.

ORDERS FOR THURSDAY, JUNE 5, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. today, June 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 2 hours, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; I further ask that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 743, S. 3044, the Consumer-First Energy Act.

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

PROGRAM

Mr. DURBIN. Mr. President, as a reminder, cloture was filed on the substitute amendment to the climate change bill. Under the rule, the filing deadline for first-degree amendments is 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:18 a.m., adjourned until Thursday, June 5, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES SENTENCING COMMISSION

WILLIAM B. CARR, JR., OF PENNSYLVANIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011, VICE JOHN R. STEER.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOHN L. BAEKE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOSEPH C. LEE
SHERRIE L. MORGAN
BRAD A. NIESET

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ROBERT B. KOHL
JAMES J. REYNOLDS

To be major

RICHARD P. ANDERSON

BRUNO KALDRE
ALVIN W. ROWELL

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOHN KISSLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MARK A. ARTURI
LISA K. WILLIS

To be major

DANA F. CAMPBELL

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

KATHLEEN AGOGLIA

To be major

ROBERT NICHOLS
JAMES R. TAYLOR

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ROBERT J. EGIDIO
DOUGLAS MACGREGOR

To be major

LINDA L. ABEL
DALE W. ASBURY
MICHAEL J. ROSSI
ALAN Z. SIEDLECKI

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

MICHAEL J. MASELLY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

HILLARY KING, JR.
JAMES E. WATTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROOSEVELT H. BROWN
WALTER E. EAST
WILLIAM K. FAUNTLEROY
ROBERT L. KEANE
WILLIAM M. KENNEDY
CRAIG G. MUEHLER
MARK W. SMITH
DALE C. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAVID R. BUSTAMANTE
DAVID B. CORTINAS
KATHRYN A. DONOVAN
ANTONIO M. EDMONDS
CRAIG S. HAMER
GREGORY W. HARSHBERGER
LEWIS S. HURST
CHRISTOPHER J. LACARIA
CHRISTOPHER S. LAPLATNEY
DANIEL A. MCNAIR
THOMAS G. MORRIS
LAURENCE J. READAL
0ODNEY O. WORDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VIDA M. ANTOLINJENKINS
PAMELA E. C. BALL
STEVEN M. BARNEY
KEVIN M. BREW
FRANCIS J. BUSTAMANTE
JAMES R. CRISFIELD, JR.
MATTHEW C. DOLAN
DAVID J. GRUBER
ERROL D. HENRIQUES
PAUL C. KIAMOS
SCOTT J. LAURER
GORDON E. MODARAI
CHARLES N. PURNELL II
STEPHANIE M. SMART
JONATHAN S. THOW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANGELICA L. C. ALMONTE
KATHY T. BECKER
PATRICE D. BIBEAU
TERRY V. BOLA
DEBRA P. CARTER
JEAN B. COMLISH
CYNTHIA J. GANTT
PAMELA R. HATALA
JAMIE M. KERSTEN
SARAH L. MARTIN
ANNE M. MITCHELL
ELIZABETH B. MYHRE
MARY S. NADOLNY
MARY K. NUNLEY
MAUREEN M. PENNINGTON
ANDREW P. SPENCER
LISA K. STENSRUD
MARY A. SUTHERLAND
DICK W. TURNER
NANCY J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SMITH C. E. BARONE
JOHN D. BLOOM
WILLIAM R. K. DAVIDSON
K. K. ERICKSON
RICK FREEDMAN
JEANETTE M. GORTHY
MATTHEW J. GRAMKEE
ALAN F. HAMAMURA
DAVID H. HARTZELL
HOLLY D. HATT
MARIA I. KORSNES
FRANCISCO R. LEAL
MICHAEL G. MARKS
PAUL G. OLOUGHLIN
MARK F. ROBACK
PETER A. RUOCCO
GARRY SCHULTE
GAYLE D. SHAFFER
MARTA W. TANAKA
NGOC N. TRAN
CAROL D. WEBER
CURTIS M. WERKING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROLAND E. ARELLANO
TIMOTHY D. BARNES
LEA A. BEILMAN
SEAN BIGGERSTAFF
LANNY L. BOSWELL, JR.
JIMMY A. BRADLEY
LARRY R. CIOLORITO
ANDREW M. DAVIDSON
MICHAEL E. EBY
DAVID P. GRAY
DAVID L. HAMMELL
LINDA S. HITE
JOHN W. LEFAVOUR
MARGARET A. LLUY
MARTIN D. MCCUE
LESLIE A. MOORE
REGINA P. ONAN
JEFFREY M. PLUMMER
JAMES B. POINDEXTER III
DARIN P. ROGERS
ROBERT M. SCHLEGEL
DAVID B. SERVICE
MICHELE L. WEINSTEIN
DOUGLAS E. WELCH
MARVA L. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTOPHER BOWER
BRUCE R. BRETH
RONALD K. CARR
TIMOTHY W. COLYER
PIERRE C. COULOMBE
ROBERT R. COX
DAVID F. CRUZ
KENNETH DIXON
BRIAN M. GOODWIN
GREGORY A. HAJZAK
WILLIAM P. HAYES
CHARLES K. HEAD
ROBERT D. HECK
BETH A. HOWELL
ROBERT E. HOWELL
FRANK J. HRUSKA
DONALD S. HUGHES
ROBERT M. JENNINGS
STEVEN W. KINSKIE
RONALD J. KOCHER
JAMES R. LIBERKO
CHRISTOPHER S. MOSHER
ANDREW B. MUECK
THEODORE C. OLSON
JOHN T. PALMER
MICHAEL J. ROPIAK
WILLIAM T. SKINNER
MICHELLE C. SKUBIC
PETER G. STAMATOPOULOS
JAMES J. WEISER
CARL F. WEISS
ANDREW F. WICKARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DEBRA A. ARSENAULT
KEVIN K. BACH
TANIS M. BATSEL
ABHIK K. BISWAS
MICHAEL L. BURLESON
DUANE C. CANEVA
DARYL K. DANIELS
DAVID M. DELONGA
DAMIAN P. DERIENZO
NANCY G. DIXON
WALTER M. DOWNS, JR.
TIMOTHY D. DUNCAN
JUDITH E. EPSTEIN
ROBERT W. FARR
TONIANNE FRENCH
EMORY A. FRY
BRADEN R. HALE
MICHAEL J. HARRISON
KURT A. S. HENRY
WARREN S. INOUYE
CHRISTOPHER J. JANKOSKY
ANDREW S. JOHNSON
SARA M. KASS
JOHN C. KING
KENNETH C. KUBIS
FREDERICK J. LANDRO
GARY W. LATSON
LAWRENCE L. LECLAIR
WILLIAM M. LEININGER
ALAN A. LIM
JOHN S. LOCKE
ROBERT P. MARTIN
STEPHEN D. MATTSON
TERENCE M. MCGEE
KIMBERLY M. MCNEIL
JOSEPH G. MCQUADE
BARTH E. MERRILL
JOHN C. NICHOLSON
JOHN D. OBOYLE
MAUREEN O. PADDEN
EDWIN Y. PARK
PATRICIA V. PEPPER
ALAN F. PHILIPPI
VISWANADHAM POTHULA
MARK D. PRESSLEY
JOHN G. RAHEB
SCOTT R. REICHARD
JONATHAN W. RICHARDSON
PAUL D. ROCKSWOLD
KEVIN L. RUSSELL
ROBERT N. SAWYER
RICHARD P. SHARPE
MARTIN P. SORENSEN
WILLIAM A. SRAY
MARK B. STEPHENS
JONATHAN F. STINSON
DALE F. SZPISJAK
ANIL TANEJA
DAVID A. TANEN
WILLIAM J. TANNER
JON T. UMLAUF
JOHN E. WANEBO
MICHAEL S. WEINER
CLIFTON WOODFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL L. BAKER
LEONARDO A. DAY
MARK A. IMBLUM
KWAN LEE
PATRICK J. PATERSON
JASON R. J. TESTA
SAM J. VALENCIA
CHAD G. WAHLIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRENT T. CHANNELL
MITCHELL R. CONOVER
CLEDO L. DAVIS
SHAWN M. DISARUFINO
SCOTT B. JOSSELYN
KERRY D. KUYKENDALL
BLAINE S. LORIMER
RICHARD M. PLAGGE
LAURA A. SCHUESSLER
MICHAEL J. SUPKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALLEN C. BLAXTON

KENNETH J. BROWN, JR.
GERALD A. COOK
CHRISTOPHER J. COUCH
DUANE L. DECKER
CHRISTOPHER HAMMOND
MICHAEL H. MCCURDY
MARK E. NIETO
JEFFREY J. PRONESTI
DAVID L. SPENCER
JOEL R. TESSIER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARC E. BOYD
CHARLES W. BROWN
AMY E. DERRICKFROST
BRADLEY A. FAGAN
KATHERINE E. GOODE
THURRAYA S. KENT
SCOTT D. MCILNAY
DAVID L. NUNNALLY
MONICA M. ROUSSELOW
MELISSA J. SCHUERMANN
ELISSA J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TODD E. BARNHILL
MARK D. BUTLER
WENDY A. CHICOINE
RICHARD K. CONSTANTIAN
CHRISTOPHER L. GABRIEL
SCOTT A. KEY
MARVIN B. MCBRIDE III
MATTHEW J. MOORE
JOHN W. SIMMS
NEIL T. SMITH
TIMOTHY B. SMITH
PAULA H. TRAVIS
DOMINICK A. VINCENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD F. BOSQUE
CHRISTINE J. CASTON
VICKY A. CUMMINGS
NICOLE L. DERAMUS
NANCY J. FINK
STEVEN F. FRILOUX
OUDREY HERVEY
JOHN R. LESKOVICH
TARA M. MCARTHURMILTON
ERIN A. MCAVOY
SHEILA A. NOLES
RICHARD OBREGON
ALEJANDRO E. ORTIZ
SHARON L. PERRY
DANIELLE A. PICCO
KAREN L. SRAY
KIM C. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN D. BANDY
DAMIAN S. BLOSSEY
RICHARD A. BORDEN
BERNARD J. BOSSUYT
JOSEPH E. BRENNAN
JAMES L. CAROLAND
MICHAEL S. COONEY
GUY H. EVANS
PETER GIANGRASSO
VANESSA P. HAMM
JOHN P. HIBBS
CHRISTOPHER E. HOWSE
STEVEN T. HUDSON
WILLIAM J. KRAMER
DANNY L. NOLES
GREG L. NYGARD
BOSWYCK D. OFFORD
WILLIAM A. PETERSON
VANE A. RHEAD
MICHAEL RIGGINS
CHRISTOPHER P. SLATTERY
JULIA L. SLATTERY
FRED K. STRATTON
ABRAHAM A. THOMPSON
DAVID C. VANBRUNT
JEFFREY L. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CLAUDE W. ARNOLD, JR.
VINCENT A. AUGELLI
RODNEY J. BURLEY
JEFFREY D. BUSS
WILLIAM M. CARTER
GEORGE D. DAVIS III
BRIAN ERICKSON
IDELLA R. FOLGATE
ANDREW D. GAINER
WYATTE B. JONESCOLEMAN
ADAM C. LYONS
BRADLEY F. MAAS
ERIK R. MARSHBURN
DARRELL NEALY
BRAULIO PAIZ
MARGARET M. SCHULT
SATISH SKARIAH
BYRON B. SNYDER
CHARLES A. P. TURNER
WILLIAM R. WAGGONER
MICHELLE G. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TIMOTHY A. BARNEY
STUART R. BLAIR
DANIEL J. COLPO
KATHERINE M. DOLLOFF
HAROLD W. DUBOIS
DANIEL W. ETTLICH
KEVIN R. GALLAGHER
TRENT R. GOODING
TIMOTHY N. HANEY
JAMES W. HARRELL
MATTHEW A. HAWKS
ANDREW P. JOHNSON
JON A. JONES
JOSEPH J. KELLER
DANIEL L. LANNAMANN
BRIAN D. LAWRENCE
ASSUNTA M. C. LOPEZ
PHILIP E. MALONE
BRIAN A. METCALF
RONNIE L. MOON
ELIZABETH S. OKANO
KARL F. PRIGGE
JACK S. RAMSEY, JR.
JOHN ROROS
JONATHAN E. RUCKER
JACK W. RUST
MARIA E. SILSDORF
DANA F. SIMON
KEVIN R. SMITH
STEPHEN D. TOMLIN
JONATHON J. VANSLYKE
BRIAN K. VAZQUEZ
GUSTAVO J. VERGARA
VINCENT C. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALBERT ANGEL
TODD R. BOONE
PHILIP N. CAMPBELL
ANDREW N. COREY
MATTHEW G. DISCH
PATRICK J. DRAUDE
EDWIN D. EXUM
JEFFREY S. FREELAND
JON R. GABRIELSON
VINCENT C. GIAMPIETRO
EMILY P. HAMPTON
BRIAN D. HOFFER
MATTHEW F. HOPSON
JEFFREY J. JAKUBOSKI
CHRISTOPHER L. JONES
CHRISTOPHER R. KOPACH
ROBERT W. KRAFT
RICHARD J. LEGRANDE, JR.
DEREK L. MACINNIS
STEVEN A. NEWTON
EDWARD J. PADINSKE
WILLIAM D. J. PHARIS
CHAD E. PIACENTI
ADAM D. PORTER
JEFFREY P. RICHARD
KIM H. RIGAZZI
DAVID C. SASSER
LAWRENCE E. SHAFFIELD
TROY A. SHOULDERS
MIRIAM K. SMYTH
BENJAMIN A. SNELL
THOMAS D. VANDERMOLEN
MATTHEW A. VERICH
HIRAM J. WEEDON
THOMAS P. WYPYSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JONATHAN Q. ADAMS
SHANE A. AHALT
BRADLEY A. ALANIZ
LEOPOLDO S. J. ALBEA
MITCHELL W. ALBIN
BRENT A. ALFONZO
ERIK P. ALFSEN
JASON C. ALLEYNE
QUINO P. ALONZO, JR.
CHRISTOPHER D. ANDERSON
EDWARD T. ANDERSON
JAMES A. ANDERSON
KEVIN S. ANDERSON
SEAN R. ANDERSON
BRADLEY J. ANDROS
ERIC J. ANDUZE
CHRISTOPHER ANGELOPOULOS
EDAN B. ANTOINE
JULITO T. ANTOLIN, JR.
JULIANA F. ANTONACCI
CHRISTOPHER E. ARCHER
MATTHEW L. ARNY
MARTIN F. ARRIOLA
BRAD L. ARTHUR
SCOTT M. ASACK
KUMAR ATARTHI
CHRISTOPHER J. ATKINSON
KEVIN L. AUSTIN
CONNIE J. AVERY
ADAM M. AYCOCK
ROBERT L. BAHR
EUGENE R. BAILEY
ANTHONY P. BAKER
BOBBY J. BAKER
BRADFORD W. BAKER
BRETT T. BAKER
JOHN A. BALTES
ROBERT C. BARBEE
JONATHAN B. BARON
STEVEN M. BARR
DAVID S. BARTELL
CHARLES B. BASSEL
AMY N. BAUERNSCHMIDT
DANIEL V. BAXTER
JOSEPH M. BAXTER
WILLIAM H. BAXTER
BRIAN C. BECKER
JOEL R. BECKER
JAMES W. BELL
PAUL J. BERNARD
JEFFREY A. BERNHARD
JOSEPH J. BIONDI
JOHN R. BIXBY
MICHAEL F. BLACK
BRENT M. BLACKMER
JEFFREY D. BLAKE
JAMES R. BLANKENSHIP
TODD D. BODE
MATTHEW J. BONNER
DALE W. BOPP
KEVIN D. BORDEN
JAMES P. M. BORGHARDT
MICHAEL L. BOSSHARD
PAUL D. BOWDICH
ERIC J. BOWER
COLIN A. BOWSER
BRIAN D. BOYCOURT
KEVIN P. BOYKIN
SEAN P. BOYLE
JOSEPH P. BOZZELLI
DOUGLAS A. BRADLEY
MATTHEW J. BRAUN
MICHAEL S. BRAUN
DAVID A. BRETZ
GEORGE D. BRICKHOUSE III
BRADEN O. BRILLER
SCOTT A. BRIQUELET
PHILIP M. BROCK
ROBERT D. BRODIE
AARON G. BRODSKY
CHARLES W. BROWN IV
CHRISTOPHER D. BROWN
JEREMY D. BRUNN
CHADWICK B. BRYANT
JOSEPH G. BUCKLER
CHRISTOPHER J. BUDDE
MICHAEL L. BURD
COLVERT P. BURGOS
JASON A. BURNS
MATTHEW J. BURNS
CHRISTOPHER BUZIAK
GREGORY D. BYERS
ROBERT L. BYERS
KEVIN P. BYRNE
MARCELLO D. CACERES
DANIEL W. CALDWELL
JOHN R. CALLAWAY
CURTIS S. CALLOWAY
DARRELL S. CANADY
MARVIN W. CARLIN II
ARON S. CARMAN
GREGORY P. CARO
DOMINIC S. CARONELLO
JOSEPH CARRIGAN
RYAN T. CARRON
JEFFREY J. CARTY
ROBERT A. CASPER, JR.
GREGORY F. CHAPMAN
CHI K. CHEUNG
JAMES D. CHRISTIE
CHRISTOPHER F. CIGNA
CARLOS J. CINTRON
CHAD C. CISCO
CHRISTOPHER J. CIZEK
BENEDICT D. CLARK
CHARLES M. COHN
LANCE A. COLLIER
PETER M. COLLINS
KYLE J. COLTON
MATTHEW B. COMMERFORD
JOHN C. COMPTON
MICHAEL P. CONNOR
ERIC L. CONZEN
TIMOTHY V. COOKE
PETER A. CORRAO, JR.
ERIC C. CORRELL
GREGORY B. COTTEN
DANIEL P. COVELLI
SHAWN R. COWAN
JOHN S. CRANSTON
ANTHONY C. CREGO
RYAN P. CROLEY
ADAN G. CRUZ
PATRICK J. CUMMINGS
WARREN E. CUPPS
TIMOTHY S. CURRY

DOUGLAS W. CZARNECKI
NOEL J. DAHLKE
PAUL M. DALE
JOSEPH J. DANTONE III
DEARCY P. DAVIS IV
DANIEL M. DEGNER
CARL W. DEGRACE
TRES D. DEHAY
TOM S. DEJARNETTE
KEVIN H. DELANO
STEPHEN J. DELANTY
PAUL C. DEMARCELLUS
CHRISTOPHER R. DEMAY
STEVEN H. DEMOSS
HOMER R. DENIUS III
ERIC T. DEWITT
ROBERT L. DEWITT, JR.
MICHAEL J. DILLENDER
PAUL K. DITCH
CHARLES S. DITTBENNER II
CORY A. DIXON
THOMAS J. DIXON
SHAWN C. DOMINGUEZ
ELLIOTT J. DONALD
BRAD P. DONNELLY
RONALD A. DOWDELL
DAVID M. DOWLER
RICHARD H. DOWNEY
DAVID W. DRY
RICHARD F. DUBNANSKY, JR.
DWAYNE D. DUCOMMUN
JONATHAN C. DUFFY
ERIC V. DUKE
CHRISTIAN A. DUNBAR
GRANT A. DUNN
JAMES P. DUNN III
ROBERT M. DURLACHER
DAVID C. DYE
CLINTON S. EANES
JASON C. EATON
JAMES W. EDWARDS, JR.
MICHAEL L. EGAN
ANDREW C. EHLERS
TODD EHRHARDT
EDWARD T. EISNER
BRIAN P. ELKOWITZ
JENNIFER L. ELLINGER
WILLIAM R. ELLIS, JR.
DIRK W. ELWELL
PHILIP L. ENGLE, JR.
DAVID G. ERICKSON
DANILO A. ESPIRITU
TODD M. EVANS
DARIN A. EVENSON
DOUGLAS A. FACTOR
DANIEL S. FAHEY
JOSEPH FAUTH
JOHN H. FERGUSON
MARK A. FERLEY
TOMMY L. FIFER
ROBERT D. FIGGS
JOHN A. FISCHER
CHRISTOPHER E. FLAHERTY
STEPHEN A. FLAHERTY
BRIAN C. FLICK
JORGE R. FLORES
GEORGE A. FLOYD
CHRISTOPHER S. FORD
DAVID E. FOWLER
JOHN H. FOX
JOEY L. FRANTZEN
HARRY P. FULTON III
JOHN C. GALLEGRO
FERNANDO GARCIA
KARL GARCIA
MICHAEL S. GARRICK
BRENT C. GAUT
SAM R. GEIGER
ERIC E. GEORGE
FRANK E. GIANOCARO
TIMOTHY M. GIBBONEY
SCOTT A. GILES
MARCO P. GIORGI
DAVID A. GIVEY
CHRISTOPHER F. J. GLANZMANN
ANTHONY S. GLOVER
CHADWICK A. GODLEWSKI
FREDERIC C. GOLDHAMMER
DANIEL C. GORDON
WILLIAM M. GOTTEN, JR.
MATTHEW M. GRAHAM
TAMARA K. GRAHAM
CHARLES R. GRASSI
GREGGORY A. GRAY
HOWARD C. GRAY
SCOTT W. GRAY
JOHN P. GREENE
MARK D. GROB
DARREN B. GUENTHER
JOSEPH H. GUERREIN III
SCOTT A. GUNDERSON
JEREMY W. GUNTER
RUSSELL S. GUTHRIE
EDDY HA
IN H. HA
MICHAEL D. HAAS
CRAIG A. HACKSTAFF
KEVIN K. HAGAN
BRIAN J. HAMLING
BRANDON S. HAMMOND
PATRICK D. HANRAHAN
WILLIAM B. HANRAHAN
JAMES K. HANSEN
KEVIN K. HANSON
BRANDAN D. HARRIS
MICHAEL T. HARRISON
GALEN R. HARTMAN
KEITH E. HARTMAN
JOEL HARVEY
SCOTT A. HARVEY
DANIEL E. HARWOOD
KEITH A. HASH
MICHAEL E. HAYES
DANIEL A. HEIDT
BRYN J. HENDERSON, JR.
LAWRENCE H. HENKE III
WILLIAM C. HERRMANN
ANDREW C. HERTEL
TURHAN I. HIDALGO
SCOTT M. HIELEN
ROBIN L. HIGGS
STEPHEN F. HIGUERA
CRAIG A. HILL
JEREMY R. HILL
CHADWICK Q. HIXSON
KEITH A. HOLIHAN
ROBERT C. HOLLOWAY
MARK F. HOLZRICHTER
PATRICK C. HONECK
DAVID HOPPER
BRIAN S. HORSTMAN
JACK E. HOUDESHELL
MONROE M. HOWELL II
GREGORY W. HUBBARD
TODD C. HUBER
KEVIN D. HUDSON
JAMES H. HUMPHREY
MARK C. HUSTIS
ROBERT H. HYDE
MATTHEW C. JACKSON
STEPHEN J. JACKSON
JAMES E. JACOBS
DAVID C. JAMES
LUKE P. JAMES
STEVEN M. JAUREGUIZAR
BRYAN L. JOHNSON
DAVID R. JOHNSON
IAN L. JOHNSON
VINCENT R. JOHNSON
MICHAEL S. JOHNSTON
GARRETT D. JONES
MICHAEL K. JONES IV
RUSSELL W. JONES
THOMAS C. KAIT, JR.
ROBERT A. KAMINSKI
RONALD J. KARUN, JR.
DAVID E. KAUFMAN
SEAN D. KEARNS
RICHARD M. KELLY
MARK T. KELSO
COREY J. KENISTON
JOHN D. KENNARD
MATTHEW J. KENNEDY
CALEB A. KERR
CHRISTIAN N. KIDDER
JACKIE L. KILLMAN
ANDREW J. KIMSEY
CHRISTOPHER J. KIPP
JONATHAN P. KLINE
CARY M. KNOX
KIRK A. KNOX
JOHN N. KOCHENDORFER
ANDREW P. KOELSCH
MATTHEW G. KONOPKA
JOHN R. KOON
JEFFREY K. KRAUSE, JR.
RICHARD E. KREH, JR.
ROBERT A. KRIVACS
JAMES W. KUEHL
BRIAN S. KULLEY
ARMEN H. KURDIAN
MATTHEW A. LABONTE
VICTOR A. LAKE
DAVID J. LALIBERTE
JASON D. LAMB
PAUL J. LANZILOTTA
BRENT B. LAPP
JOSHUA LASKY
GARY W. LAUCK
ERIC J. LEDNICKY
HEATHER B. LEE
STEVEN S. LEE
CHRISTOPHER L. LEGRAND
CHRIS W. LEWIS
CARL M. LIBERMAN
ERIC C. LINDFORS
HOWARD B. LINK, JR.
DANIEL A. LINQUIST
JONATHAN D. LIPPS
JOSEPH A. LISTOPAD
KEVIN D. LONG
ROBERT E. LOUGHRAN, JR.
JAMES P. LOWELL
MICHAEL D. LUCKETT
LANCE J. LUKSIK
JONATHAN D. MACDONALD
GERALD J. MACENAS II
LLOYD B. MACK
DANIEL L. MACKIN
MICHAEL D. MACNICHOLL
DANIEL P. MALATESTA
WILLIAM H. MALLORY
SHAWN K. MANGRUM
MICHAEL R. MANSISIDOR
NORMAN E. MAPLE
DONALD W. MARKS
TIMOTHY S. MARKS
WILLIAM D. MARKS, JR.
CHRISTOPHER D. MARSH
JAMES J. MARSH
RAYMOND B. MARSH II
ANDREW S. MARSHALL
VINCENT S. MARTIN
ANTHONY P. MASSLOFSKY
STUART M. MATTFIELD
DAVID R. MATZAT
JAY A. MATZKO
MICHAEL D. MAXWELL
MICHAEL A. MCABEE
DARREN F. MCCLURG
CHRISTOPHER R. MCDOWELL
EARL L. MCDOWELL
SEAN G. MCKAMEY
JOHN M. MCKEON, JR.
KEVIN M. MCLAUGHLIN
GREGORY E. MCRAE
ROBERT F. MEDVE
LAWRENCE E. MEEHAN
RICHARD M. MEYER
KEVIN P. MEYERS
MARC J. MIGUEZ
ANDREW S. MILLER
JAMES B. MILLER
JAMES E. MILLER
JEFFREY A. MILLER
MATTHEW A. MILLER
MICHAEL J. MILLER
PHILIP S. MILLER
STEVEN L. MILLER
DENNIS I. MILLS
THOMAS P. MONINGER
CHRISTOPHER T. MONROE
JOHN F. MONTGOMERY
JAMES E. MOONIER III
ANTHONY D. MOORE
KENT W. MOORE
DAVID A. MORALES
PATRICK J. MORAN
EDGARDO A. MORENO
CHARLES D. MORGAN, JR.
WALTER S. MORGAN
DANIEL B. MORIO
DANIEL MORITSCH
JOEL E. MOSS
MARTIN J. MUCKIAN
KEVIN M. MULLANEY
THOMAS P. MURPHY
WILLIAM J. P. MURPHY
JAMES MUSGRAVES
CHRISTOPHER A. NASH
STEVEN T. NASSAU
DARREN W. NELSON
CHRISTOPHER A. NERAD
BENJAMIN R. NICHOLSON
MARK A. NICHOLSON
MATTHEW R. NIEDZWIECKI
PETER K. NILSEN
ERIK R. NILSSON
CHRISTOPHER P. NODINE
BRUCE D. NOLAN
MICHAEL E. NOONAN
CASSIDY C. NORMAN
MICHAEL B. ODRISCOLL
JAMES E. OHARRAH, JR.
RUDOLPH M. OHME III
DAVIN J. OHORA
MICHAEL A. OLEARY
GERALD R. OLIN II
BRIAN J. OLSWOLD
BARRY C. PALMER, JR.
BRADY R. PALMERINO
TIMOTHY V. PARKER
JAMES B. PARKERSON
GREGORY R. PARKINS
CHESTER T. PARKS
CHASE D. PATRICK
ERIK R. PATTON
SAMUEL D. PENNINGTON
WILLIAM A. PERKINS
JOHN E. PERRONE
DAVID R. PERRY
GEORGE M. PERRY
MATTHEW J. PERUN
CHRISTOPHER L. PESILE
ROBERT E. PETERS
BRIAN M. PETERSON
TODD O. PETTIBON
MICHAEL PFARRER
MATTHEW A. PHILLIPS
THOMAS E. PLOTT II
STEPHEN R. POLK
MATTHEW R. POTHIER
PHILLIP E. POURNELLE
STEVEN A. PRESCOTT
JOB W. PRICE
PAUL G. PROKOPOVICH
BRIAN K. PUMMILL
KENNETH N. RADFORD
ARMANDO RAMIREZ, JR.
BRIAN H. RANDALL
CAMERON P. RATKOVIC
WERNER J. RAUCHENSTEIN
WILLIAM K. RAYBURN
NATHANIEL R. REED
JOHN K. REILLEY
MARK C. REYES
JAMES P. REYNOLDS
THOMAS S. REYNOLDS
RICHARD G. J. RHINEHART
JOHN S. RICE
JUSTIN B. RICHARDS
MATTHEW S. RICK
JOSEPH J. RING
MICHAEL J. RIORDAN IV
RONALD RIOS
JESS V. RIVERA
RAYMOND A. RIVERA
RICHARD A. RIVERA
TRISTAN G. RIZZI
ANTHONY C. ROACH
MATTHEW P. ROBERTS

DENNIS A. ROBERTSON
MICHAEL P. ROBLES
JOSE L. RODRIGUEZ
ERICH P. ROETZ
DOUGLAS W. ROSA
ANTHONY E. ROSSI
KENNETH S. ROTHAERMEL
AARON P. ROULAND
MICHAEL R. ROYLE
JONATHAN C. RUSSELL
MICHAEL D. RUSSO
DANIEL K. RYAN, JR.
BRENT D. SADLER
LUIS E. SANCHEZ, JR.
THOMAS M. SANTOMAURO
CHRISTOPHER P. SANTOS
ANTHONY M. SAUNDERS
MARK A. SCHAFER
JASON B. SCHEFFER
DAVID J. SCHLESINGER
JOHN P. SCHULTZ
KEVIN P. SCHULTZ
JAYSON W. SCHWANTES
MARC S. SCOTCHLAS
DAVID C. SEARS
MICHAEL S. SEATON
CHRISTOPHER M. SENENKO
SHANTI R. SETHI
ERIC L. SEVERSEIKE
DANIEL A. SHAARDA
WILLIAM K. SHAFLEY III
JULIE H. SHANK
BLANE T. SHEARON
THOMAS A. SHEPPARD
SCOTT H. SHERARD
MATTHEW B. SHIPLEY
WILLIAM C. SHOEMAKER
THOMAS E. SHULTZ
CRAIG C. SICOLA
DAVID W. SIMMONS
TYREL T. SIMPSON
STEPHEN D. SIMS
LEE P. SISCO
TRAVIS D. SISK
CHARLES W. SITES
JAMES C. SLAIGHT
GREGORY A. SLEPPY
CARL C. SMART
BENJAMIN P. SMITH
CHARLES R. SMITH
COLIN S. G. SMITH
ERIC B. SMITH
ROBERT S. SMITH
RYAN C. SMITH
WILLIAM A. SMITH IV
WILLIAM H. SNYDER III
WILLIAM E. SOLOMON III
GABRIEL E. SOLTERO
ERNEST L. SPENCE
CHAD W. SPENCER
JULIE A. SPENCER
MICHAEL T. SPENCER
AXEL W. SPENS
LOUIS J. SPRINGER
SCOTT S. SPRINGER
BRUCE R. STANLEY, JR.
HARRY F. STATIA
MARK O. STEARNS
PAUL J. STEINBRENNER
JEFFREY C. STEVENS
JONATHAN L. STILL
MARK G. STOCKFISH
CHRISTOPHER D. STONE
JAMES L. STORM
NATHANIEL J. STRANDQUIST
TABB B. STRINGER
CHRISTOPHER P. STUART
MARK G. STUFFLEBEEM
MICHAEL D. STULL
NATHAN B. SUKOLS
JOHN D. SULLIVAN
EDMUND E. SWEARINGEN
TIMOTHY E. SYMONS
SHANE P. TALLANT
ERIC D. TAYLOR
JON M. TAYLOR
RHONDA J. TAYLOR
BRADLEY B. TERRY
CRAIG R. TESSIN
ROBERT W. THOMAS, JR.
ROBERT S. THOMPSON
MICHAEL K. TIBBS
JOHN D. TINETTI
JEFFREY S. TODD
JOHN D. TOLG
JAMES H. TOOLE
RICHARD A. TREVISAN
STEPHEN O. ULATE
DAVID A. URSINI
RICHARD A. VACCARO
CHRISTOPHER E. VANAVERY
RUSSELL J. VANDIEPEN
DANIEL L. VANMETER
LARRY P. VARNADORE
JANA A. VAVASSEUR
CHRISTOPHER R. VEGA
HAROLD A. VIADO
JIANCARLO VILLA
SHANE C. VOUDREN
JOHN J. VOURLIOTIS
ALEXIS T. WALKER
PHILIP W. WALKER
MICHAEL E. WALLACE
DAVID P. WALT
KJELL A. WANDER
MICHAEL P. WARD II
CHARLOS D. WASHINGTON
MICHAEL J. WEAVER
RICHARD M. WEEDEN
HERSCHEL W. WEINSTOCK
MICHAEL C. WELDON
JOHN M. WENKE, JR.
STEWART M. WENNERSTEN
CHRISTOPHER C. WESTPHAL
TODD E. WHALEN
JENNIFER L. WHEREATT
WILLIAM WHITE
ULYSSES V. WHITLOW
WILLIAM C. WHITSITT
JENNIFER K. WILDERMAN
STEVEN R. WILKINSON
AMAHL K. WILLIAMS
CHRISTIAN B. WILLIAMS
MICHAEL J. WILLIAMS
IAN O. WILLIAMSON
BRIAN A. WILSON
THOMAS A. WINTER
ROBERT E. WIRTH
JONATHAN R. WISE
JEFFREY P. WISSEL
CHRISTOPHER C. WOHLFELD
ALAN M. WORTHY
STACEY K. WRIGHT
MATTHEW J. WUKITCH
STEVEN A. WYSS
DAVID J. YODER
STACEY W. YOPP
NATHAN S. YORK
DAVID A. YOUTT
PHILIP W. YU
RANDY ZAMORA
GREGORY M. ZETTLER
EDMUND L. ZUKOWSKI
MARK T. ZWOLSKI

DISCHARGED NOMINATIONS

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination and the nomination was held at the desk:

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

NANCY M. ZIRKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

KERRY KENNEDY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were held at the desk:

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, June 4, 2008:

UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2014.

TENNESSEE VALLEY AUTHORITY

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012.

DEPARTMENT OF STATE

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY WITH THE RANK OF AMBASSADOR.

POSTAL REGULATORY COMMISSION

NANCI E. LANGLEY, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2012.

DEPARTMENT OF COMMERCE

WILLIAM J. BRENNAN, OF MAINE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

LILY FU CLAFFEE, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

DEPARTMENT OF STATE

MARCIA STEPHENS BLOOM BERNICAT, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

MARIANNE MATUZIC MYLES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

LINDA THOMAS-GREENFIELD, OF LOUISIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

JOSEPH EVAN LEBARON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

STEPHEN JAMES NOLAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

DONALD GENE TEITELBAUM, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, 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 HASHEMITE KINGDOM OF JORDAN.

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

PETER WILLIAM BODDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

PATRICIA MCMAHON HAWKINS, OF VIRGINIA, 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 TOGOLESE REPUBLIC.

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

JANICE L. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (BUREAU OF CONSULAR AFFAIRS).

DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

UNITED STATES INSTITUTE OF PEACE

NANCY M. ZIRKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

KERRY KENNEDY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be major general

COL. KIMBERLY A. SINISCALCHI

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 lieutenant general

MAJ. GEN. MARK D. SHACKELFORD

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 lieutenant general

MAJ. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF AIR FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8038:

To be lieutenant general

MAJ. GEN. CHARLES E. STENNER, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. JOHN F. MULHOLLAND, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL STEPHEN E. BOGLE
BRIGADIER GENERAL JAMES G. CHAMPION
BRIGADIER GENERAL JOSEPH J. CHAVES
BRIGADIER GENERAL MYLES L. DEERING
BRIGADIER GENERAL MARK E. ZIRKELBACH

To be brigadier general

COLONEL ROMA J. AMUNDSON
COLONEL MARK E. ANDERSON
COLONEL ERNEST C. AUDINO
COLONEL DAVID A. CARRION-BARALT
COLONEL JEFFREY E. BERTRANG
COLONEL TIMOTHY B. BRITT
COLONEL LAWRENCE W. BROCK III
COLONEL MELVIN L. BURCH
COLONEL SCOTT E. CHAMBERS
COLONEL DONALD J. CURRIER
COLONEL CECILIA I. FLORES
COLONEL SHERYL E. GORDON
COLONEL PETER C. HINZ
COLONEL ROBERT A. MASON
COLONEL BRUCE E. OLIVEIRA
COLONEL DAVID C. PETERSEN
COLONEL CHARLES W. RHOADS
COLONEL RUFUS J. SMITH
COLONEL JAMES B. TODD
COLONEL JOE M. WELLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

LT. GEN. PETER W. CHIARELLI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. HARRY B. HARRIS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JULIUS S. CAESAR
REAR ADM. (LH) WENDI B. CARPENTER
REAR ADM. (LH) GARLAND P. WRIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM H. MCRAVEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL C. VITALE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAYMOND E. BERUBE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD R. JEFFRIES
REAR ADM. (LH) DAVID J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID F. BAUCOM
CAPT. VINCENT L. GRIFFITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID C. JOHNSON
CAPT. THOMAS J. MOORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MAUDE E. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL H. ANDERSON
CAPT. WILLIAM R. KISER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NORMAN R. HAYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM E. LEIGHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM E. GORTNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MELVIN G. WILLIAMS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) KEVIN M. MCCOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM D. CROWDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PETER H. DALY

DEPARTMENT OF JUSTICE

ELISEBETH C. COOK, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

WILLIAM WALTER WILKINS, III, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH LONNIE B. BARKER AND ENDING WITH JERRY P. PITTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC L. BLOOMFIELD AND ENDING WITH DEBORAH L. MUELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MARY J. BERNHEIM AND ENDING WITH KELLI C. MACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES E. OSTRANDER AND ENDING WITH FRANK J. NOCILLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

IN THE ARMY

ARMY NOMINATION OF CHERYL AMYX, TO BE MAJOR.

ARMY NOMINATION OF DEBORAH K. SIRRATT, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MARK A. CANNON AND ENDING WITH MICHAEL J. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH GENE KAHN AND ENDING WITH JAMES D. TOWNSEND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH LOZAY FOOTS III AND ENDING WITH MARGARET L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH PHILLIP J. CARAVELLA AND ENDING WITH PAUL S. LAJOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATION OF JIMMY D. SWANSON, TO BE COLONEL.

ARMY NOMINATION OF RONALD J. SHELDON, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRIAN M. BOLDT AND ENDING WITH CHRISTOPHER L. TRACY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 8, 2008.

ARMY NOMINATION OF JAMES K. MCNEELY, TO BE MAJOR.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CRAIG LEWIS CLOUD AND ENDING WITH KIMBERLY K. OTTWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CARMINE G. D'ALOISIO AND ENDING WITH JUDY R. REINKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH STANLEY A. OKORO AND ENDING WITH DAVID B. ROSENBERG, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2008.

NAVY NOMINATION OF ROBERT S. MCMASTER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER S. KAPLAFKA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID R. EGGLESTON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KATHERINE A. ISGRIG AND ENDING WITH JASON C. KEDZIERSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

NAVY NOMINATIONS BEGINNING WITH ROBERT D. YOUNGER AND ENDING WITH JEFFREY W. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 4, 2008 withdrawing from further Senate consideration the following nomination:

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.