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Senate

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

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Steven N. Ailes, Main Street United Methodist Church, Peru, IN.

The guest Chaplain offered the following prayer:

Let us pray.

Gracious God, Lord of all that is good and beautiful and perfect, we come to pray for Your blessing upon this gathering of U.S. Senators. We ask for the guidance of Your holy spirit upon the work they do for this one Nation under God. We pray for Your inspiration in their hearts and minds and souls. We ask for Your grace in their work and deliberation, that this might be an extension of Your sustaining presence in our life together as citizens of heaven and of these United States of America.

While we pray for these elected representatives of our Nation, we remember the families and staff who are such an integral part of their service to our Nation and to the world. May all be touched by Your love and respect for all people; from all nations, in all conditions, in all Your creation.

O Holy God, be with us all in these moments, that our work may be directed by Your peace—a peace that surpasses mere human understanding and encompasses care and compassion for the entire world. May You lead these Your servants with a passion for justice and righteousness, wisdom and insight, mercy and love; with strength to do that which is right and honorable and in accord with Your holy way.

God, bless America, and may Your will be done in this gathering and in our lives. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 5, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. DURBIN. Mr. President, it is my understanding the Senator from Indiana wishes to comment on the chaplain who is kind enough to join us today. I yield to him for that purpose.

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

WELCOMING THE GUEST CHAPLAIN

Mr. LUGAR. Mr. President, I thank my distinguished colleague.

It is a special privilege to see the Senate open with a prayer today by Rev. Steven Ailes from Peru, IN. Reverend Ailes has served in seven churches in Indiana. He is a civic leader in Peru as president of the Rotary Club and has been the chairman and a member of many foundations. He has brought students to this Capitol from Peru, IN, with regularity.

I have known Reverend Ailes well because of his son Justin who is a distinguished graduate of the University of Indianapolis and who came onto my staff and served for many years as a very able public servant. It has been a privilege to be reunited this morning with Justin and with his dad.

Let me say that Reverend Ailes is a genuine Hoosier, born in Valparaiso, IN. He completed his undergraduate degrees at Lawrence University in Appleton, WI, but came back to Ball State and has served there likewise in addition to these distinguished churches in our State.

I thank the Chair for allowing me to make this special word of greeting and commendation to a very distinguished pastor and a very dear friend. I thank the Chair.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in the place of our leader, Senator REID, who couldn't be with us this morning.

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

SCHEDULE

Mr. DURBIN. Mr. President, today following my remarks and the remarks of Senator MCCONNELL, there will be 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. The Republicans will control the first 30 minutes and the majority

will control the next 30 minutes. Following morning business, the Senate will resume consideration of S. 3044, the Consumer First Energy Act.

Last night cloture was filed on the Boxer substitute amendment to the climate change legislation. Under rule XXII, there is a 1 p.m. filing deadline for first-degree amendments to the Boxer substitute No. 4825. The cloture vote is scheduled to occur tomorrow morning—Friday morning.

At 4 o'clock this afternoon, there will be up to 1 hour for debate on the farm bill, H.R. 6124, prior to a vote. Under an agreement reached last night, Senator DEMINT will control 30 minutes; Senator COBURN, 20 minutes; and Senators HARKIN and CHAMBLISS will control a total of 10 minutes. Therefore, the vote on passage of the farm bill will begin around 5 p.m. today.

MEASURE PLACED ON THE CALENDAR—H.R. 6049

Mr. DURBIN. Mr. President, I understand that H.R. 6049 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. 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 now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

ELECTED TO LEAD

Mr. DURBIN. Mr. President, let me say that at this moment we are on Thursday of this workweek with the possibility and likelihood of a cloture vote tomorrow morning in the Senate. If one looks at the business of the Senate this week, it is a good thing we are not being paid for piecework because we have done so little.

We had an initial motion to go to this climate security bill, which is an important piece of legislation. That was considered early in the week, and then a second measure, which was very brief, on adopting a budget—an important document but one that had already been debated at length many times in this Chamber. We burned 30 hours off the clock in what was requested for a general debate. That, of course, took place, and it was a good debate: a bipartisan effort to explain an important bill involving global warming and carbon pollution which is changing the world we live in.

Then a request was made yesterday by the Republican leader that this bill, the Climate Security Act, be read in its entirety into the RECORD. So for 8 hours, our staff had to stand and read every word of this bill into the RECORD. This bill—the substitute—had been available for days and the concepts behind it for weeks. There was no element of surprise, no necessity for this reading, other than to burn off an entire day in the Senate where little or nothing was accomplished. Now we face virtually the same thing again.

Although 89 percent of the people in America say that global warming is an important issue that should be addressed by the Senate, this week there have been repeated efforts to make sure we never reach that point. Those who oppose this bill should stand and vote accordingly. Those who have amendments should bring them forward. We are still waiting for a list of amendments to the global warming bill from the Republican side. We have given them a list of our amendments, including a bipartisan amendment offered by Senator LUGAR, who just spoke on the floor, and Senator BIDEN. We have tried to engage the minority in a debate on this critically important bill, but instead, they have engaged in delay tactics, including 8 hours wasted in the Senate yesterday reading this bill in its entirety.

We finally adjourned at about 12:15 a.m. this morning to return today. I guess it is the intention of the Republicans to stop us from considering the global warming issue, but that will not stop the dangers being created by global warming in the United States and around the world. If we are truly elected to lead, I cannot understand why the Republican minority will not engage us in a meaningful and honest debate about this bill. That is why we are here. We should be voting on amendments, testing different theories and policies to see what the majority feels in the Senate, but instead, we are caught up in this exercise: 8 hours of reading this bill—a tremendous waste of time and energy that the Senate should have put to more productive purposes.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

JUDICIAL NOMINATIONS

Mr. MCCONNELL. Mr. President, since the substitute amendment by Senator BOXER was just given to us at 11 o'clock in the morning, you could argue—almost with a straight face—that reading the proposal was a good idea, but, of course, that was not what it was about. It was somewhat similar to when Senator REID, the now-majority leader, used 9 hours reading chapters from his book back in 2003. In a 9-hour filibuster over judicial nominations, on November 19, 2003, Democratic leader HARRY REID discoursed on the virtues of wooden matches and read chapters from his book about his hometown: ''Searchlight: The Camp That Didn't Fail.'' That was a 9-hour recitation from a book that our good friend the majority leader engaged in on the very subject of judicial confirmations.

Yesterday's tactic of slowing down the Senate obviously is not unique. It was not, however, about trying to confirm a few district court nominations which the majority begrudgingly agreed to last night around 12:00 or 12:30. Rather, it was about the importance of keeping one's word in this body, whether it be a commitment to meet the total number of circuit court confirmations that have occurred in prior Congresses—and we are familiar with what that commitment was; it was to do 17 during this Congress, which has been repeated time and time again; everybody knows what the commitment was—or a commitment to confirm a specific number of circuit court nominations by a specific time; and that was the commitment made back in May by my good friend the majority leader, that we would do three circuit court nominations before the Memorial Day recess. In fact, we did one. Keeping one's word in this body is important.

We are far behind the pace that is necessary for us to reach the goal the majority leader and I set for this Congress. If that weren't troubling enough, what we heard recently by the chairman of the Judiciary Committee are threats to shut down the confirmation process completely. Stop it already. Surely, that is not his plan. So be assured the Republican Conference will continue to make the point that judicial nominations need to be treated fairly and that commitments need to be kept, and we will use the tools available to the minority to do so until that proves to be the case. This is not over, I assure you.

CLIMATE SECURITY ACT

Mr. MCCONNELL. Mr. President, the majority leader said recently that global warming was ''the most important issue facing the world today.'' Let me repeat that: the most important issue affecting the world today. And nearly three-fourths of the Senate thought it was important enough to have a debate on the Senate floor. Seventy-four Senators voted to bring this measure to the floor for debate because they recognized the significance of this issue. Yet the majority is blocking fair consideration.

Instead of allowing a full debate with an open amendment process designed to improve the bill, the majority last night filled the tree. What are they afraid of? Why don't they want to consider amendments to a bill addressing what they call ''the most important issue facing the world today''? If it is the most important issue facing the world today, it certainly deserves a lot longer debate than a few days.

At $6.7 trillion, the climate tax bill—which is what we have before us—the climate tax bill is the largest bill we will consider this Congress. As the Wall Street Journal noted, this legislation represents the most extensive—the most extensive—reorganization of the American economy since the 1930s, which is why, of course, I am mystified as to why the Democrats decided to block the consideration of any and all amendments designed to improve this bill: no consideration of gas prices, no consideration of clean energy technology. A bill with such widespread ramifications merits serious, thoughtful consideration and a thorough debate.

A good example of how to handle a bill like this properly, another time when our good friends on the other side were in the majority—and there was a Republican in the White House—when the Senate considered the Clean Air Act amendments in 1990, the process took 5 weeks on the floor. There were about 180 amendments offered. I was here then, and nobody was telling one side or the other what they had to offer. Nobody said you have to show me your amendment first or I will not let you offer it. And 131 of those amendments were ultimately acted upon by the full Senate.

As it currently stands, we would not even spend 5 days on this bill. But we would like to spend more time on the bill and would encourage the majority to open the process. I don't know what they are afraid of. Since when did we descend to the point in this body that we would not let somebody offer an amendment unless they get to read it first? That isn't the way the Senate used to operate. Yet the majority blocked us from offering even one amendment regarding this massive restructuring.

That makes me wonder, why doesn't the majority want a fair debate on this bill? What are we afraid of? If this bill alone will ''save the planet,'' as has been suggested, why are they refusing to allow an open debate or more than 2 days on the bill?

Perhaps they don't want to expose this bill for what it really is: a climate tax. It is a climate tax. This legislation will raise gas prices, electricity prices, diesel prices, natural gas prices, and fertilizer prices. It will also put America at a significant economic disadvantage compared to the rest of the world.

Given that families are already struggling to pay record gas prices—it is nearly $4 a gallon now—Congress should be working to lower gas prices, not increase them.

Republicans are eager to offer amendments to the Boxer climate tax bill to develop clean energy solutions and promote economic growth. In America, we tackle problems like this with technology, not by clamping down on our own economy. If this is a problem—and many of us believe it is—the way to get at it is with technology and then sell it to the Indians and Chinese, who, I assure you, are not going to do this to their own economies. They are going to take advantage of our foolish decision to clamp down our own economy and have jobs exported to China and India.

If the majority is serious about debating this issue, then let's have a real debate, complete with an open amendment process. Don't shut it down after only 1 day.

This is entirely too important to consumers, to our economy, and to the climate to block a thorough consideration.

ONE-YEAR ANNIVERSARY OF THE PASSING OF SENATOR CRAIG THOMAS

Mr. MCCONNELL. Mr. President, a year ago yesterday marked the occasion of the loss of our good friend and colleague, Craig Thomas, who was the senior Senator from Wyoming at the time. He lost his battle with leukemia at the age of 74.

Born and raised in Cody, WY, a town named after Buffalo Bill, Craig was brought up on a ranch. He brought those values of America's western small towns to our Nation's Capital.

So the Senator from America's smallest State by population, home to a rugged and independent-minded people, was one of the Senate's leading advocates for a smaller, more efficient, and more responsive government.

Other Senators who got to know Craig found him to be always polite and courteous. Yet that did not make him a pushover. A Marine captain, who rose to that rank from the rank of private, Craig was a man of discipline and a man of principle. He was a perfect fit for the people and the values of his great State.

As accomplished as he was, Senator Thomas was also not afraid to poke a little fun at himself as well. I know he once displayed a series of pictures in his Senate office of himself trying his hand at roping a horse. The pictures depict, one by one, his less than successful attempts, and then his unceremonious fall off his steed and onto the dirt.

Many of my colleagues will remember his subtle sense of humor, his skill at working with others to advance legislation, and his passion for promoting the best interests of Wyoming.

I know my colleagues continue to hold his dear wife Susan, a great friend of all of us, and their four children, Peter, Patrick, Greg, and Lexie, in our thoughts. We still consider them members of our Senate family.

I also know how much Craig would be pleased that Senators MIKE ENZI and JOHN BARRASSO are holding to the high standards he set and making Wyoming proud.

A man of grit and courage, Craig never backed down from a challenge, not even his final struggle with leukemia. Through the end of his life, he represented Wyoming with honor and dignity. Admired by all who knew him, he leaves behind a legacy of legislative accomplishment, as well as a Chamber full of very dear friends in the Senate. We still miss him a lot.

I yield the floor.

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

GLOBAL WARMING

Mr. DURBIN. Mr. President, I want to say a word about the issue of global warming. I notice that my colleagues are waiting to speak in tribute to Craig Thomas, and I will also say a word about that.

I have to agree with Senator REID when he said that global warming is one of the most important issues of our age. I believe he said it was the most important global issue and, of course, we realize whatever our undertaking may be in life, it is of little value if we don't live on a planet that can sustain life. That is what we are worried about—that we have warming and carbon pollution that is changing the planet on which we live.

I cannot think of a more formidable challenge that we have ever faced. That is why we think it is important to move forward with this legislation. The notion that we have blocked all amendments is not true. We have said to the Republicans repeatedly: Provide us with the amendments. Show us what you are going to offer. Here is what we will offer. I think that is a good-faith effort—at least on our side—to try to start this important debate. Yet the Republican side has refused. They took 30 hours of general debate and didn't produce amendments. They asked that this bill be read for 8 hours, and they didn't produce any amendments.

Our fear, of course, is that when the time for actual debate begins, without any indication of what they might offer, we will face the same thing we did on the GI bill. If you recall that legislation, which was to help our returning veterans, it was stopped in its tracks by an amendment offered on the Republican side, with a cloture motion filed. That meant that 30 hours had to be burned off the clock while we waited for the cloture motion to ripen.

Now, that is use of a procedure here which doesn't advance the debate or deliberations. So we asked for assurances from the Republican side. We asked is this going to be a good-faith effort to debate and amend this bill? Will you produce the amendments? They would not. It is clear they don't want to. They are opposed to this bill. We have seen this before. We have had 72 filibusters during this session. We have broken all of the records of the Senate. The Republican minority has stopped us time and again when we have tried to bring up critically important issues for our Nation and the world.

President Bush and the Republicans have dismissed this issue of global

warming, and I think that is why many Americans are dismissing their chances of speaking to the needs of this Nation. This is a critically important issue. If this Republican minority will not allow us to reach it, I predict the American voters will have the last words. We will reach this issue. They will demand that we reach this issue.

All of the fear being spread here about change in America is indicative of the problem the Republicans have today. They are afraid of change. Anything that will change things scares them. They don't think America is resilient enough and powerful enough to accept change. They are wrong.

Our Nation desperately wants change, starting in Washington, and rippling across America, to deal with the issues that face us—first and foremost, to bring peace to our Nation, bring our troops home, stabilize and strengthen our economy, and deal with critical issues, such as global warming.

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

Mr. DURBIN. Yes, I am happy to.

Mr. CORNYN. Mr. President, I just ask the distinguished assistant majority leader if he and the Democratic majority would agree to an amendment designed to help bring down the price of gasoline at the pump for the American consumer, and whether they would agree to allow us to file that amendment, debate that amendment on this bill, and then have an up-or-down vote on the Senate floor?

Mr. DURBIN. My response is that we are on another bill now, while we are waiting for cloture to ripen on the global warming bill. It is our intention to move directly into the debate that you have just indicated. We have to deal with energy pricing in America. If the Republican side is going to offer a good-faith policy amendment to deal with this issue, I am sure that will be appropriate.

Mr. CORNYN. Mr. President, I take it from the answer of the assistant majority leader that his answer is no.

Mr. DURBIN. The answer is yes.

Mr. CORNYN. I take it that they would not allow us to offer an amendment on this bill that would be designed to bring down the price of gasoline at the pump by opening America's natural resources to development and production.

Mr. DURBIN. Mr. President, time and time again we are told by the Republican side, if we could just drill for oil in the Arctic National Wildlife Refuge, all of our prayers would be answered and gasoline would be $1.50 a gallon, people would stop complaining, and the American economy would be back on its feet. It turns out this idea of drilling for oil in ANWR is not the answer to our prayers. For many of us, it is somewhat blasphemous to think we would take a section of land that was set aside by President Eisenhower as a wildlife refuge and say that we are so desperate in America for oil that we are going to change it forever.

It strikes me that we have to look at the reality. Of all the oil reserves in the world, the United States has access in our boundaries, near our shores, to 3 percent of all the oil in the world. We consume 25 percent of the oil in the world. The Republicans believe we can drill our way out—drill in the Great Lakes, drill in the ANWR—and it will all be just fine. We know better. We have to take an honest look at this and realize that drilling in those places will not answer the need.

REMEMBERING SENATOR THOMAS

Mr. DURBIN. Mr. President, I know my colleagues are waiting. I liked Craig Thomas. We served in the House together and in the Senate. When they had his funeral service, I made a point of joining many of my colleagues to make the trip out to his beloved Wyoming to meet his neighbors and supporters and friends and family. It was a wonderful, beautiful service. He was such a quiet and strong man. He and I disagreed on lots of issues, but I respected him so much. I think his real strength was shown in his last battle with leukemia and cancer. Craig kept a smile on his face, despite some very difficult days. His wife Susan at his side out in Wyoming was a reminder that we are really a Senate family.

We can debate issues back and forth, as we just did, but at the end of the day, I think he was a great Senator who served his State well, and it was an honor that I could count him as a friend.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for up to 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans in control of the first 30 minutes and the majority in control of the second 30 minutes.

The Senator from Wyoming is recognized.

REMEMBERING SENATOR CRAIG THOMAS

Mr. ENZI. Mr. President, 1 year ago yesterday, the State of Wyoming and our Nation lost one of the great cowboys ever to ride this land. On June 4, 2007, Senator Craig Thomas, my senior Senator, my mentor, and most important of all, my friend, lost his battle with leukemia. I still expect to see him come in that door every time we vote and go over to the candy desk and get a piece of candy and come down to the well to visit with me.

I can tell you right now, I feel him over my shoulder saying: You cannot let the Senator from Illinois get away with what he just said. That is what Craig would do. He used to do it from that desk right over there.

Craig would have said that honesty, truth, and promises are virtues of the West. When you promise three circuit court judges, you deliver them. They did not deliver. That is why, yesterday, we weren't able to do the tributes that we are doing today.

When it comes to the global warming issue, he would have said ''gotcha'' politics doesn't have a place here. But that is what they are doing on issue after issue.

How do you tell it is ''gotcha'' politics? If it didn't go to committee, it is ''gotcha'' politics. Oh, yes, they would argue that global warming went to committee. Well, a bill went to committee, but that is not the bill that we have shifted to. We have shifted to one that didn't go to committee. It is full of little landmines. That is not the way we used to do things around here. I know my friend, Craig, would have pointed that out. Both the cowboy and the marine in Craig Thomas would have been forced to point that out—to be honest, get the judges up; be honest, do the bills that go through the committee that everybody has a chance to amend.

As Craig comes through the door, which he does in my mind all the time, I symbolically lift my hat to him, to celebrate the life of a great Senator.

He was raised in Wapiti, WY. That is between Cody and Yellowstone Park. The school he went to now has about an 8-foot fence to keep grizzly bears out. Craig was so tough, they didn't need that fence when he went to school there. He was executive director of the Wyoming Farm Bureau, executive director of the Wyoming Rural Electric Association, he was a small businessman, a State legislator, a Member of the U.S House of Representatives, and a Senator. He was a marine at heart, but he was a cowboy in his soul. He was quiet. He was focused. He was tough. He was a staunch fiscal conservative. His life became a portrait of the American West. He preferred to see the world from the saddle of a horse and from under the brim of his cowboy hat, but he sacrificed much to serve us here.

He was proud of Wyoming and our country, and we in Wyoming were proud to be represented by him. He encouraged vision, Mr. President, and, as you can tell, he still challenges me and, I think, you. The cowboy and marine in Craig made him a fierce fighter on behalf of Wyoming, and he approached his cancer no differently.

I will never forget when I learned about my friend's passing. I was overcome with shock and heartbreak, but I also felt a sense of serenity, knowing that Craig was at peace.

I can tell my colleagues that even a year later, not a day goes by without thoughts of memories of Craig passing my mind. I miss him. I miss him in this Senate Chamber. I miss him on the trail back home in Wyoming. I miss his camaraderie, his friendship, his leadership, and his unwavering commitment to the values and ideals of the people he served.

Although a year has passed since Craig left us, his spirit is alive and it is felt by all of us within this body. Work he championed on behalf of Wyoming residents and all Americans is ongoing today. As a recent example, Craig was a staunch supporter of country-of-origin labeling. He saw it as a vital provision for our State's livestock producers, and I know he would be proud to see COOL finally passed as part of the farm bill. It is something we had been working on together for many years.

Craig's spirit has also been remembered here on the Senate floor with the passage of a resolution designating July 26, 2008, National Day of the American Cowboy. Craig was the driving force behind the recognition of cowboys on a national scale for the past 3 years, and I am proud we have continued that tradition and are following in his footsteps.

Known for his love of the outdoors and the cowboy way of life, Craig's name has been recognized in Wyoming through a number of dedications in the past year. The Department of Interior recently named a large area of public land the ''Craig Thomas Little Mountain Special Management Area.'' Now more than 69,000 acres of land surrounding the majestic Big Horn Mountains will be enjoyed and cherished by generations of Wyoming residents to come.

Also, at Grand Teton National Park in Jackson, the new visitors center now bears his name and will help us always to remember Craig's dedication to the land he loved so much.

His wife Susan, a close friend of mine and Diana's, continues to honor Craig's legacy every day in the work she does as well. She is a champion of the National Capital Chapter of the Leukemia and Lymphoma Society, raising money for research and fighting against the blood cancer that took her husband's life. She also created the Craig and Susan Thomas Foundation. It is a scholarship program for at-risk youth seeking to continue their education at a Wyoming institution of higher learning. Susan, throughout her whole life, worked with at-risk youth and is now continuing it with this memorial. The cause she has taken on embodies everything Craig stood for and believed in. Susan's efforts every day are a tribute to his memory, and that foundation is something in which we all can participate.

Craig was a fine legislator, a dedicated public servant, and above all a kind, humble, and courageous man. With the heart of a marine and the soul of a cowboy, he worked tirelessly and selflessly for Wyoming.

To my colleagues here today, I pray we never forget this man's legacy and the exceptional standard of public service he set for all of us—to serve the people with respect and integrity, always remembering it is of the utmost honor to serve. With a sense of humor, you will recall he always said, ''Don't squat with your spurs on,'' in his trademark western grace. Craig was the modern-day cowboy fighting for the principles that made this country great.

Craig, I will never forget you. You are in my heart every day. We miss you, cowboy. Thank you for everything you have done for Wyoming and this great Nation. Ride on, my friend, ride on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I thank the minority leader, the assistant majority leader, and Wyoming's senior Senator for taking the time to remember a departed friend and an esteemed colleague.

Wyoming's U.S. Senator Craig Thomas passed peacefully June 4, 2007, 1 year ago this week. Craig was surrounded, as always, by his devoted wife Susan, by his family, and by close friends.

Wyoming has lost a great man. We have lost many great men and women over the years, but Craig Thomas leaves behind a legacy equal to all of them. Yet Craig would be the first one to question that praise. Craig would say he was a common man, a typical cowboy who wanted simply to work hard and make a difference for the people of the place he loved. One year later, it is appropriate and right that we remember him again in the Senate and also in our own lives.

Many of my colleagues joined us in my hometown of Casper, WY, to mourn Craig's passing. The words and presence of Senator REID and Senator MCCONNELL were especially meaningful to the people of Wyoming. President Bush and Vice President CHENEY each extolled Craig's character and devotion to the Wyoming people and Wyoming places.

But perhaps more to what Craig really meant to the people was the exceptional outpouring of very personal remembrances that followed his passing. In the halls of the U.S. Capitol, elevator operators, cashiers, janitors, office staff—each would say what a wonderful person Craig Thomas was. His staff, many of whom are now serving with me, speak about his kindness and the family character that was the hallmark in his office. It was Craig's nature.

In Wyoming, from all walks of life, so many reflected their experiences with Craig that left each of their lives a little brighter. They recalled his loyalty and his commitment to their future, especially the young people.

In Wyoming, after Craig's passing, folks in each town, in each community talked about the personal loss they felt. They wrote about it in newspapers and in messages left online because Craig gave so much of himself. Craig took time each day, every day to talk to you, to say hello, and not to simply pass by. He saw everyone, whoever you are.

Because he gave his time to Wyoming and to this body and to individuals who needed help, he is remembered. He gave his passion, he gave his leadership, and his tireless energy to make this a better place.

Ronald Reagan said:

> Some people wonder all their lives if they've made a difference. The Marines don't have that problem.

Craig was Wyoming's marine, and we will never need to wonder if he made a difference. Craig Thomas represented honor and dignity. Admired by those who knew him, he has given us a legacy of legislative accomplishment, a brilliant example of what one can do with a life lived with determination, with strength of character, and with vision.

To Lexie, Peter, Greg, and Patrick, and all those amazing grandchildren, we again offer our most heartfelt condolences.

Susan, today, like each day, we remember Craig for the great man he was and what he meant to Wyoming, for what he accomplished and how he did it, for what he taught us and how he touched so many.

Susan has created the Craig and Susan Thomas Foundation. For all of those who miss Craig and want to see the great work in education that she is continuing, I invite you to go to her Web site, thomas-foundation.com. It is important and lasting work in Wyoming that continues the Thomas legacy of making a difference one life at a time.

To my Senate colleagues and to the people of Wyoming, remember—remember that leadership takes courage, as Craig Thomas demonstrated in his remarkable life.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank my fellow Senator from Wyoming for his comments and thank him for the way he has filled in and followed the legacy Senator Thomas began and the work he has done on the issues that were undone when Senator Thomas left us, his work on the Wyoming range and his work on the wild scenic rivers and also on our joint effort to make sure Richard Honecker gets a vote as a judge. That is a nomination Senator Thomas offered well before he left. In fact, he has been waiting around—not that I am keeping track—443 days. There has been no vote on him yet in committee, so we cannot vote on the nomination on the floor. This is an outstanding person, rated highly by everybody and letters of recommendations from both Democrats and Republicans in Wyoming who would really like to have a vote. So his life has been in suspension.

I thank Senator BARRASSO for the work he as done on that issue and the kind words about Senator Thomas, and I thank Senator BARRASSO for filling in.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I miss Craig Thomas. I loved him, and I wish I had told him that more explicitly. He is worthy of the ultimate comment and praise given in my area of the country: He was a good man. And he truly was. He combined strength and genuine modesty. He was wise and insightful on important issues without any show of pride or pomposity. He had integrity. He was a man's man. He was comfortable in his skin. He was a man of courage. Most especially, he was a man of principle, much like one of his heroes, Ronald Reagan.

Craig was truly also a man of the West. It was in his bones. And he had in his very being a love for America and a deep understanding—intellectual and intuitive—of its uniqueness, its exceptionalism, and why this country is so great. He understood that. His love for America caused him to dedicate his life to her, just as our soldiers and his fellow marines place their lives at risk this very moment in service to our country.

I think that is why he undertook as part of his duties on this side to promote a policy principled message each morning in morning business on the floor. He did that for a number of years. He believed we ought to talk about the issues that made America great.

Craig Thomas loved his country, he loved his wife Susan and his family. He loved Wyoming. Truly, he was a good man, and we do indeed miss him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me first thank the Senator from Texas for allowing me to very briefly work in here.

It happens that I was elected to the House and then to the Senate at the same time as Craig and Susan Thomas. And you know, sometimes you see someone for the first time and they have, as Senator ENZI pointed out, that infectious smile, and that was Craig. That was Craig. Everyone had to love Craig.

I have thought of him so often during consideration of the bill that is on the floor now. Craig had such convictions, but he never quit smiling. What the guy could do is, he could say the same thing I would say and people would love him, but they wouldn't love me. I don't know how he got by with that, but he did.

I picture him and where he would be today if he were here while we have a bill on the floor that has an increase in gas taxes, $6.7 trillion of increases in taxes over the life of the bill, with job losses to China, and he wouldn't be sitting there, he would be up here. I applaud his replacement, the junior Senator from Wyoming, Senator BARRASSO. Every time I turn around, he is coming down and saying exactly—exactly—what Craig would be saying.

I would say this about Craig Thomas: He was always there at our Senate prayer breakfast every Wednesday morning. He was a Jesus guy, like we are, and so I don't feel the sadness a lot of people do with Craig Thomas, because I can only say right now: Craig, I know you are here with us, and we are going to see you later.

I thank my colleague, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time remains in morning business for this side of the aisle?

The ACTING PRESIDENT pro tempore. The Senator has 11½ minutes in the first 30 minutes.

Mr. CORNYN. I thank the Chair.

Mr. President, I join my colleagues in invoking the memory of Craig Thomas. On our side of the aisle, there was nobody more dependable, more loyal, or more of a team player. Whenever there was an important issue, particularly one concerning Wyoming or concerning energy, he would be down here talking about it and he would be enlightening the debate, and we miss him. I can't help but think he would be down here on this particular piece of legislation, as Senator ENZI has alluded, in talking about what is obviously a game of ''gotcha.''

CLIMATE SECURITY ACT

Mr. CORNYN. Mr. President, this is a bill where we are actually on our third version, I believe. The fourth version of the bill. I stand corrected by the ranking member of the Environment and Public Works Committee, Senator INHOFE. The last one I saw went from 342 pages to 491 pages. That was the one that was read yesterday. I daresay that not many, if any Senator who is going to be called upon to vote on that legislation, had a chance to read it yet in detail. So I don't think it was a wasted exercise to have the clerk read the bill yesterday to give people a chance to understand what is in it.

When you look at a piece of legislation that comes with a $6.7 trillion pricetag, and one that will raise and not lower the price of gasoline and electricity, will depress the American economy and literally put people out of work, I think we need to know what is in it and we need to debate it. We need to offer amendments to hopefully improve it.

There is not one among us who does not care about the environment. I don't know any person of good will alive who doesn't care about the quality of the air we breathe and the cleanliness of the water we drink. So I think those who would suggest that because there are questions about this huge bill, this huge tax increase, this huge increase in the cost of energy, that if you are asking questions and want to offer amendments to improve it suggests you don't care about the environment is demonstrably false.

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

Mr. CORNYN. I will yield.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, Senator CORNYN is a fabulous and important Senator. He knows what has been happening here on all the important issues and he knows the importance of certain actions on the floor.

Senator REID, last night, as I understand it, stood and filled the tree. As I understand it, that impacts directly the ability of persons on this side to freely offer amendments; is that correct, I ask Senator CORNYN?

Mr. CORNYN. Mr. President, I say to the distinguished Senator from Alabama that he is exactly right. To come out here on the floor, as the assistant majority leader has done this morning, and say, Oh, we are interested in full debate and amendments and we regret the delay that occurred yesterday from the reading of the bill, yet at the same time to say no Member of the Senate can offer an amendment because of the actions of the majority leader, unless the majority leader gives the green light, is at odds with that claim. It is not a demonstration, from my perspective, of a desire to have an open debate and an amended process.

Mr. SESSIONS. And so that act was a knowing and deliberate leadership act by the majority leader that fundamentally says unless he approves an amendment, whether it is offered by those who favor the legislation or oppose it, that is a significant event that constricts free amendments on this bill; is that not correct?

Mr. CORNYN. Mr. President, I say to the Senator from Alabama, again he is correct. I think what it demonstrates is that the professed desire to actually do something about this important issue is, in fact, nothing more than a political game. Because I predict what will happen is that because he is blocking any amendments and an open debate about the bill, we will have a vote on the cloture motion, it will fail, and then the majority leader will attempt to pull this bill from the floor and consideration. I hope Members of the Senate will prevent that from happening by denying cloture on any future motions to proceed to other legislation. I think it is important that we have the kind of debate that a bill of this import and this size deserves.

If I can refer my colleagues to this chart, which is produced, I believe, by the U.S. Chamber of Commerce. Senator DORGAN, the Senator from North Dakota, the other day said this bill pales in comparison to ''Hillary Care'' in terms of its complexity. I remember seeing the charts at the time of the

huge bureaucracy that would have been created by that government-run health care system proposed by Senator CLINTON when she was the First Lady of the United States. I think it was back in 1993.

But this chart, produced by the U.S. Chamber of Commerce, reflects all of the regulations and mandates of the Boxer climate tax and it indicates the complexity of what has been proposed here, and why I guess it shouldn't be surprising that the pricetag comes in at $6.7 trillion, and where the Federal Government, through a growth in the bureaucracy, an intrusion in the freedom and lives of the American people and small and large businesses alike, will be the one that will choose the winners and losers in this system, who gets the goodies and who does not; who gets permission to operate their powerplant and who does not. That is why the price of gasoline, that is why the price of electricity is expected to go through the roof as a result of this bill.

I agree with the Senator from Tennessee, Senator CORKER, who called this bill the ''mother of all earmarks.'' There has been a lot of discussion about earmarks here and lack of transparency in the way Congress spends money. Well, this bill, if it is passed and signed by the President of the United States, would empower the Congress to dole out earmarks with a complete lack of transparency, in a way that would allow massive Government intrusion in the free market system. That is why the Wall Street Journal dubbed this bill ''the biggest government reorganization of the economy since the 1930s.''

The National Association of Manufacturers has estimated the economic impact on my State, the State of Texas. We are fortunate now. While some parts of the country are suffering through a headwind when it comes to the economy, we are doing pretty well, relatively speaking. Unemployment is at 4.1 percent. A lot of new jobs have been created, a lot of opportunity. We have seen a lot of growth in the population because people are moving to where the jobs and the opportunities are. But under the Boxer climate tax bill that we have before us on the floor of the Senate, it is estimated that 334,000 of my constituents would lose their jobs.

Why would they lose their job? Because this bill would be like a wet blanket on the economy, raising electricity prices, raising gas prices on everything from agriculture to small businesses, and it is estimated that it would cost the average Texas household $8,000 in additional costs. Now, that is on top of the $1,400 that most Texas households are currently having to pay because of increased gas prices due to the obstruction of Congress in failing to allow development of American natural resources, an American solution to our energy crisis. It would be a $52 billion loss to the Texas economy. As you see here, it is estimated that electricity prices would go up 145 percent and gasoline prices 147 percent.

I am sorry the assistant majority leader refused to allow us to offer an amendment designed to lower gas prices, because I can't think of any more urgent, any more targeted relief we could offer the American people today than to provide some relief for the pain at the pump. I think that should be our highest priority as we go about the process of developing a clean energy future for this country, as we transition out of an oil-based economy into one for renewable forms of energy and increased nuclear capacity, and one that will improve the climate at the same time.

Mr. INHOFE. Mr. President, will the Senator yield for a quick question? I don't want to use the Senator's time.

Mr. CORNYN. I will yield.

Mr. INHOFE. I want it made clear today, as we go into the debate, that when we look back at the clean air amendments of the 1990s, we had something like 180 amendments considered at that time and we had it on the floor for 5 weeks. This goes much further than those amendments did, and yet they are cutting us off.

Let us make it very clear: The Republicans on this side of the aisle want to debate this bill, want to vote, we want recorded votes on amendments, and we want to vote on the bill itself.

Mr. CORNYN. Mr. President, the distinguished Senator from Oklahoma is absolutely correct. That is why 74 Senators—I believe 74—voted for the motion to proceed, so that we could get on the bill, so we could offer amendments, and we have a list of amendments we wish to offer. We wish to have debate on those amendments because we think the impact of this proposal would be dramatic on the American people and on the economy and would, in all likelihood, not accomplish the goal Senator BOXER professes to want to accomplish.

If in fact we impose this Draconian bureaucracy and this huge expense on the American people, and our competitors in China and India are not going to do it, we are going to put people out of work in Texas while people in China and India are going to continue to do what they are doing now and enjoying the prosperity caused by their access to the energy which they need to grow their economy. This bill would do nothing to impose the same restrictions on them, the same high prices on them that the Congress proposes to impose on the American people, including my constituents.

So rather than increasing gas prices by 147 percent, I would hope our friends on the other side of the aisle would reconsider and let us take up that most urgent issue in the minds of most of our constituents: How do we bring down the price of gas at the pump? I suggest the first thing we should do is take advantage of the natural resources God has given this great country of ours, which Congress has put out of bounds because of the moratorium on that development going back to, I believe, 1982.

Mr. President, I yield the floor

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The first 30 minutes has expired. It is now the majority's time.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

REMEMBERING SENATOR CRAIG THOMAS

Mr. ROCKEFELLER. Mr. President, I wish to add my voice of love, respect, and a very deep feeling of comradeship with the good Senator from Wyoming who has died—Senator Thomas. My family has been associated with Wyoming for many years. In a sense, their Senators have been Senators whom we have related to. Senator Thomas, Senator ENZI, now a new Senator, these are people we feel very strongly about. I have particularly strong feelings about both—about Senator ENZI because of his willingness to come to a coal mine in West Virginia and actually write a bill that rewrote 30 years of our mine inspection laws, and Senator Thomas simply because as member of the Finance Committee he was always an even, steady voice—level-headed. You could trust him. He was totally a man of his word, and I will miss him greatly.

PREWAR IRAQ INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I am pleased to report to the Senate that the Senate Intelligence Committee has completed its review of prewar intelligence related to Iraq. Today the committee filed with the Senate and released to the public the two final reports of what has been called phase 2 of the review. One of these reports examines the public statements of senior policymakers prior to the war and compares those statements to the intelligence that was available to those senior policymakers at the time they made those statements. The second report looks at the intelligence activities of individuals working for the Office of the Under Secretary of Defense Policy.

The first of these reports, report on public statements, has obviously been the most controversial aspect of the committee's work on prewar intelligence. That was inevitable. Much has been said and much has been written since the beginning of the war about how we got into it. In the end, the committee did conclude that the administration repeatedly presented intelligence as fact, when in reality it was unsubstantiated and often contradicted what they were saying, or even was nonexistent.

The committee's July 2004 report found that the prewar assessments on

intelligence related to weapons of mass destruction were clearly flawed. There was a 511-page report and it decimated the whole concept of weapons of mass destruction being there. It turned out most of them were left over from the Iran-Iraq war. Nuclear scientists were kept around, but they had nothing to do. People began to draw conclusions. They understood, at some of the highest levels, that this intelligence was there, but they ignored it. The report we are releasing today indicates that many of the public statements of the Bush administration were, in fact, accurate and substantiated by underlying intelligence, even though that intelligence itself was flawed. So we tried to be fair. No one, however, should interpret these findings as vindication of how the administration was using intelligence to sell to the American people and to the Congress the war in Iraq.

This report documents significant instances in which the administration went beyond what the intelligence community knew—well beyond what the intelligence committee knew or believed, most notably on the false assertion that Iraq and al-Qaida had an operational relationship, a partnership, and the manipulative attempt to suggest, inaccurately, that Iraq had any complicity in the attacks of September 11—shockingly wrong statements which were made and made and made.

Many of them obviously were made prior to the State of the Union Address in an attempt to prepare American public opinion. But, on the other hand, many of them continued well afterwards and even until recently. The committee also found that when administration officials were making statements related to weapons of mass destruction, they often spoke in declarative and unequivocal terms that went well beyond the confidence levels reflected in the intelligence community's intelligence assessments and products.

They omitted caveats. In other words, if the Department of Energy and INR in the Department of State, their intelligence wing, disagreed—those were omitted. Anything that didn't agree was omitted, it was ignored. Dissenting views by intelligence agencies were ignored and did not acknowledge significant gaps in what we knew. In other words, they had a message they were driving and they stopped at nothing to do that.

In short, administration officials failed to accurately portray what was known, what was not known, and what was suspected about Iraq and the threat it represented to our national security. When the Nation is weighing the decision to go to war, they deserve the complete and unvarnished truth, and they did not get it in the buildup to the war in Iraq.

Additionally, the committee found instances where public statements selectively used intelligence information which supported a particular policy viewpoint; that is, public statements made by high officials, the highest officials, and at the same time they completely ignored contradictory information that weakened the position which they declared to be the truth. While on its face the statement might have been accurate, it nevertheless presented a slanted picture to those who were unaware of the hidden intelligence. Intelligence is complex. It is an art, not just a science. You have to establish all aspects of what goes into an intelligence product before you can make any kind of a declaration or decision.

In fact, the committee's report cites several areas in which the administration's public statements were not supported by the intelligence, and I very specifically wish to state them now. No. 1, statements and implications by the President and the Secretary of State, suggesting Iraq and al-Qaida had a partnership or Iraq had provided al-Qaida with weapons training were not substantiated by the intelligence. No. 2, statements by the President and the Vice President, indicating Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information. No. 3, statements by President Bush and Vice President CHENEY regarding the postwar situation in Iraq, in terms of the political security, the economics, et cetera, did not reflect the concerns and uncertainties expressed in the intelligence products. The results have been there for us to see. No. 4, statements by the President and Vice President, prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities, did not reflect the intelligence community's uncertainties as to whether such production was ongoing. No. 5, the Secretary of Defense statement that the Iraqi Government operated underground WMD—weapons of mass destruction—facilities that were not vulnerable to conventional airstrikes because they were underground, so deeply buried—that was not substantiated by available intelligence information. No. 6, the intelligence community did not confirm that Mohamed Atta met an Iraqi intelligence officer in Prague in 2001, as the Vice President has repeatedly, repeatedly, repeatedly claimed—and may do so again today. That is terribly important. There was all kinds of information which so totally contradicts that it should be embarrassing, but it was not, and they went ahead and used it. No connection between Mohamed Atta and Iraqi intelligence.

In addition, the administration's misuse of intelligence prior to the war was aided by selective declassification of intelligence reporting. The executive branch exercises the prerogative to classify information in order to protect national security. Unlike Congress, it can declassify information unilaterally, and it can do so with great ease. The administration manipulated and exploited this declassification authority in the lead-up to the war, and disclosed intelligence at a time and in a manner of its choosing, knowing others attempting to disclose additional details that might provide balance or improved accuracy would be prevented from so doing under the threat of criminal prosecution. So they could declassify what they wanted. Nobody else could do anything.

This unlevel playing field allowed senior officials to disclose and discuss sensitive intelligence reports when they supported the administration's policy objectives and keep out of the discourse information that did not support those objectives.

In preparing a report on public statements, the committee concentrated on those statements that were central to the debate over the decision to go to war in 2002–2003. We identified five major policy speeches made by President Bush, Vice President CHENEY, and Secretary of State Colin Powell during this period as the most significant expressions of how the Bush administration communicated intelligence judgments to the American people, to the Congress, and to the international community. Additional statements made by senior administration officials during this same timeframe, containing assertions not included in the major policy speeches, were examined as well and they are part of our report.

To the point: The statements we examined were made by the individuals involved in the decision to go to war and in convincing the American public to support that decision. The committee will be criticized for not examining statements made by Members of Congress. A bipartisan majority of the committee—bipartisan—agreed these statements do not carry the same weight of authority as statements made by the President and others in the executive branch. It was the President and his senior advisers who were pushing the policy of invasion, not the Congress. In addition, Members of Congress did not have—do not have—the same ready access to intelligence as the senior executive branch policymakers. We do not see raw intelligence data. We do not get PDEs. We do not receive the daily briefing and were not briefed every morning by the Nation's senior intelligence officers.

It is important to note we did not receive the October NIE, National Intelligence Estimate, critical to the vote, until 3 days before the Senate was expected to vote. Was that initiated by the administration? No. It was initiated, requested and finally agreed to and then rushed up very quickly because Senator Bob Graham was chairman of the Intelligence Committee at that time, and he asked for it.

As I said, the truth of how intelligence was used or misused is not black and white. Supporters from both sides will point to specific findings in this report to bolster their arguments. I consider that to be evidence that the

committee's findings are fair and objective. Our job was to compare statements to intelligence and render a narrow judgment as to whether the statement was substantiated. In those instances where a statement is not substantiated by the intelligence, the committee renders no judgment as to why. All we were interested in was the facts.

The second report we are releasing today deals with operations of the Office of Under Secretary of Defense for Policy. It is a very important report. A February 2007 report from the Department of Defense inspector general addresses many of the issues the committee had originally intended to examine relating to this office. That report concluded that the Policy Office of the Pentagon had inappropriately disseminated an alternative intelligence analysis, drawing a link between Iraq and al-Qaida terrorists—again what the administration wanted—who carried out the attacks on September 11. This hypothesis has been thoroughly examined by the intelligence community and no link was found. That, however, did not stop this office from concocting its own intelligence analysis and presenting it to senior policymakers. The committee first uncovered this attempt by DOD policy officials to shape and politicize intelligence in order to bolster the administration's policy in our July 2004 report and the inspector general's review. Both of these were confirmed.

The committee's own investigation of the policy office's activities had been abruptly terminated by the former chairman of the Intelligence Committee in July of 2004 because the inspector general's report thoroughly covered the issues of alternative analysis when the committee investigation was restarted in 2007, it focused on clandestine meetings between DOD policy officials and Iranians in Rome and Paris in 2001 and 2003.

These meetings were facilitated by Manucher Ghorbanifar, an Iranian exile and intelligence fabricator implicated in the 1986 Iran Contra scandal. During these meetings, intelligence was collected, but it was not shared with the intelligence community. It went right around the intelligence community, including the CIA. They knew nothing about it. George Tenet indicated there was no possible way he knew anything about this.

The committee's findings paint a disturbing picture of Pentagon policy officials who were distrustful of the intelligence community and undertook the collection of sensitive intelligence without coordinating their activities. It was a rogue operation. It went to high levels in the administration; it went right to the National Security Council, totally bypassing all other intelligence agencies. It is infuriating and not the way intelligence should be handled at all.

The actions of DOD officials to blindly disregard the red flags over the role played by Mr. Ghorbanifar in these meetings and to wall off the intelligence community from its activities and the information it obtained were improper and demonstrated a fundamental disdain for the intelligence community's role in vetting sensitive sources.

The committee's 2004 report presented evidence that the DOD policy office attempted to shape the CIA's terrorism analysis in late 2002, and when it failed, prepared an alternative intelligence analysis attacking the CIA for not embracing a link between Iraq and the 9/11 terrorist attacks. So the CIA and the intelligence community were trying to do what they could, and these people were just end-running them because that is what the White House wanted to see. And then, you know, it was a disgrace, an embarrassment to the Nation. The Department of Defense inspector general found himself that these actions were highly inappropriate.

Our most recent report shows that these rogue actions of this office were not isolated. The committee's body of work on Iraq-related intelligence—a series of six reports issued over a 4-year period—demonstrate why congressional oversight is essential in evaluating America's intelligence collection and analytical activities.

During the course of its investigation, the committee found that the October 2002 National Intelligence Estimate on Iraq's alleged weapons of mass destruction was based on stale, fragmentary, and speculative intelligence reports and replete with unsupported judgments. Troubling incidents were reported in which internal dissent and warnings about the veracity of intelligence on Iraq were ignored in the rush to get to war.

The committee's investigation also revealed how administration officials applied pressure on intelligence analysts prior to the war for them to support links between Iraq and the terrorists responsible for the attacks of September 11, none of which existed.

Our investigation detailed how the Iraqi National Congress and Ahmed Chalabi attempted to influence the U.S. policy on Iraq by providing false information through defectors directed at convincing the United States at the higher levels that Iraq possessed weapons of mass destruction and had links to terrorists and how this false information was embraced despite warnings and fabrication.

The committee's investigation also documented for the public how the administration ignored the prewar judgments of the intelligence community that the invasion would destabilize security in Iraq and provide al-Qaida with an opportunity to exploit the situation and increase attacks against U.S. forces during and after the war. After 5 years and the loss of over 4,000 American lives, these ignored judgments were tragically prescient.

Overall, the findings and conclusions of the committee's Iraq investigation were an important catalyst in bringing about subsequent legislative and administrative reforms of the intelligence community so that these mistakes will never be repeated again, hopefully.

In conclusion, it has been a long, hard road for the committee to get to this point. There have been and continue to be a lot of finger-pointing and accusations of partisanship. It is important to remember that this undertaking was a unanimous decision—phase 1 and phase 2—was a unanimous decision of the committee in February of 2004. That it took such a long time to do is another subject. It is also important to remember that the committee adopted these two reports, both reports, by a vote of 10 to 5—in other words, bipartisan.

In undertaking these additional lines of inquiry, the committee acted to tell a complete story of how intelligence was not only collected and analyzed prior to the Iraq invasions but how it was publicly used in authoritative statements made by the highest officials in the Bush administration in furtherance of its policy to overthrow Saddam Hussein and more.

I believe these reports will help answer some of the many lingering questions surrounding the Nation's misguided decision to launch the war in Iraq.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Pennsylvania.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I have consulted with the Senator from Rhode Island, Mr. WHITEHOUSE, who is next in line, and he has agreed to permit me to—I expected to have 10 minutes at 10:45. Senator WHITEHOUSE has generously permitted me to go ahead for 5 minutes.

I ask unanimous consent that following my 5 minutes, Senator WHITEHOUSE be recognized, and then, as I have already spoken to the Senator from Maryland, Mr. CARDIN, he will be recognized, and then Senator SMITH will be recognized in the regular sequence in morning business.

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

JUDICIAL GRIDLOCK

Mr. SPECTER. I thank my colleagues. I have sought recognition to comment on a couple of subjects. One is the gridlock we are facing now in this body on the issue of judicial confirmations.

It is my hope that we will yet be able to find a formula to break this cycle of gridlock. I have spoken on the subject repeatedly—about the events of the last 20 years, where in the last 2 years of each administration, when the White House is controlled by one party, as was the case with President Reagan in

his last 2 years, and the nominations were gridlocked, and slowed down. Similarly, with President Bush the first, the last 2 years were slowed down, and then other devices and procedures were employed during the last 2 years of President Clinton's administration, procedures employed by the Republican caucus. As I have said on a number of occasions, I think the Republican caucus was wrong. I said so, and I voted so, in support of President Clinton's nominations. And now, I think the Democratic caucus is wrong in what the Democratic caucus is doing.

I am not going to get into all of the nuances of the so-called ''deal'' about the confirmation of three circuit judges before Memorial Day, but that deal could have been accomplished had the judges waiting in line the longest been processed as opposed to judges who had not had their investigations done and had not had their ABA clearances.

But, all of that is prologue, as I see it. During an Judiciary executive committee meeting, before the recess, I said publicly that I hoped to sit down with this chairman to try to work through this. We had a meeting scheduled yesterday, and we are going to sit down this afternoon. So it is my hope we will find a way through this thicket.

I have proposed a protocol where we would have a hearing so many days after a nomination; then so many days later, we would have executive committee action; then so many days later, floor action.

I think it is time that we reexamined the blue slip situation, a concept where an individual who was personally obnoxious to a given Senator was objected to. Well, I have grave questions about that standard for excluding people. I think it ought to be a matter of whether they are publicly obnoxious, but, what we ought to do is we ought to vote; we ought to bring these people to the floor for a vote.

GLOBAL WARMING

Mr. SPECTER. Mr. President, I am sorry to see that the majority leader has filled the tree on the global warming bill. There is no way we are going to move ahead on this legislation, as I have stated before on the floor, if we are not permitted to offer amendments.

I think there is general agreement, although there are still some dissenters, that we need to do something. We have the Warner-Lieberman bill. I think it has objectives which are not technologically obtainable, which are too difficult on the U.S. economy, and have joined with Senator BINGAMAN on alternative legislation.

I ask unanimous consent that the statement regarding a number of amendments which I had proposed to introduce be printed in the RECORD, one on emissions caps/targets, a second on a cost-containment safety-valve amendment, a third on an international competitiveness amendment, and a fourth on process gas emissions.

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

SPECTER AMENDMENTS TO LIEBERMAN-WARNER BILL

As I stated on the Senate floor on Tuesday, it was my intention to offer amendments;

It is very disappointing that the Majority Leaders has opted to move to cloture on the Boxer substitute without allowing consideration of amendments;

I have played a constructive role in this debate in an attempt to improve the bill and enter into a substantive discussion with my colleagues;

Since there will be no votes on amendments, I will instead file my amendments for public scrutiny until the next opportunity to debate this important issue;

Emissions Caps/Targets Amendment.—This amendment substitutes the Bingaman-Specter emissions caps in place of the Lieberman-Warner caps. I have serious concerns that the emissions limits are not aligned with necessary technologies. If I had a comfort level with the ability of our nation to meet these targets, I could support them, but I remain unconvinced.

Lieberman-Warner	Bingaman-Specter
In 2012, limits to 2005 levels	In 2012, limits to 2012 levels.
In 2020, limits to 15% below 2005 (1990 levels).	In 2020, limits to 2006 levels.
In 2030, limits to 30% below 2005	In 2030, limits to 1990 levels.
In 2050, limits to 71% below 2005	In 2050 calls for at least 60% below 2006 levels, contingent on international effort.

Cost-Containment Safety-Valve Amendment.—This amendment would insert the Bingaman-Specter so-called ''safety valve'' or Technology Accelerator Payment mechanism into the Lieberman-Warner bill. That provision provides a price-capped option for purchasing emissions allowances from the government when the market price rises too high. Starting at $12 per ton in 2012 and rising 5% over inflation annually, this is an important protection for the economy. I am open to considering a different price level, but it is a fundamentally important provision. If this mechanism is triggered, all of the funds collected through the purchase of allowances would be invested directly in zero- and low-carbon technologies to accelerate our ability to reduce emissions.

International Competitiveness Amendment.—This amendment takes a number of steps to further refine the excellent proposal that was first included in the Bingaman-Specter bill to require purchase of emissions allowances by importers of goods into the U.S. from countries which are not taking comparable action on climate change. The amendment seeks to better define ''comparable action.'' It also makes the effective date for import allowances the same as the effective date for domestic producers (2012). Further, it applies the import allowance program to all countries, including those with ''de minimis'' emissions levels. Finally, it equalizes the ability of importers to submit foreign credits and allowances to the same 15 percent limit for which domestic producers may use.

Process Gas Emissions Amendment.—This amendment exempts process gas emissions from ironmaking, steelmaking, steel recycling, and coke processes. There are currently insufficient technological options to make virgin steel without emitting carbon dioxide from the use of coal and coke. Therefore, requiring submission of allowances will only raise the cost of domestic steel in a highly competitive and unforgiving global steel market. This will put our industry at a serious disadvantage and likely send jobs overseas actually increasing emissions from steelmaking in non-carbon-reducing nations.

Mr. SPECTER. But there is no way to get 60 votes to impose cloture unless we find a way to allow Senators to offer their amendments.

Finally, I ask unanimous consent that the full text of a floor statement of mine on the New England Patriots videotaping of NFL football games be printed in the CONGRESSIONAL RECORD as if read in full on the Senate floor.

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

SENATE FLOOR STATEMENT ON THE NEW ENGLAND PATRIOTS VIDEOTAPING

(By Arlen Specter, June 5, 2008)

With the Memorial Day Recess and the cancellation of my west coast fundraising trip due to my recurrence of Hodgkin's, there was time to review and reflect on the issues and comments on the New England Patriots' videotaping and to prepare a summary for entry into the Congressional Record for future reference.

BACKGROUND: TWO QUESTIONS; NO ANSWERS; NO INITIAL INTENT FOR AN INVESTIGATION

When I made my first inquiry of the NFL on the videotaping, there was no intent to initiate an investigation. After reading about the Patriots' videotaping of the Jets September 9, 2007 game, I wrote Commissioner Roger Goodell by letter dated November 15, 2007, shortly before the Patriots were scheduled to play the Philadelphia Eagles, asking if there had been any evidence of videotaping of the 2005 Super Bowl between the Eagles and the Patriots:

Dear Commissioner Goodell:

With the New England Patriots about to play the Philadelphia Eagles again, as they did in the Super Bowl in January 2005, I would appreciate your advising me what your investigation showed, if anything, on the question of the Patriots stealing Eagles' signals during that Super Bowl game.

I had thought there would be some additional disclosures following your initial sanction on the Patriots and Coach Belichick, but I did not see anything further so I would like a response on this specific question.

Sincerely,

ARLEN SPECTER.

I received no answer. When I later read about the NFL's destruction of the videotapes, I wrote again by letter dated December 19, 2007:

Dear Commissioner Goodell:

More than a month has passed since I wrote to you on November 15, 2007 concerning the issue of the New England Patriots spying on the Philadelphia Eagles on their 2005 Super Bowl game. I would appreciate a prompt response.

I was surprised to read in the New York Times on December 16th that the NFL had destroyed the tapes on the Patriots spying. Is that true?

The same New York Times story also contained the author's surmising that there was more than one copy because of the general practice of not having a single copy of anything. Was there a second copy? Is it possible to retrieve a copy?

Candidly, the destruction of the tapes is, in my opinion, highly suspicious. I would appreciate your reply as to the scope of your investigation and your findings on the number of times the Patriots spied and on whom.

I share the concern that your treatment of the Patriots and Coach Belichick was insufficient. I would like to know the specifics of

the misconduct which you found and your reasons for imposing the penalties which you did.

As I have said on many occasions in the past, including legislation which I have introduced, the NFL has a special duty to the public in light of the antitrust exemption which the NFL enjoys.

I would appreciate a prompt response to the questions posed in this letter and in my prior letter to you.

Sincerely,

ARLEN SPECTER.

Again, I received no answer.

I thought nothing more about the issue until early January 2008 after returning to Washington when I had a casual conversation in the Capitol with New York Times reporter Carl Hulse who covers the Senate. Hulse asked me who I thought would win the Super Bowl and I jokingly replied that it all depended on whether there was cheating. That led to a conversation about the Patriots' videotaping and my unanswered letters. At Hulse's request, I gave him copies of those letters.

I thought nothing more about the matter until the middle of the week before the Super Bowl when I received a call from New York Times sportswriter Greg Bishop. Hulse had given him my letters. I gave him background of my reasons for writing. Bishop then apparently contacted the Commissioner's office on the Thursday before the Super Bowl, prompting Commissioner Goodell to write to me on January 31, 2008:

Dear Senator Specter:

I saw today for the first time your letters inquiring about my investigation into the taping of defensive signals by the New England Patriots. I apologize for not having replied earlier. (I have instructed my staff to contact your office to make sure that you have my best phone and fax numbers for our future communications.)

With respect to the Patriots matter, senior members of my staff conducted detailed, individual interview with Patriots' owner Robert Kraft, Coach Belichick, and other Patriots employees promptly after this matter came to our attention. They reviewed the videotapes and notes made by the Patriots employee who reviewed the tapes on behalf of the club. Following that review, the tapes and the notes were destroyed by our office in order to ensure that they could not be used for any purpose going forward. Our goal was to ensure that the Patriots would not secure any possible competitive advantage as a result of the misconduct that had been identified. The Patriots have separately certified to me in writing that we received all tapes, all notes, and that no other material exists relating to taping of defensive signals.

Our investigation specifically disclosed nothing relating to the stealing of Eagles' signals during the Super Bowl game between the Patriots and the Philadelphia Eagles in 2005. (The two teams had only played one other game against each other in the current decade, a preseason game in the summer of 2003.) We have no reason to believe that the outcome of the 2005 Super Bowl was affected in any way by the improper taping of Eagles' defensive signals.

The discipline I imposed on both the Patriots and Coach Belichick was very substantial. No coach has ever been fined as much as Coach Belichick, and no club has been required to forfeit its first round selection in the college draft for such an on-field violation. I am confident that neither the Patriots, nor any other NFL team, will engage in this type of conduct again.

I believe that I have no more significant responsibility than protecting the integrity of the game and promoting public confidence in the NFL, and that our actions in response to the Patriots' taping was entirely consistent with that responsibility.

Again, I regret not having seen and responded to your questions sooner. As always, I appreciate your interest in the NFL.

Sincerely,

ROGER GOODELL.

The next day, February 1, 2008, there was a headline at the top of the New York Times sports page: ''Senator Arlen Specter Wants NFL Commissioner Goodell to Explain the Rationale Behind Destroying Evidence that the Patriots Cheated,'' followed by text of my letter to Goodell dated November 15, 2007, partial text of my December 19, 2007 letter and a partial text of his reply dated January 31, 2008.

I was then accused of timing the dropping of a bomb on Super Bowl weekend. The fact is that had my earlier letters been answered, the matter would not have achieved such attention.

Those events then led to my meeting with Commissioner Goodell in my Senate office on February 13, 2008, and a series of disclosures far beyond the Commissioner's initial statement at his February 1 news conference: ''I believe there were six tapes, and I believe some were from the pre-season in 2007, and the rest were primarily in the late 2006 season,'' before the Patriots were caught videotaping the Jets on September 9.''

THE ANTITRUST EXEMPTION—PUBLIC FINANCING FOR STADIUM CONSTRUCTION

A question is sometimes raised as to Congress's reasons for special attention to the NFL. In part, it is because the NFL has an antitrust exemption enjoyed by few other businesses. The NFL has contracts for broadcast rights with Fox, NBC, CBS and ABC/ESPN to make more than $3.7 billion through 2011. Over the past twenty-five years, the NFL has earned roughly $33.6 billion from its television contracts with broadcast networks.

When I saw what was happening with stadium financing in the 1990's, I introduced the Stadium Financing Act of 1999 (S. 952) on March 19, 1999, requiring the NFL to contribute 10% of the amounts received under the joint agreement for broadcasting rights to finance the construction and renovation of playing facilities. As a matter of basic fairness, the owners should have been paying for their own stadium construction without relying on the public funds desperately needed for so many other purposes. In my opinion, it would have been sound public policy to condition the antitrust exemption on the owners paying for construction costs without relying on taxpayers funds. Under the threat of franchise removal to other cities, NFL teams have extracted enormous public funding.

STADIUMS—PUBLIC CONTRIBUTION (FROM BONDS, TAXES, ETC.)

City	Year opened	Project cost (in millions)	Public contribution (in millions)	Private contribution (in millions)	Lease (years)
Glendale, AZ	2006	$448	$344	$104	30
Philadelphia	2003	512	202	310	30
Detroit	2002	471	125	346	35
Houston	2002	424	309	125	30
Boston	2002	452	.....	*452	25
Seattle	2002	465	296	169	30
Denver	2001	370	229	141	30
Pittsburgh	2001	271	158	123	30
Cincinnati	2000	450	425	25	26
Cleveland	1999	300	212	88	30
Nashville	1999	292	220	72	30
Baltimore	1998	224	200	24	30
Tampa Bay	1998	168	153	15	30
Washington DC	1997	251	71	180	30
Charlotte	1996	250	50	200	31
St. Louis	1995	257	257	0	30
Atlanta	1992	214	214	0	20
Total Public Contribution	.....	.....	$3.46 billion	.....	.....

*The Commonwealth of Massachusetts contributed $70 million to be repaid over twenty years.

FUTURE PLANS

City	Type	Project cost (in millions)	Public contribution (in millions)	Private contributions (in millions)
Dallas	New Stadium	$650	$325	$325
Indianapolis	New Stadium	500	400	100
Kansas City	Renovation	325	250	75
Minneapolis	New Stadium	675	395	280
New Orleans	Renovation	135	.....	.....
New York	New Stadium	800	.....	.....

Source: The Fans, Taxpayers, and Business Alliance For NFL Football in San Diego, available at http://www.ftballiance.org/stadiums/financing.php

A comparable situation exists with respect to Major League Baseball:

NEW STADIUMS IN PROFESSIONAL BASEBALL (1990–2003)

City	Capacity	Year	Real costs (millions) [b]	Percent public	Public cost per Seat	Cost per seat in replaced stadium
Tampa Bay [c,d]	46,000	1990	225.30	100.00	4,699.96	NA
Chicago	44,321	1991	212.50	100.00	4,786.73	142.71
Baltimore	48,000	1992	260.20	96.00	4,560.00	1,498.41
Arlington	49,292	1994	227.74	71.00	3,280.38	589.41
Cleveland	42,400	1994	206.59	88.00	7,287.79	927.43
Denver	50,100	1995	242.93	75.00	3,636.72	NA
Atlanta	49,831	1997	252.13	0.00	0.00	1,910.65
Phoenix [c,d]	48,569	1998	368.70	68.00	5,162.03	NA
Seattle	46,621	1999	535.00	66.66	7,537.10	307.21
Detroit	40,000	2000	300.00	38.00	2,875.00	NA
Houston [d]	42,000	2000	250.00	68.00	4,047.62	4,532.07
San Francisco	41,059	2000	255.00	3.92	243.45	1,993.85
Milwaukee	43,000	2001	394.20	77.50	7,209.30	895.58
Pittsburgh	38,365	2001	252.51	100.00	6,829.14	4,138.97
Cincinnati	42,059	2003	399.08	86.15	6,657.01	3,773.28
Average [c]	44,671	1997	298.06	79.56	5,274.52	1,867.23
Total Public Financing				$ 3.01 billion		

Notes: Data obtained from www.ballparks.com and author's calculations. [a] Current dollars at date stadium opened. [b] Dollars adjusted by BLS inflation factor to represent 2000 dollars. [c] New stadium not replacing an old stadium. [d] Domed or retractable roof stadium. [e] Includes only those stadiums with majority funding, i.e., excluding Atlanta and San Francisco.
Source: Depken, Craig, The Impact of New Stadiums on Professional Baseball Team Finances available at http://www.uta.edu/depken/P/SportsArenas16.pdf

The public contribution for the Philadelphia Phillies stadium which opened in 2004 was $174 million. Nationals Park, in Washington D.C., was completed in 2008 at a cost of $610.8 million and was 100% publicly funded.

THE CONCEALED TAPING AND SPYING WAS DONE ON A WIDESPREAD BASIS

Contrary to Commissioner Goodell's initial statement that: ''[W]e think (the taping) was quite limited. It was not something that was done on a widespread basis,'' the facts demonstrate the opposite. At my meeting with Goodell on February 13, 2008, he dramatically changed the story and conceded that taping began in 2000. Until my meeting with Matt Walsh on May 13, 2008, the only taping we knew about took place from 2000 until 2002 and during the 2006 and 2007 seasons.

That left an obvious gap between 2003 and 2005. In response to my questions, Walsh stated he had season tickets in 2003, 2004 and 2005, and saw Steve Scarnecchia, his successor, videotape games during those seasons including:

The Patriots' September 9, 2002 game against the Steelers.

The Patriots' November 16, 2003 game against the Cowboys.

The Patriots' September 25, 2005 game against the Steelers, which the Steelers won 23–20.

Walsh stated he observed Scarnecchia filming additional Patriots home games, though he could not recall the specific games. Walsh said he did not tell Goodell about the taping during 2003, 2004 and 2005 because he was not asked.

Matt Walsh and other Patriots employees, Steve Scarnecchia, Jimmy Dee, Fernando Neto, and possibly Ed Bailey, were present to observe most, if not all, of the St. Louis Rams walk-through practice in advance of the 2002 Super Bowl, including Marshall Faulk's unusual positioning as a punt returner. David Halberstam's book, The Education of a Coach, documents the way Belichick spent the week before the Super Bowl obsessing about where the Rams would line up Faulk.

Walsh was asked, and he told Assistant Coach Brian Daboll about the walk-through. Walsh said Daboll asked him specific questions about the Rams offense, and Walsh told Daboll about Faulk's lining up as a kick returner. Walsh said Daboll then drew diagrams of the formations Walsh had described. According to media reports, Daboll denied talking to Walsh about Faulk. The NFL has not disclosed the details on Daboll's statements. We do not know what Scarnecchia, Dee, Neto or Bailey did, or what they said if they were interviewed.

The Patriots took elaborate steps to conceal their filming of opponents' signals. Patriots personnel instructed Walsh to use a ''cover story'' if anyone questioned him about the filming. For example, if asked why the Patriots had an extra camera filming, he was instructed to say that he was filming ''tight shots'' of a particular player or players or that he was filming highlights. If asked why he was not filming the play on the field, he was instructed to say that he was filming the down marker. The red light that indicated when his camera was rolling was broken.

During at least one game, the January 27, 2002, AFC Championship game with the Steelers, Walsh was specifically instructed not to wear anything displaying a Patriots logo. Walsh indicated he turned the Patriots sweatshirt he was wearing at the time inside-out. Walsh was also given a generic credential instead of one that identified him as team personnel. These efforts to conceal the filming demonstrate the Patriots knew they were violating NFL rules.

While there may have been others, as best as can be determined from the available information, the Patriots taped opponents' signals in the following games:

GAMES FOR WHICH WALSH TURNED OVER TAPES TO THE NFL

September 25, 2000: Miami Dolphins v. New England Patriots

October 7, 2001: Miami Dolphins v. New England Patriots (Offense & Defense)

November 11, 2001: Buffalo Bills v. New England Patriots

December 8, 2001: Cleveland Browns v. New England Patriots

January 27, 2002: Pittsburgh Steelers v. New England Patriots (AFC Championship)

GAMES WALSH FILMED (NO TAPES TURNED OVER)

August 20, 2000: Tampa Bay Buccaneers v. New England Patriots (Preseason)

October 8, 2000: Indianapolis Colts v. New England Patriots

November 5, 2000: Buffalo Bills v. New England Patriots

September 23, 2001: New York Jets v. New England Patriots

September 30, 2001: Indianapolis Colts v. New England Patriots

October 7, 2001: Miami Dolphins v. New England Patriots

October 14, 2001: San Diego Chargers v. New England Patriots

November 11, 2001: Buffalo Bills v. New England Patriots

December 9, 2001: Cleveland Browns v. New England Patriots

GAMES WALSH MAY HAVE FILMED BUT NOT POSITIVE

October 15, 2000: New York Jets v. New England Patriots

August 18, 2001: Carolina Panthers v. New England Patriots (Preseason)

December 22, 2001: Miami Dolphins v. New England Patriots

GAMES WALSH WITNESSED STEVE SCARNECCHIA FILMING

September 9, 2002: Pittsburgh Steelers v. New England Patriots

November 16, 2003: Dallas Cowboys v. New England Patriots

September 25, 2005: Pittsburgh Steelers v. New England Patriots

GAMES FOR WHICH THE PATRIOTS TURNED OVER TAPES TO THE NFL

2006 Season: Games v. New York Jets, Miami Dolphins and Buffalo Bills (unclear on specific dates because each team played two games against the Patriots)

September 9, 2007: New York Jets v. New England Patriots (Estrella caught by Jets)

GAMES THE MEDIA REPORTED THE PATRIOTS TAPED

August 31, 2006: New York Giants v. New England Patriots (Preseason)

September 17, 2006: New York Jets v. New England Patriots

November 19, 2006: Green Bay Packers v. New England Patriots

December 3, 2006: Detroit Lions v. New England Patriots

THE VIDEOTAPING HAD A SIGNIFICANT IMPACT ON THE GAMES

The overwhelming evidence flatly contradicts Commissioner Goodell's assertion that there was little or no effect on the outcome of the games. During his February 1, 2008 press conference, Commission Goodell stated, ''I think it probably had a limited effect, if any effect, on the outcome on any game.'' Later during that press conference, Goodell stated again, ''I don't believe it affected the outcome of any games.'' Commissioner Goodell's effort to minimize the effect of the videotaping is categorically refuted by the persistent use of the sophisticated scheme which required a great deal of effort and produced remarkable results.

The filming enabled the Patriots coaching staff to anticipate the defensive plays called by the opposing team. According to Walsh, he first filmed an opponent's signals during the August 20, 2000 pre-season game against the Tampa Bay Buccaneers. After Walsh filmed a game, he would provide the tape for Ernie Adams, a coaching assistant for the Patriots, who would match the signals with the plays.

Walsh was told by a former offensive player that a few days before the September 3, 2000 regular season game against Tampa Bay, he (the offensive player) was called into a meeting with Adams, Bill Belichick and Charlie Weis, then the offensive coordinator for the Patriots, during which it was explained how the Patriots would make use of the tapes. The offensive player would memorize the signals and then watch for Tampa Bay's defensive calls during the game. He would then pass the plays along to Weis, who would give instructions to the quarterback on the field. This process enabled the Patriots to go to a ''no-huddle'' offense, which would lock in the defense the opposing team had called from the sideline, preventing the defense from making any adjustments. When Walsh asked whether the tape he had filmed was helpful, the offensive player said it had enabled the team to anticipate 75 percent of the plays being called by the opposing team.

Tampa Bay won the August 20, 2000 preseason game by a score of 31–21. According to the information provided by Matt Walsh, the Patriots used the film to their advantage when the Patriots played Tampa Bay in their first regular season game on September 3, 2000. The Patriots narrowed the spread, losing by a score of 21–16. After the game, Charlie Weis, the Patriots' offensive coordinator, was reportedly overheard telling Tampa Bay's defensive coordinator, Monte Kiffin, ''We knew all your calls, and you still stopped us.'' The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on September 24, 2000, a game the Patriots lost by 10–3.

According to Walsh, when the Patriots first began filming opponents, they filmed opponents they would play again during that same season. The Patriots played the Dolphins again that season on December 24, 2000; they again narrowed the spread, losing by a score of 27–24.

According to Walsh, he filmed the Patriots' game against Buffalo on November 5, 2000, a game the Patriots lost 16–13. When the Patriots played the Bills again that season on December 17, 2000, the Patriots won by a score of 13–10.

During the following season, Walsh filmed the Patriots' game against the Jets on September 23, 2001, a game the Patriots lost by a score of 10–3. When the Patriots played the Jets again that season on December 2, 2001, the Patriots won by a score of 17–16.

The tapes Walsh turned over to the NFL indicate the Patriots filmed the Dolphins during their game on October 7, 2001, a game the Patriots lost by 30–10. When the Patriots played the Dolphins again that season on December 22, 2001, the Patriots won by a score of 20–13.

The Patriots filmed opponents' offensive signals in addition to defensive signals. On April 23, 2008, the NFL issued a statement indicating that ''Commissioner Goodell determined last September that the Patriots had violated league rules by videotaping opposing coaches' defensive signals during Patriots games throughout Bill Belichick's tenure as head coach.'' (Emphasis added). However, the tapes turned over by Matt Walsh on May 8, 2008 contain footage of offensive signals. The tapes turned over to the NFL and the information provided by Walsh prove that the Patriots also routinely filmed opponents' offensive signals.

Why did the Patriots videotape signals during games when they were not scheduled to play that opponent during the balance of the season unless they were able to utilize the videotape during the latter portion of the same game? The NFL has not addressed the question as to whether the Patriots decoded signals during the game for later use in that game. Mark Schlereth, a former NFL offensive lineman and an ESPN football analyst, is quoted in the New York Times on May 14, 2008:

Then why are you doing it against teams you aren't going to play again that season?

Schlereth said that the breadth of information on the tapes—mainly, the coaches' signals and the subsequent play—would be simple for someone to analyze during a game. There are enough plays in the first quarter, he said, to glean any team's ''staples,'' and a quick view of them could prove immediately helpful.

''I don't see them wasting time if they weren't using it in that game,'' Schlereth said.

COACHES, PLAYERS AND SPORTS COMMENTATORS/EXPERTS CONFIRM VIDEOTAPING HAD A SIGNIFICANT IMPACT ON THE GAMES

Jim Bates, the Miami Dolphins' defensive coordinator in 2001 who stepped down as the Denver Broncos' Assistant Head Coach of defense in January 2008, was referenced and quoted in the Palm Beach Post on May 13, 2008:

Bates wouldn't declare that the Patriots stole the 2001 AFC East title, but he wasn't afraid to accuse the Patriots of putting the Dolphins at a ''tremendous disadvantage'' in their critical rematch that essentially decided the division.

''There's only a certain number of plays that truly determine winning and losing,'' Bates said. ''It might come down to five plays. Sometimes it's just one play. A critical play at a critical time to move the sticks and get a first down, it definitely can change the outcome of a game.'' . . . .

''To know their personnel as soon as they do . . . it's a tremendous advantage,'' Bates said. ''You're not panicking to get players in and out of the game as far as matching up with the offense.''

The same Palm Beach Post article referenced comments made by former Dolphins quarterback Jay Fiedler. Although Fiedler contended that stealing offensive signals didn't have much impact on a game, the Post article said that:

Fiedler, a Dartmouth grad known as a cerebral quarterback, certainly would have welcomed inside information on the opposition's defensive signals.

''That's what you put all the hours of film study throughout the week for,'' Fiedler said, ''to get that little advantage out on the field, to see the little rotations in the defense or how they line up or the alignments to tip off what kind of blitz is coming.''

''If the quarterback knows what's coming, he can dissect it at the line of scrimmage. In most cases you're not going to get an advantage, but if there's an exotic blitz coming, then usually there are ways to exploit that.''

Commenting on the Patriots' videotaping in a Pittsburgh Post-Gazette sports article ''On the Steelers'' on May 25, 2008, Ed Bouchette said:

The practice was unique to Belichick and his crew. Some pro scouts advancing games have told me that they've tried to steal the signals of opposing coaches on the sideline which is as legal as trying to pick up the third-base coaches' signals in baseball. Some say it can help, some say it's futile and wastes time.

''I didn't think it was worth the time and energy you were looking at,'' said Hal Hunter, who spent 23 years in the league as a coach and pro scout, including four as the Steelers' offensive line coach in the 1980s.

But, if you can set up a sophisticated system like the Patriots had, it was worth it. New England would break down its videotape of the coaches using their hand signals from earlier games and match it with the defense that was used on that play.

Where it helped the most came when they went to their no-huddle offense. Because a defense does not know when the ball will be snapped in the no-huddle, it must call its plays quickly. The quarterback, then, could simply wait until the defense was signaled in and the word was relayed to him by his coaches in his headset what to call against it.

Defenses normally use the same or similar signals from game to game and even year to year under the same coordinators. The reason is simple: It's not as easy to change signals in football as it is in baseball, where the calls are simple. It will confuse the players—the reason for so many of those ''miscommunications.''

The Pittsburgh Tribune-Review's issue of May 9, 2008 noted the comment of Steelers linebacker Larry Foote who joined the team the season after the 2002 championship game and started against the Patriots when the teams met in a title game three years later. The Tribune-Review said:

(Foote) believes the Patriots may have gained an advantage by taping signals, but he doesn't know how much.

''If they know our defense, that's a big advantage,'' Foote said yesterday. ''But we don't know the degree of it. We'll never know the degree of it.''

In a highly critical article in the St. Louis Post-Dispatch on May 16, 2008 entitled ''Getting Tougher to Keep NFL Image Clean,'' Bryan Burwell asserts that the Patriots had a competitive advantage on their taping, and concludes his column with the question ''Who says crime doesn't pay?''

KEY CONCLUSION: NFL INVESTIGATION LACKED CREDIBILITY

The most important conclusion from the NFL investigation is its lack of credibility. This judgment emerged from the NFL's calculated effort to appear objective while pulling its punches and acting only when compelled by public pressure.

(1) Commissioner Goodell's letter to me dated January 31, 2008 stated that my letters of November 15, 2007 and December 19, 2007 had just come to his attention: ''I saw today for the first time your letters inquiring about my investigation into the taping of defensive signals by the New England Patriots.'' The Commissioner's representation that this was the first the NFL had known of my letters was contradicted by an email exchange on January 25, 2008 between NFL counsel and my staffer, Ivy Johnson, that the NFL had received my letters and would reply to them in due course after the Super Bowl.

(2) The Commissioner originally represented in his news conference on February 1, 2008 in advance of the Super Bowl that the taping was limited to the September 9, 2007 game and six other games. Specifically, he stated: ''I believe there were six tapes, and I believe some were from the preseason in 2007, and the rest were primarily in the late 2006 season.'' That representation was flatly contradicted in the meeting of February 13, 2008 between Commissioner Goodell and me where he admitted that the taping had gone on back to the year 2000.

(3) The NFL's judgment on the penalty was not credible—really not rational. The Patriots were caught taping the Jets on September 9, 2007. The Commissioner imposed the penalty on September 13, 2007. The NFL reviewed the tapes for the first time on September 17, 2007. The NFL announced the tapes had been destroyed on September 20, 2007. How could the penalty be rationally imposed before examining the evidence?

(4) The Commissioner's stated reason for destroying the tapes lacks credibility. He

said in his January 31, 2008 letter that ''the tapes and the notes were destroyed by our office in order to ensure that they could not be used for any purpose going forward. Our goal was to ensure that the Patriots would not secure any possible competitive advantage as a result of the misconduct that had been identified.'' That objective could have been obtained by storing the tapes in a vault and they would have been preserved for future inspection if the need arose. The NFL would have avoided the inevitable smell of destroying evidence.

(5) Like destroying the tapes, the NFL's destruction of the Patriots' notes of tapings lacks a credible reason—raising the obvious inference that there is something to hide. That applies to all the destruction of notes, but especially to the destruction of notes on the tapings of the Steelers games.

In the AFC Championship game on January 27, 2002, the Patriots defeated the Steelers by a score of 24–17. Hines Ward, Steelers wide receiver, was quoted: ''Oh, they knew. They were calling our stuff out. They knew, especially that first championship game (2002) here at Heinz Field. They knew a lot of our calls. There's no question some of their players were calling out some of our stuff.'' When the Patriots played the Steelers again during their season-opener on September 9, 2002, the Patriots again won, this time by a score of 30–14.

On October 31, 2004, the Steelers beat the Patriots 34–20, forced four turnovers, including two interceptions, and sacked the quarterback four times. In the AFC Championship game on January 23, 2005, the Patriots won 41–27 and intercepted Ben Roethlisberger three times. The Steelers had no sacks that game.

(6) No objective, credible investigation would permit a representative of the subject of the inquiry to be present at the questioning of a key witness. Walsh said that Dan Goldberg, an attorney for the Patriots, was present at his interview and asked questions. With some experience in investigations, I have never heard of a situation where the subject of an investigation or his/her/its representative was permitted to be present during the investigation. It strains credulity that any objective investigator would countenance such a practice. During a hearing or trial, parties will be present with the right of cross-examination and confrontation, but certainly not in the investigative stage with the sensitive questioning of a witness.

COMMENTS (CRITICISM/COMPLIMENTS) ON MY ACTIVITIES

Some newspapers, especially in New England, have been critical of my role, and there were some hostile comments on two radio interviews I volunteered to do on the Dennis and Callahan Show on WEEI (Boston radio) on February 8, 2008 and May 16, 2008, but there were many columns, editorials and letters to the editor supporting my position.

Harvey Araton, writing in the New York Times sports section on May 9, 2008, called me the ''crusading Senator Arlen Specter'' in a column seeking for the NFL to bar Belichick from coaching the Patriots for one season saying, ''One year out. Then let's see Belichick dare spy again in 2009.''

In its May 10, 2008 edition, the Pittsburgh Tribune-Review commented about the Steelers organization limiting comment on Spygate, saying:

Which brings us to Sen. Arlen Specter, a lifetime politician who doesn't have to straddle the Steelers' company line. He refuses to go away and shut up about the New England Patriots videotaping opposing coaches' signals. Bless his heart. The Steelers should be glad they have Specter on their side.

Even the Boston Globe had a favorable comment about me in its May 11, 2008 edition by Mike Reiss captioned ''Tale of the Tape Re-Visited'': ''. . . it would be difficult to argue that (Specter) did not add clarity to the situation.''

Fox Sports on May 14, 2008 criticized the NFL's investigation, saying:

Kudos to the dogged efforts of the media and Pennsylvania Senator Arlen Specter for demanding more on Spygate after Goodell's essentially declared ''Mission accomplished.''

An article by Jeff Jacobs in the May 13, 2008 edition of the Hartford Courant captioned ''Goodell-Walsh Meeting: Only the Truth Will Do'':

. . . but give Specter this much: He did provide some focus, and it was in their meeting Goodell finally confirmed how long Belichick had been videotaping other teams.

As noted by Don Banks in the May 14, 2008 article on Sports Illustrated's website, SI.com:

I happen to agree with the always-skeptical senior senator from Pennsylvania that NFL commissioner Roger Goodell has an inherent conflict of interest whenever he undertakes to investigate his own league.

The Los Angeles Times edition of May 16, 2008 in a column by Sam Farmer captioned ''Arlen Specter Has Good Reason To Keep An Eye On NFL, Spygate'' challenged my objectivity and added: ''Yes he's a politician. But he could still be right.''

The Bradenton Herald in a May 16, 2008 column captioned ''NFL Fumbles Again'' supported my position saying:

Again, we stand alongside the senator on his statement: ''What is necessary is an objective investigation. And this one has not been objective.

The NFL's stand on this scandal is a self-serving ''trust us, we did the right thing.''

Would anyone trust the White House with that kind of position? We hold our public officials to high standards, we demand transparency and accountability.

Specter is threatening the NFL's antitrust exemption. With its highly visible and unique position in our culture, the league owes the public transparency and accountability.

This isn't just about sports. This is about truth, justice and the American way.

The NFL doesn't get it—yet.

The Herald added:

Specter is right on target with his outrage: ''That sequence is incomprehensible,'' he said this week in repeating his criticism of the decision to destroy the materials. ''It's an insult to the intelligence of the people who follow it.''

In an editorial in Chester, Pennsylvania's Daily Local dated May 17, 2008, captioned ''Specter Isn't Accepting Goodell's 'Spygate is Over' Stance,'' the writer notes:

Fortunately for the football fan, Arlen Specter continues to refuse to play by those rules. And because he is a U.S. Senator, he has a high-volume microphone of his own.

Roger Goodell does not get to announce when an alleged NFL scandal goes away. The people do, and the people are represented in Congress. That makes Specter correct: The NFL should be open to independent analysis of the possibility of cheating—cheating by certain teams not against other teams, but against the customers, who have the right to expect fair contests.

Goodell may be right. There may be nothing to Spygate.

But Specter is definitely right: It's not Goodell's decision.

The New York Daily News in a column on May 18, 2008 said that it ''might not be enough'' to conclude with the judgment ''Belichick cheated, was punished, humiliated and now his record is tainted.'' Commenting on my involvement, the New York Daily News said:

Specter, the Pennsylvania Republican, has endless and admirable energy, especially for a 78 year-old man undergoing chemotherapy treatments for Hodgkin's disease, and he says he is concerned about the integrity of the game.

The May 18, 2008 edition of the New York Times contained an article captioned ''Politicians Challenge Integrity of NFL,'' written by William C. Rhoden, noting:

Sprawling industries cannot adequately police themselves and Specter, to his credit, is questioning whether the N.F.L. has properly handled allegations that Belichick had assistants videotape opponents' signals. Specter has called for an independent ''objective'' investigation into the Patriots' taping practice.

''This one,'' he said, referring to the NFL's in-house investigation ''has not been objective.'' Specter said Goodell was caught in an ''apparent conflict of interest'' because the N.F.L. doesn't want the public to lose confidence in the league's integrity.

The conflict isn't ''apparent,'' it's tremendous. The N.F.L. is a multibillion dollar industry that sells itself on fair competition and championships that are won fairly and squarely.

Noting that, ''Specter is not an objective party. He has two professional football teams in his state,'' the Rhoden article continued:

That being said, the issues he (Specter) raises about the NFL's actions against New England are legitimate. This book has more chapters.

The politics of business and the business of politics usually compromise the sort of fair and honest competition we celebrate in competitive athletics.

What a sad sign of the times: the sports industry has gone so far a field that we need politicians to reel it back in.

While expressing a preference for solutions on ''some things that are 'truly problems','' the May 18, 2008 edition of the Chambersburg Public Opinion (Pennsylvania) newspaper said:

Congress is not getting into football. It has been involved in it because it is required to do so because of the antitrust exemption given to the league by the government.

If the mega-rich owners will give back their antitrust exemptions, pay their fair share of taxes and stop asking taxpayers to pay for their stadiums, they would be able to tell the likes of Specter to go take a ride.

But that is not the case, and is why Specter is within his right to press the issue.

Lee Jenkins, writing in the May 26, 2008, edition of Sports Illustrated, comments:

It is commendable that Specter, an unabashed Eagles fan, is willing to fight to protect the ethics of competitive athletics.

Jenkins then commented about other areas which might benefit from congressional oversight, saying:

But Congress could use its power in other areas of sports—by scrutinizing readily available sports supplements that aren't regulated by the FDA, perhaps, or by studying the legality and rationality of using public funds to finance stadiums. There are significant digital-age First Amendment issues relating to how much control leagues have over who covers their games and how the news and images they generate can be used, and there is the wisdom of granting pro leagues antitrust exemptions.

An article in the St. Louis American, dated May 22, 2008, by Mike Claiborne (''NFL Out of Control at the Top, Cheats—and Protects Cheaters''), said:

. . . the league tried to look the other way as long as they could until Senator Arlen Specter decided he was not satisfied with the answers he had been given.

Noting his preference for more attention to other national problems, Claiborne added:

I have come to appreciate his tenacity. Now that he has rattled the cage, the league cannot wait to have some games be played so the issue can be moved to the back pages. A little cooperation with their TV partners, and it will be 'Spy-Who?'

Sportswriter Dave Fairbank, writing in the Newport News, Virginia Daily Press on May 24th in a column titled ''Sports Need Integrity, or Else,'' said in part:

Specter, that dogged, old cancer survivor, thought the NFL's reaction last fall a little too quick, neat and self-serving, so he continued to talk it up and conducted his own inquiry.

He released the findings in a 2,500 word memo 10 days ago, more than seven months after the initial incident that caused all of the hooha. He said Goodell's remarks and the NFL investigation weren't credible. He believes a Mitchell Report-type of investigation is warranted.

You can make the argument that Congress has more pressing business than NFL cheats and sneaks. But where Specter is correct is the point that the NFL ought not to be its own police force in all instances, any more than Big Oil or the Bar Association or the U.S. government.

After saying it was time to move on, a sports column in the Pittsburgh Post-Gazette May 25, 2008, by Ed Bouchette ''On the Steelers'' said:

Specter did his job; by raising Cain he rattled the NFL into at least acknowledging the scope of the scandal and forced more details onto the public record.

THE PENALTY

I have not taken issue with the penalty. In my May 14, 2008, news conference, I was asked what punishment the Patriots should have received and I said I would not get into that. I said I wanted to find the facts to deal with the issues for the future.

As noted earlier, Harvey Araton, in the New York Times on May 9, 2008, called for banning Belichick for one year. Similarly, Gregg Easterbrook, writing on ESPN.com on May 17, 2008, called for the suspension of Belichick for at least a year. On the subject of discipline toward Belichick, the May 8, 2008, edition of the New York Daily News in an article by Gary Myers captioned ''Double-sided Tape for Bill Belichick'' stated:

It appears that Belichick will escape further discipline from Goodell. That hardly clears him from cheating all these years.

The Seattle Times, in a May 11, 2008, story by Steve Kelley captioned ''Belichick's Penalty Should Match Severity of Violations,'' stated:

Integrity separates the NFL from the WWE. It is the difference between pro football and pro jai alai.

The toughest position was taken by the Pittsburgh Tribune Review in its May 11, 2008, edition, saying the fines, penalties and even suspension of Belichick were ''too lenient'' and adding:

Sadly, ''cheating'' and ''sport'' have become synonymous. And if the Patriots have any integrity, they'll fire Belichick. And if the NFL has any guts, it will ban Bill Belichick from the league.

Anything less renders sportsmanship meaningless.

The publicity in exposing Belichick and the Patriots conduct has been a far greater punishment than dollars and draft choices. History will impose the final judgment on the penalty for Belichick and the Patriots.

SOME NFL REFORMS

The disclosure of the Patriots' taping has produced some potential reforms which, if enforced, could improve the integrity of the game.

During their 2008 annual spring meeting earlier this spring, the Commissioner proposed, and the NFL owners accepted, a new policy that requires all club owners, executives and head coaches to certify annually that they have complied with league rules and policies and have reported any violations they know. They also lowered the standard of proof for establishing any violations of league rules to ''preponderance of the evidence.'' Goodell also reserved the right to expand programs and technology to monitor and enforce compliance by, for example, conducting regular spot checks of game-day locker rooms, press boxes, coaches' booths, coach-to-player communications systems, and other in-stadium communications systems.

The NFL had already made changes to the rules prior to the start of the 2007 season. The New York Times suggested those changes were in response to earlier instances when the Patriots were caught filming. According to a May 11, 2008 story in the Times, the 2007 NFL operations manual shows that many of those changes concern policies on the placement of cameras and microphones. The league also mandated that neutral operators, who have not previously worked that team's home games, run the coach-to-quarterback radio systems, as well as game clocks, for playoff games. In addition, the league required that players with radio components in their helmets wear a decal—a lime-green dot—on their helmet. In the manual, the league also promised to make unannounced visits to teams to make sure no one tampered with the radio systems. It would obviously be useful if the NFL and other sports leagues would publicly disclose rules and procedural changes to provide transparency in their operations instead of waiting for leaks and news media ferreting out their private moves which have a public impact with an arguable public right to know.

A THOROUGH, OBJECTIVE, TRANSPARENT INVESTIGATION IS NEEDED

On the totality of the available evidence and the potential unknown evidence, the Commissioner's investigation has been fatally flawed. The lack of candor, the piecemeal disclosures, the changes in position on material matters, the failure to be proactive in seeking out other key witnesses, and responding only when unavoidable when evidence is thrust upon the NFL leads to the judgment that an impartial investigation is mandatory.

There is an unmistakable atmosphere of conflict of interest between what is in the public's interest and what is in the NFL's interest. The NFL has good reason to disclose as little as possible in its effort to convince the public that what was done wasn't so bad, had no significant effect on the games and, in any event, has been cleaned up. Enormous financial interests are involved and the owners have a mutual self-interest in sticking together. Evidence of winning by cheating would have the inevitable effect of undercutting public confidence in the game and reducing, perhaps drastically, attendance and TV revenues.

Commissioner Goodell has conducted a closed door investigation without specifying what key Patriot personnel have said. He gives only generalized statements and those shift with the wind to accommodate changes in the weather. Uniform comments made by the owners raise the obvious implication that they have coordinated their responses and were issuing statements to the news media from talking points which sought to minimize the seriousness of the taping. They all said it had no impact on the games, specified that they were satisfied with the Commissioner's results even though their teams may have been prejudiced and said that they were ready to move on.

The May 16, 2008 story by Sam Farmer of the Los Angeles Times highlighted the credibility issue when decisions are made among 32 owners behind closed doors:

The NFL is a $6-billion-a-year enterprise. Thanks to Congress, it also enjoys an exemption from antitrust laws, a luxury rarely afforded other businesses. With that comes responsibility, especially when the league's credibility is called into question. Making decisions among 32 owners in closed-door meetings is not always the most forthright way to go about things.

It wasn't so long ago that people wondered why the government should be meddling with the big business of Wall Street. Few people question that now.

A greater degree of transparency is essential the next time a Spygate-type situation arises. That might help stem the flood of rumors, half-truths and outright myths that swirled around the New England story.

Congress conferred an antitrust exemption upon professional sports, including football, because it was viewed as necessary to their ability to organize a successful football league. Over the years, the exemption, which allows the NFL teams to jointly sell their television rights, has yielded incredible profits for the NFL. It has been reported that the NFL will generate $7.6 billion in revenue this season. Congress has provided the antitrust exemption without any guarantee of accountability. In light of the NFL's investigation of the Patriots' taping, I thought it necessary to ask the important questions to determine how widespread a practice taping opponents' signals was and whether more could be done to ensure the integrity of the game.

The public interest is enormous. Sports personalities are role models for all of us, especially youngsters. If the Patriots can cheat, so can the college teams, so can the high school teams, so can the 6th grader taking a math examination. The Congress has granted the NFL a most significant business advantage, an antitrust exemption, highly unusual in the commercial world. That largesse can continue only if the NFL can prove itself worthy. Beyond the issues of role models and antitrust, America has a love affair with sports. Professional football has topped all other sporting events in fan interest. Americans have a right to be guaranteed that their favorite sport is honestly competitive.

It may be that the entire matter will have to percolate for a while. The attention span of the American people, including sports writers, is limited by the rush of ongoing superseding events on compelling national and international issues. Sports fans and others may have lost interest for reasons stated by Dave Fairbank in the Newport News, Virginia Daily Press on May 24, 2008 when he commented on why the public tires of investigations and has not demanded a Mitchell-type inquiry:

Granted many of you who eyeball pro sports have reached the saturation point.

You don't care which baseball players used steroids. You don't want to hear if the Patriots filmed games and tried to steal signals.

You are so over Donaghy and the idea of fixed NBA games. You don't want to know which Olympic athlete tested positive when.

You want games. Period. Scores, rivalries, matchups, pennant races, playoff runs.

There are signs bubbling below the surface that potential imminent events could stimulate renewed interest in the NFL's integrity. The NFL is mentioned in investigations of other sports.

The New York Times, on May 25, 2008, sounded an alarm on fixing in sporting contests noting:

With Internet gambling predicted to surpass $20 billion in 2008, and with illegal wagering accounting for $150 billion in the United States, by some estimates, the temptation for those seeking to influence the outcome of games has never been greater. Now, a raft of gambling scandals in sports, from cricket to soccer and most recently tennis, has raised an uncomfortable question: Are the games we watch fixed?

A report commissioned by the major tennis governing bodies recommended that 45 matches played in the last five years be investigated because betting patterns gave a ''strong indication'' that gamblers were profiting from inside information. And those matches, the report said, may be only the tip of the iceberg.

Betfair offers betting on major sports based in the United States, like the NFL, the NBA and Major League Baseball. But it does not take any wagers from the United States or China, Japan, Hong Kong or India, places where online gambling is illegal. (Emphasis added.)

In a May 29, 2008 Philadelphia Inquirer article, Phil Sheridan begins with analyzing the basketball scandal involving referee Tim Donaghy and then moves to other sports including the NFL:

Instead of being critical of an official's call, fans now openly suspect the NBA (and the NHL and the NFL) of dictating the outcomes of postseason games. Instead of trusting in the fundamental integrity of the games, fans have good cause to wonder whether there isn't some secret script.

Within the past week, two major newspapers have carried comments calling for an extended investigation. The May 29, 2008 Philadelphia Inquirer editorial noted its change of position on my activity:

Sen. Arlen Specter (R., Pa.) criticized the NFL for prematurely shutting down the investigation and destroying any related evidence.

The senator's involvement initially prompted this Editorial Board to conclude that he should be spending his time and taxpayers' money on weightier issues. But, in retrospect, Specter may be on to something.

Given the inherent conflict that the NFL has with its teams—after all, it prospers when they prosper—an independent investigation seems warranted. That's the route the governing bodies of professional tennis took after allegations surfaced regarding match fixing.

An independent review recommended that 45 pro tennis matches played in the last five years be investigated. The review found betting patterns in those matches that showed large wagers had been placed on underdogs, an indication that bettors might have had inside information. The inquiry continues.

Meanwhile, what's most disturbing about the betting and taping scandals in the NBA and NFL is how both of those leagues' commissioners seem more eager to move beyond the controversies than to get to the truth. Independent, thorough investigations are needed to ensure fans of the integrity of the games.

After commenting that I appear vulnerable because Comcast of Philadelphia is at war with the NFL and the Eagles lost the Super Bowl to New England in 2004, Skip Rozin wrote in the May 31, 2008 edition of the Wall Street Journal: ''But neither of these facts blunts the point of his (my) inquiry; the NFL seems to beg for intervention.'' Rozin then references the response to the 1919 World Series White Sox/Black Sox scandal where newly appointed commissioner (formerly federal judge) Kenesaw Mountain Landis banned the eight players involved for life, even though a court found insufficient evidence to convict them. Rozin concluded:

When steroid abuse recently threatened to turn that same sport and its records into a joke, it took the threat of congressional intervention to force Major League Baseball to act.

Throwing games, taking steroids, spying on opponents—it's all cheating. And any attack on the credibility of the game is a serious threat. The NFL had a chance to act decisively to clean its own house, but it failed to do so, leaving the door open to Congress.

In a March 3, 2008 Philadelphia Inquirer column, Michael Smerconish called Commissioner Goodell's response to the Patriots' videotaping ''odd,'' characterized responses by other franchise owners as ''teams seem to be reading from timid talking points . . .'' and said ''if the NFL appears lax in this matter, it risks being compared to professional wrestling where nothing is 'real'.'' Smerconish concluded:

What's needed is (a) truly independent investigation, and (b) an NFL commissioner who is intolerant of cheating—in the mold of baseball commissioner Kenesaw Mountain Landis, who took the helm in 1920 after the Chicago Black Sox scandal—to protect pro football from itself.

After thinking and rethinking this matter, it is hard for me to understand the willingness of the public, the media and even the NFL to accept the status quo. There is no higher value in our society than integrity. Americans' addiction to sports, with the NFL at the top, is based on the excitement generated by the potential for the unexpected great play which can only happen with honest competition from great athletes. The clouds are heavy and getting heavier.

My strong preference is for the NFL to activate a Mitchell-type investigation. I have been careful not to call for a Congressional hearing because I believe the NFL should step forward and embrace an independent inquiry and Congress is extraordinarily busy on other matters. If the NFL continues to leave a vacuum, Congress may be tempted to fill it.

COLLATERAL CONSIDERATIONS: I CHALLENGED THE NFL'S CONDUCT LONG BEFORE COMCAST BECAME A MAJOR PENNSYLVANIA COMPANY

Occasional rumors have been floated to the media that I am motivated to protect Comcast in its battles with the NFL. The solid historical record demonstrates that I have been concerned about the NFL's conduct long before Comcast became a power.

In 1982, I was approached by the NFL to request Senator Strom Thurmond, Chairman of the Senate Judiciary Committee, to have hearings on the proposed move by Al Davis and the Oakland Raiders from Oakland to Los Angeles. I had introduced S. 2821 on August 9, 1982, to prevent a professional football team from leaving a city where it has established ties unless it could not survive as a profitable business. In my statement introducing S. 2821, I said:

This legislation is premised on the judgment that sports fans in a city have a form of a 'proprietary interest' in their team which should preclude the owners from moving the franchise unless it is a failing business. In my judgment, a sports team is ''affected with the public interest.''

I believe a sports team is different from a regular business entity. If an ordinary business moves away another such business will take its place if a reasonable profit could be made. That is customarily not so with a sports team.

It is my sense that two generations of sport fans still resent the movement of the Brooklyn Dodgers and the New York Giants baseball franchise. Conversely people understood that the necessity for the relocation of the St. Louis Browns and the Philadelphia, and later Kansas City, Athletics.

On August 16, 1982, the Senate Judiciary Committee began hearings on that legislation. The key witnesses were NFL Commissioner Pete Rozelle and Al Davis, owner of the Oakland Raiders.

On January 3, 1985, I introduced S. 172 with the same objective when the Eagles threatened to move to Phoenix. In my floor statement, I said:

According to media accounts, the estimated cost to Philadelphia taxpayers of the concessions made by the city to retain the Eagles is at least $30 million over the next 20 years. On December 17, [1984,] I wrote to Commissioner Rozelle and stated that the National Football League, rather than the city of Philadelphia, should bear the cost of any concessions which have been made to keep the Eagles in Philadelphia.

Commissioner Rozelle answered on December 19, 1984 without responding to my question concerning the cost of the concessions made by the city of Philadelphia and my belief that such costs should be born by the National Football League.

On March 19, 1987, I introduced similar legislation, S. 782, The Professional Sports Community Protection Act of 1987.

On March 19, 1996, I again introduced similar legislation, S. 1625, The Professional Sports Franchise Relocation Act of 1996.

On March 19, 1999, I introduced the Stadium Financing and Franchise Relocation Act of 1999, S. 952, conditioning the NFL and MLB antitrust exemptions on their paying part of construction costs for new stadiums by requiring the Leagues to deposit ten percent of the amounts received under the joint agreement for the sale or transfer of the rights in sponsored telecasting of games to finance the construction or renovation of playing facilities, upon request of a local governmental entity.

Comcast was not affected by the NFL's antitrust exemption. Paul Tagliabue, attorney for the NFL, appearing with Commissioner Rozelle in the 1982 hearing, confirmed the point that the antitrust exemption did not cover pay and cable when he said:

[T]he words ''sponsored telecasting'' in that statute were intended to exclude pay and cable. That is clear from the legislative history and from the committee reports. So, that statute does not authorize us to pool and sell to pay and cable.

COMCAST HAS ONLY IN THE LAST DECADE BECOME A POWERFUL MEGA-CORPORATION

1982

Total Assets: $171,404,000
Total Revenue: $62,838,000
Basic Cable Subscribers: 284,000
Employees: 994

1985

Total Assets: $360,998,000
Total Revenue: $117,312,000
Basic Cable Subscribers: 516,000

Employees: 1318

1987

Total Assets: $1,034,876,000
Total Revenue: $309,250,000
Basic Cable Subscribers: 1,336,000
Employees: 2794

1996

Total Assets: $12,088,600,000
Total Revenue: $4,038,400,000
Basic Cable Subscribers: 4,300,000
Employees: 16,400

1999

Total Assets: $28,685,600,000
Total Revenue: $6,209,200,000
Total Cable Subscribers: 6,200,000
Employees 25,700

2007

Total Assets: $113,400,000,000
Total Revenue: $30,900,000,000
Total Video Subscribers: 24,100,000
Employees: 100,000

MY WORK ON THE PATRIOTS VIDEOTAPING DID NOT INTERFERE WITH OTHER SENATE DUTIES

I take very seriously any suggestion that this matter impacted on my other Senate work. The facts are that the few hours I spent on the NFL issue did not detract from my Senate duties. For twenty-eight years in the United States Senate and before that as Philadelphia's District Attorney, I have established a record of comprehensively covering all my responsibilities.

A few hours were involved in writing an occasional letter, meeting with Commissioner Goodell and Matt Walsh and being interviewed by sports columnists and radio-TV talk show hosts. A listing of some of my Senate activities from October 2007 to May 2008 confirms I was diligent in attending to my Senate duties.

During that period I missed only two votes out of 180 (98.8% attendance). Those two votes were missed on April 4, 2008 when I was getting a PET scan at the Hospital of the University of Pennsylvania.

It is with some reservation that I am inserting this section because it may appear overly defensive. But the facts are the facts and I think the record should be documented on this important issue.

SOME OF MY SENATE ACTIVITIES: OCTOBER 2007—MAY 2008

LEGISLATION

Gas Prices, S. 879—Cosponsored S. 879 with Senator Kohl to take away the OPEC's antitrust protection exemption to increase oil supply thereby reducing the cost of oil at the barrel and gasoline at the pump.

Patent Reform, S. 1145—Cosponsored S. 1145 with Senators Leahy and Hatch to provide comprehensive patent reform.

Climate Change, S. 1766—Cosponsored S. 1766 with Senator Bingaman to provide comprehensive legislation to combat global warming.

Mortgage Default Protection, S. 2133—Introduced legislation to authorize bankruptcy courts to modify the terms of variable rate mortgages, mortgages where there frequently was misrepresentation by leaders and/or misunderstanding by borrowers.

Economic Stimulus Measure, S. 2539—Introduced S. 2539 to give businesses 50% bonus depreciation for purchases made during 2008 and 2009, a modified version of which was included in the 2008 stimulus package.

State Secrets, S. 2533—Cosponsored S. 2533 with Senator Kennedy to require courts to evaluate state secrets claims as a check to avoid potential executive branch abuse.

Terrorist Surveillance Program and DOJ/FBI Oversight—Held extensive oversight hearings with the Attorney General, the FBI director, and the Homeland Security Secretary to provide judicial oversight for wiretapping.

Foreign Intelligence Surveillance—Committee and floor amendment to substitute the U.S. government for the telephone companies to secure judicial review for warrantless wiretapping.

Recidivism Reduction, S. 1060—Cosponsored S. 1060 with Senator Biden which was signed into law by President Bush on April 9, 2008 entitled ''Second Chance Act of 2007.''

Journalist Protection, S. 2977—Cosponsored S. 2977 with Senator Lieberman to protect American journalists from libel suits brought in foreign countries with less protections of free speech.

Intellectual Property Enforcement, S. 2317—Cosponsored S. 2317 with Senators Leahy and Cornyn to help the Justice Department combat copyright infringements.

Media Shield, S. 2035—Obtained vote of 15–4 in Senate Judiciary Committee on a bill co-sponsored by Senators Schumer and Lugar that provides evidentiary privilege to reporters.

Foreign Maintenance of Aircraft, S. Amdt. 4590—Cosponsored S. Amdt. 4590 with Senator McCaskill to significantly increase government oversight of airline repair work performed abroad.

Alternative Minimum Tax, S. Amdt. 4189—Sponsored S. Amdt. 4189 to eliminate the unfair alternative minimum tax (AMT).

Court Security Improvement, S. 378—Cosponsored S. 378 with Senator Leahy to improve court security. Held hearings and helped pass the bill, which was signed into law by President Bush on January 7, 2008.

APPROPRIATIONS SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES & EDUCATION

Nov./Dec. 2007—Helped negotiate a $146 billion FY08 appropriations bill, providing increases for the NIH, CDC, special education, children's graduate medical education, nursing program, mentoring, low income home energy assistance, community health centers, and advance directives.

April 2, 2008—Chaired hearing on the National Labor Relations Board regarding representation elections and initial collective bargaining agreements to safeguard workers' rights.

May 7, 2008—Attended FY 09 Budget Hearing with Labor Secretary Chao to discuss issues of concern to Pennsylvania including funding for mentoring, elimination of the employment service state grants, Job Corps, worker safety fines, and mine safety.

May 2008—Helped negotiate funding in the FY08 Supplemental, including additional $400 million for NIH; $110 million for Unemployment Insurance Administrative Costs; $26 million for CDC; $1 billion for LIHEAP; and to delay SCHIP regulation.

May 1, 2008—Wrote to Andy von Eschenbach, Commissioner of FDA asking for his professional judgment regarding the budget needs of the FDA to protect the public's health resulting in an additional $275 million for the FDA.

JUDICIARY COMMITTEE: OCTOBER 2007 TO MAY 2008

Nominee	Floor statements	Executive Judiciary Committee statements
Leslie Southwick 5th Cir.	Oct 23–24, 2007	
John Daniel Tinder 7th Cir.	Dec. 18, 2007	
David Dugas LA	Feb. 13, 2008	
Robert Conrad 4th Cir.	Mar. 3–4, 2008. April 1, 10, 16, 2008 May 6, 19, 20, 2008.	Feb. 14, 2008. May 15, 2008.
Peter Keisler D.C. Cir.	Mar. 3–4, 2008. April 1, 10, 16, 2008. May 6, 19, 20, 2008.	Feb. 14, 2008. May 15, 2008.
Steve Matthews 4th Cir.	Mar. 3–4, 2008. April 1, 10, 16, 2008. May 6, 19, 20, 2008.	Feb. 14, 2008. May 15, 2008.

JUDICIARY COMMITTEE: OCTOBER 2007 TO MAY 2008—Continued

Nominee	Floor statements	Executive Judiciary Committee statements
Catharina Haynes 5th Cir.	April 10, 2008	
Stanley Thomas Anderson WD TN.	April 10, 2008	
John Mendez ED CA	April 10, 2008	
James Randal Hall SD GA	April 10, 2008	
Brian Stacy Miller ED AR	April 10, 2008	
Stephen Agee 4th Cir.	May 20, 2008	May 15, 2008.
Raymond Kethledge 6th Cir.	May 20, 2008	May 15, 2008.
Helene White 6th Cir.	May 20, 2008	May 15, 2008.

BREAKDOWN IN CONFIRMATION PROCESS

Floor statements	Executive Judiciary Committee statements
	Feb. 28, 2008
March 3, 2008	
March 4, 2008	
April 1, 2008	
	April 3, 2008
April 10, 2008	
April 16, 2008	
	April 24, 2008
May 6, 2008	
	May 8, 2008
	May 15, 2008
May 19, 2008	
	May 22, 2008

Reporter's Privilege—Wrote op-ed on Reporter's Privilege that appeared in the Washington Post on May 5, 2008 and the Philadelphia Inquirer on May 11, 2008.

Rural Violent Crimes—On March 24, 2008, travelled to Rutland, Vermont with Senator Leahy to hold a Senate Judiciary Committee field hearing on ''The Rise of Drug-Related Violent Crime in Rural America: Finding Solutions to a Growing Problem.''

MENTORING AT-RISK YOUTH

October 15, 2007—Mentoring event with juveniles at the Eagles stadium attended by Jevon Kearse.

November 12, 2007—Hosted ''Philadelphia Mentoring Awareness Day'' with over 170 Philadelphia elementary school children and professional and former professional athletes.

January 7, 2008—Met at CIGNA headquarters with Philadelphia mentors from Big Brothers Big Sisters program and other mentoring organizations in Philadelphia.

February 4, 2008—Held meeting, site visit, and media availability at the National Comprehensive Center for Fathers with the Rev. Dr. Wilson Goode to promote mentoring initiatives in the Philadelphia region.

February 21, 2008—Met with Mayor Nutter at City Hall regarding crime issues including mentoring and held a media availability to discuss our efforts to support mentoring as a key element in fighting crime.

PENNSYLVANIA TRAVEL

11/05/07—Lehigh Valley, Dauphin County, Cumberland County.

11/12/07—Chester County.

11/16/07—Lehigh Valley, Delaware County.

11/17–18/07—Chester County.

11/19/07—Montgomery County, Delaware County.

11/20/07—Lehigh Valley, Dauphin County, Luzerne County, Lackawanna County.

11/26/07—Allegheny County, Westmoreland County.

11/26/07—Allegheny County.

12/01/07—Montgomery County, Dauphin County.

12/10/07—Dauphin County, Montgomery County.

12/15/07—Bucks County.

01/08/08—Lackawanna County, Dauphin County.

01/14/08—Allegheny County, Westmoreland County.

01/15/08—Allegheny County.

02/04/08—Montgomery County,

02/08–09/08—Dauphin County, Cumberland County.
02/11/08—Lackawanna County, Luzerne County, Dauphin County.
02/18/08—Chester County, Delaware County.
02/19/08—Allegheny County, Washington County.
02/20/08—Allegheny County.
02/21/08—Montgomery County.
02/22/08—Chester County.
02/29/08—Montgomery County.
03/08/08—Montgomery County.
03/10/08—Lackawanna County, Dauphin County.
03/15/08—Delaware County, Montgomery County.
03/16/08—Chester County.
03/17/08—Berks County, Montgomery County.
03/21/08—Chester County.
03/22/08—Lehigh Valley, Luzerne County, Northampton County.
03/27/08—Allegheny County.
03/28/08—Allegheny County, Armstrong County, Delaware County.
03/29/08—Delaware County.
03/31/08—Montgomery County.
04/04/08—Dauphin County, Cumberland County.
04/07/08—Allegheny County.
04/14/08—Lehigh Valley, Dauphin County, York County.
04/18/08—Allegheny County.
04/19/08—Allegheny County.
04/21/08—Bucks County.

VISITS/LEGISLATION ON DEPORTATION OF CRIMINAL ALIENS

Introduced S. 2720 on March 4th to deny visas and foreign aid to countries which refuse to take back their criminal aliens.

VISITS

February 8, 2008 at SCI Camp Hill.
February 11, 2008 at the Luzerne County Prison.
February 18, 2008 at the Chester County Prison.
February 19, 2008 at the Allegheny County Prison.
March 31, 2008 at the Philadelphia County Prison.
April 4, 2008 at the Dauphin County Prison.

FOREIGN TRAVEL

December 22, 2007–January 3, 2008 (Israel, Pakistan, Jordan, Syria, Austria, and Belgium).
Dec. 23–26 (Israel)—Met with Prime Minister Ehud Olmert, President Shimon Peres, Likud Chairman Benjamin Netanyahu, Foreign Minister Tzipi Livni, and Defense Minister Ehud Barak.
Dec. 25 (West Bank)—Met with Palestinian Authority President Mahmoud Abbas, Prime Minister Salam Fayyad, and Chief Negotiator Saeb Erekat.
Dec. 26–28 (Islamabad, Pakistan)—Met with President Pervez Musharraf, chairman of the Joint Chiefs of Staff General Tariq Majid, and Afghan President Hamid Karzai. Scheduled to meet with Pakistan People's Party leader Benazir Bhutto on Dec. 27 at 9 PM—she was assassinated three hours earlier.
Dec. 29–30 (Damascus, Syria)—Met with President Bashar al-Assad, Foreign Minister Walid al-Mouallem, and opposition leader Riad Seif.
Dec. 30–Jan. 2 (Vienna, Austria)—Met with International Atomic Energy Agency (IAEA) Director General Mohammed ElBaradei.
Jan. 2–3 (Brussels, Belgium)—Met with US Ambassador to NATO Victoria Nuland.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Rhode Island is recognized.

REMEMBERING SENATOR CRAIG THOMAS

Mr. WHITEHOUSE. First, let me join in the condolences for our colleague, Senator Thomas. Let me also recognize what for many of us is a sad anniversary of a day when one of America's brightest lights was extinguished and a distinguished Member of this body was lost.

You have heard him described as a good and decent man who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.

IRAQ WAR INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, 5 years ago President Bush and this administration misled this country into a war that should never have been waged, a war that has cost our Nation the lives of more than 4,000 courageous men and women, squandered many hundreds of billions of our tax dollars, and diminished the world's faith in our country.

This morning, the Senate Intelligence Committee, led by our distinguished chairman, Senator JAY ROCKEFELLER of West Virginia, released a report confirming what many have long feared: that the Bush administration ignored or swept aside substantial reliable intelligence that portrayed something other than what the President and his political allies wanted America to see.

The decision to take the Nation to war, as Chairman ROCKEFELLER indicated, is among the gravest and most momentous that a leader can make. In our democracy, we expect and deserve to be sure that when our troops are sent in harm's way, when their families are made to watch and wait through sleepless nights, when our security and national welfare is put on the line, that that decision has been taken for the right reasons. This is a sacred compact, an article of faith between our people and our Government.

This administration broke that compact, betrayed that trust. For years, the evidence has been mounting that this administration's reasons for the war were a sham. This week, the President's own former spokesman indicated that the White House ran a ''political propaganda campaign'' building the case for war.

This morning's report is a chilling reminder of the Bush administration's willingness to overlook or set aside intelligence that does not confirm to its preordained view of the world. Over and over, again the committee documented instances in which public statements by the President, the Vice President, and members of the administration's national security team were at odds with available intelligence information. By leading the American people to believe the situation in Iraq was significantly more drastic than it actually was, the Bush administration took this country into an unnecessary war, a war it still refuses to end.

In a speech in Cincinnati a little over a year after al-Qaida attacked America on September 11, President Bush said:

We know that Iraq and al-Qaida have had high-level contacts that go back a decade. We have learned that Iraq has trained al-Qaida members in bomb-making and poisons and deadly gasses.

In his 2003 State of the Union Address, a few short weeks before giving the order that began this war, the President said:

Evidence from intelligence sources, secret communications and statements by people now in custody, reveal that Saddam Hussein aids and protects terrorists, including members of al-Qaida.

It was not true. The President of the United States told these things to our people and to the world, and they were false.

According to the report released this morning by our committee:

Statements and implications by the President and Secretary of State suggesting that Iraq and al-Qaida had a partnership or that Iraq had provided al-Qaida with weapons training were not substantiated by the intelligence.

The committee found that multiple CIA reports and a National Intelligence Estimate, released in November 2002, even as the administration was in the drumbeat to war, ''dismissed the claim that Iraq and al-Qaida were cooperating partners.'' It was not true, and yet this President used this claim to convince the American public that there was a link between the Iraqi Government and the terrorists that perpetrated the crimes of September 11, 2001.

Again, in an October 2002 speech in Cincinnati, the President said:

We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, VX nerve gas. Saddam Hussein also has experience in using chemical weapons. . . .Every chemical and biological weapon that Iraq has or makes is a direct violation of the truce that ended the Persian Gulf war in 1991. Yet, Saddam Hussein has chosen to build and keep these weapons despite international sanctions, U.N. demands, and isolation from the civilized world.

The report concludes:

Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capabilities and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing.

The intelligence community knew Saddam Hussein wanted to be able to produce chemical weapons. It could not, however, confirm President Bush's claim of certainty that Hussein's regime was actually producing chemical weapons. Yet the President made that argument, stirring up unfounded fears among the American people.

This administration not only asserted that Saddam Hussein possessed chemical weapons and intended to use them, the President also said in his speech on October 2002:

We could wait and hope that Saddam does not give weapons to terrorists, or develop a nuclear weapon to blackmail the world. But I'm convinced that is a hope against all evidence.

He said:

We cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.

Mr. President, again, it was not true. The committee's report states:

Statements by the President and the Vice President indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information.

At the time of the President's speech, the intelligence community believed Saddam Hussein did not possess nuclear weapons. The President preyed on Americans' fears of a nuclear attack, perhaps the most terrible fear we could have, to bolster his case for an unwarranted war.

Finally, the President led the American people to believe if it came to war in Iraq, America's military would easily help liberate a grateful nation. In Cincinnati, in 2002, he said:

If military action is necessary, the United States and our allies will help the Iraqi people to rebuild their economy, and create the institutions of liberty and a unified Iraq at peace with its neighbors.

This was the ''hope against all evidence.''

Analysis by the Defense Intelligence Agency assessed that:

The Iraqi populace will adopt an ambivalent attitude toward liberation.

That is an understatement.

The CIA wrote, in August 2002, that ''traditional Iraqi political culture has been inhospitable to democracy.''

According to the committee's report:

Statements by President Bush and Vice President CHENEY regarding the postwar situation, in Iraq in terms of the political, security, and economic [situation], did not reflect the concerns and uncertainties expressed in the intelligence products.

The view of the President and Vice President that American troops would be ''greeted as liberators'' did not take into account the complex social, political, and sectarian dynamics at work about which the intelligence community was well aware. Yet this administration still led the American people to believe our troops would be welcomed, that the war would be short, that the burden in lives and dollars would be light, and that victory would be absolute. This delusion has cost our service men and women and our Nation every day since. Once again, it was not true. It just was not true.

If this administration had made the least effort to give an honest review of classified intelligence, it would have been known to be untrue. All too often in these 7 long years we have seen this administration cast aside facts and principles that did not conform with its political aims.

We have seen it attempt to take great institutions of our country—our intelligence community, our Environmental Protection Agency, the Department of Justice—and twist them to its own ends, without due regard for the welfare of the American people. I believe the irresponsibility and mismanagement of this administration will go down in our history as among the darkest moments our Government has witnessed. It rocks the very fiber of democracy when our Government is put to these uses. We do not yet know all the damage that has been done. Yet we hope, through the efforts of this committee and this body, to continue the long and difficult repair work we have begun.

We can look ahead to next January when we in our Nation can begin again with a new administration, an administration that will not break the essential compact of honesty with the American people.

READING IS FUN WEEK

Mr. WHITEHOUSE. Mr. President, let me briefly compliment the Senate staff for their patience and diligence yesterday when put to the task of reading the bill. I know it was Reading Is Fun Week in Rhode Island from May 12 to May 18. I guess the minority found an interesting way of making it ''Reading Is Fun Day'' in the Senate yesterday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

GLOBAL WARMING

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to put aside our partisan differences. Let's follow the leadership of Senator LIEBERMAN, Senator WARNER, and Senator BOXER and find a way to move forward with the global warming legislation. It is so important to this country.

The scientific information is clear. There is something happening out there. We all know about it. We know the weather changes. We see extreme weather taking place—the droughts, the floods, the impact it is having on our food chain, the drought in Australia with the wheat crop and what it has done with bread prices. In my State of Maryland we see the warming of the Chesapeake Bay and the impact it has on blue crabs with the eelgrass which is critically important for juvenile crabs not being there.

The Governor imposed a restriction on the taking of blue crabs during this season. I could give 100 more examples.

If I can't convince my colleagues on the science, let me refer to an issue on which we can all agree; that is, we need energy independence. Our global warming bill leads us to energy independence. We need energy independence for national security, so we are not dependent upon other countries. We need energy independence so we don't have to wake up every morning to find out what OPEC is doing that affects gasoline prices in the United States. We need energy independence for our environment.

This legislation uses market forces to solve the problem of greenhouse gases. We did that with acid rain, and it worked, far less expensively than the projections, and the benefit ratio to cost was 40 to 1. If we unleash our economy, we can solve this problem.

Let me state the obvious: When we invest in renewables—and this legislation does—we invest in energy efficiency. If we invest in public transportation, we are going to have less use of gasoline by Americans—yes, less use of oil. If we have less use of oil, gasoline prices are going to go down, supply and demand. If we have less use of oil, we are going to be less dependent on other countries. If we use less oil, we control our own economic future.

But this legislation goes further than that, providing assistance for, perhaps, consequences we can't fully understand. So we provide help to heavy industry. Maryland is a proud manufacturing State. It has a great history of manufacturing. I want to make sure Maryland has a future in manufacturing. This legislation deals with that, providing help to our industries. We don't know exactly what impact it is going to have on different constituencies. The legislation provides help for consumers. Just as importantly, this legislation provides that it is deficit neutral; that we will make sure we don't have to borrow more money. In fact, this legislation will mean Americans will borrow less. It is good for our economy.

Another part of this bill I found very helpful and that hasn't received a lot of attention is that we establish a level playing field so if other countries don't put a cap on their carbon emissions, they have to pay a tariff to bring their product to America, so that we don't put American manufacturers, producers, or farmers at a competitive disadvantage.

There is one particular section of this bill I would like to underscore and I am particularly proud of because I introduced the amendment in committee and worked with Senator BOXER, and that is the public transit provisions. It provides over $170 billion during the life of the bill to build stronger public transportation in America. One-third of all CO_2 emissions come from transportation. But in the last 15 years, 50 percent of the increase in our emissions have come from the transportation sector.

The projected growth in the next 30 years of vehicle traffic alone would negate all the benefit from the CAFE standard increases we passed last year if we don't take more aggressive steps to get cars off the road. Public transportation is critically important. It reduces emissions.

People are interested in public transportation. Since 1995, we have seen a 32-percent increase in ridership, 10.3 billion passenger trips in 2007. In the first quarter of this year, there has been a 3.3-percent increase in public transportation. That is 85 million more trips on public transportation. The problem is the physical infrastructure

needs attention. The ridership at peak hours is already full. We need greater capacity. We need more efficiency and more economy in the use of public transportation. This legislation provides for it. Of the funds that are provided—the $170 billion plus—95 percent is distributed on the SAFETEA-LU formula; 65 percent for existing systems; 30 percent for new starts; and 5 percent in competitive grants for transportation alternatives and travel demand reduction projects.

It is supported by the American Public Transportation Association, the National League of Cities, and I could add many more.

Mr. President, I strongly support this bill as brought forward by Senator BOXER. I urge my colleagues to support it. I do have amendments to improve it. I hope we will get to amendments. One of my amendments would include the public transportation sector by including metropolitan planning organizations as eligible entities to receive grants under the funding. This builds upon smart growth. Maryland provided leadership nationally on how smart growth can add to our energy independence and a cleaner environment. That experience in Maryland can be used nationwide. My amendment will make funds available for States to move forward for smart growth.

The amendment also provides for transit enhancements, including pedestrian and bicycle infrastructure that would be eligible activities. In Maryland, I am proud of the work we have done in taking funds and building paths for bicycles and pedestrians. The Gwynns Falls Greenway in Baltimore and the Jones Falls Greenway are examples of how we have rehabilitated historical trails where people can walk and bike and add to the quality of life.

Another amendment that I intend to offer will allow for the clean, medium-heavy truck vehicle fleets which are provided for in this bill, funds to help fleets use clean energy but to expand that to public entities—Senator SPECTER and Senator CARPER are joining me on that—that they would qualify. That will help vehicle manufacturers. The coalition that supported the original provision for fleet vehicles—such as Volvo, PowerTran, UPS, Federal Express, and PepsiCo—supports the change I am suggesting.

Lastly, let me point to intercity rail. I will offer an amendment to provide funding for intercity rail. I think it is another way we can get people out of their cars. That is what we have to do if we are going to have a clean environment and be energy independent. The intercity rail is another way we can do it.

Let me make it clear, I hope we get to amendments. Amendments can strengthen this bill. This bill needs to be strengthened. But the bill before us today is a bill that deserves our support. I hope my colleagues will vote in favor of making sure we move forward to enact global warming legislation this year. I urge my colleagues to do that.

HONORING THE LATE SENATOR ROBERT F. KENNEDY

Mr. CARDIN. Mr. President, tomorrow our Nation will mark the 40th anniversary of Senator Robert F. Kennedy's death. In his all too brief lifetime, Robert Kennedy was an icon of the struggle for civil and human rights, social justice, and peace. In the midst of the civil rights movement, the increasingly unpopular war in Vietnam, and the assassination of the Reverend Dr. Martin Luther King, Jr., Senator Kennedy stood as a beacon of hope, inspiring Americans from all walks of life that we could rise above our Nation's struggles. With his death in the early morning of June 6, 1968, America lost a true public servant, a voice for the underprivileged and underserved, and a source of hope during a turbulent time.

My own political career began the year before, in 1967, but for years prior, Robert Kennedy's life had inspired me to seek public office. After managing his brother John's successful 1952 Senate campaign, Robert Kennedy worked briefly on Capitol Hill. He then went on to serve in his brother John's administration as Attorney General, where he was renowned for his diligence, effectiveness, and nonpartisanship. At Justice, he pursued a relentless battle against organized crime, frequently at odds with Federal Bureau of Investigation Director J. Edgar Hoover. During his tenure, convictions of notorious organized crime figures rose eightfold. It was also during this time that Robert Kennedy moved to center stage in the struggle for civil rights. On May 6, 1961, he visited the University of Georgia, which just months before had admitted its first black students. Kennedy addressed the university's law school, enunciating the administration's position on civil rights, stating:

> We must recognize the full human equality of all our people—before God, before the law, and in the councils of government. We must do this not because it is economically advantageous—although it is; not because the laws of God and man command it—although they do command it; not because people in other lands wish it so. We must do it for the single and fundamental reason that it is the right thing to do.

Robert Kennedy's commitment to promoting African Americans' right to vote, receive an equal education, and equal protection under the law intensified over time. In 1962 he sent U.S. Marshals and troops to Oxford, MS to enforce a Federal court order admitting the first black student, James Meredith, to the University of Mississippi. As Attorney General, Robert Kennedy demanded that every corner of Government begin recruiting realistic levels of blacks and other minorities. He collaborated with Presidents Kennedy and Johnson to create the landmark Civil Rights Act of 1964, and served as one of its most forceful and committed proponents.

In 1964, Robert Kennedy ran for the U.S. Senate, challenging and defeating incumbent Republican Senator Kenneth Keating of New York. As a Senator, Robert Kennedy continued to champion civil rights, human rights, and disenfranchised peoples, both at home and abroad. When few politicians dared to entangle themselves in the politics of South Africa, Senator Kennedy spoke out against oppression and injustice there. His groundbreaking 1966 visit to South Africa helped awaken Americans to the bitter realities of apartheid. During this period, he vociferously opposed the Vietnam war, advocating for increased diplomacy rather than the use of force.

At home in New York, Senator Kennedy initiated a number of projects in the State, including assistance to underprivileged children and students with disabilities. He authored legislation that led to the establishment of the Bedford-Stuyvesant Restoration Corporation, which improved living conditions and brought employment opportunities to economically depressed areas of Brooklyn. Now in its 40th year, the program remains a model for communities across the Nation. This program was part of a broader effort to address the needs of the dispossessed and powerless in America. He sought to bring the facts about poverty to the conscience of the American people, journeying into poor urban neighborhoods, Appalachia, the Mississippi Delta, Indian reservations, and migrant workers' camps.

Senator Kennedy's fervent belief that America could do better compelled him to seek the Democratic Presidential nomination in 1968. The night of June 5 should have been a triumphant one for Robert Kennedy. After winning the California primary by four points, he seemed destined to secure the nomination, standing as a symbol of the hope and change that so many people across the country desperately wanted, but his life was cut short by an assassin's bullet. Coming a mere 2 months after the death of Martin Luther King, Jr., Robert Kennedy's death shocked the Nation.

Early in the afternoon on June 6, 1968, Robert Kennedy's body was flown from California to New York City's St. Patrick's Cathedral for a requiem mass. On Saturday, June 8, a funeral train of 20 cars transported Robert Kennedy's body from New York, through Baltimore, to Washington. Tens of thousands of Americans—some in the press estimated a million people—lined the tracks to pay their respects. Robert Kennedy's casket traveled down Constitution Avenue, past the Justice Department Building that now bears his name, to the Lincoln Memorial and across the bridge to Arlington National Cemetery, where he was buried next to his brother, President John F. Kennedy.

The legacy of Robert F. Kennedy—the passion with which he fought for

civil and human rights, and his steadfast dedication to the dispossessed—has lived on in this Chamber for the past 40 years through his brother, our distinguished colleague and friend, Senator TED KENNEDY. We are fortunate indeed that the Kennedy family's selfless service to our Nation has extended to younger generations. In the House of Representatives, I was proud to serve with Robert Kennedy's eldest son, Joe, and his nephew, Patrick. His eldest daughter, Kathleen Kennedy Townsend, served as Maryland's Lieutenant Governor for 8 years. But the Kennedy family's wonderful record of public service is not limited to elective office alone. Think of Joe Kennedy, who founded the Citizens Energy Corporation; or Robert Kennedy, Jr., who established the Waterkeeper Alliance; or Courtney Kennedy Hill, who worked as a representative for the United Nations AIDS Foundation. And I would be remiss not to mention Robert Kennedy's amazing wife, Ethel, widowed at the age of 40 with 10 children and pregnant with another. Her courage and grace are an inspiration to us all.

At Robert Kennedy's request, his grave consists of a plain white cross and a stone slab on which is inscribed a passage from his Day of Affirmation speech to South Africans. It reads:

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

We can honor Robert Kennedy, his legacy, and his promise by standing up for an ideal, by acting to improve the lot of others, by striking out against injustice, and by sending forth those ripples of hope our Nation and the rest of the world so desperately need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Oregon is recognized.

Mr. SMITH. I thank the Presiding Officer.

GLOBAL CLIMATE CHANGE

Mr. SMITH. Mr. President, the Senate is engaged this week in a great debate, an important debate, on the vital issue of global climate change. I join that debate in order to find the best and most practical ways to ease our dependence on foreign oil, reduce pollution, and encourage clean energy.

Climate change is real. It is a problem, and it needs our response—for the sake of our economy, our environment, and our national security. Our country's energy future is one of the greatest challenges we will face in the coming decades. Addressing climate change is about what is good and what is right for our country, for our future. It is about how we reduce our reliance on foreign oil, develop a new sector in the American economy that will spur domestic manufacturing, and create millions of new jobs, all while reducing harmful greenhouse gas emissions.

These challenges are too great and the stakes are too high—America cannot take a backseat or sit on the sidelines. We simply must lead on this issue. We must make fundamental changes, and we must start now, today. We put a man on the Moon. We defeated communism. We even created an Internet world. Many thought the Internet was a fad, but look how it has changed our world in a decade. A renewable energy economy can and will do the same thing.

America is an exporter of our thoughts, our ideas, our dreams, our ideals. On the great challenges facing us today, we must reach high, challenge our thinking, and deliver results such as only the American people can deliver.

We are on an upward path with the emergence of green, renewable technologies in the State of Oregon—wind, solar, wave, and geothermal. Today, in Oregon, we are leading the way, from innovative biomass in Umatilla, to geothermal in Klamath Falls, to our long-lived hydropower dams and wind farms in eastern Oregon.

Jobs are being created in Oregon by companies that research and manufacture these new energy sources, boosting our economy, addressing climate change, and cutting our dependence on foreign oil.

Oregon and the Northwest already enjoy one of the best sources of green energy—our hydroelectric dams—a source of 100-percent carbon-free energy. These dams are not only critical to our economy but are a perfect example of existing sources of green energy.

In Oregon, we are leading the way in training the next generation workforce for green-collar jobs. Schools across Oregon—Oregon State University, Oregon Institute of Technology, Lane Community College, and Columbia Gorge Community College—are creating programs that will help supply our State and Nation with a vibrant and skilled workforce to accommodate a future of renewable, independent, and clean energy facilities.

Through a combination of Federal and State tax incentives, Oregon has been able to attract solar panel manufacturers, geothermal developers, fuel cell manufacturers, biomass facilities, and significant wind energy facilities.

Oregon has become a hub of investment in solar facilities. For example, SolarWorld, one of the biggest solar manufacturers on Earth, is investing over $650 million in a manufacturing facility in Hillsboro, Oregon, that will employ over 1,000 people.

As the lead sponsor of legislation to provide for the long-term extension of the investment tax credit for solar and fuel cell facilities, I am encouraged by the investments solar and fuel cell companies are making in Oregon and across the Nation.

We must provide for the extension of these and other renewable energy tax incentives in order to avoid the boom-bust cycle we see in these emerging technologies every time the tax credit is allowed to expire. That is an action we can and should take now that will produce results now.

We must set ourselves on a path to energy independence and reduce our oil consumption. That is why I fought successfully to increase our investment in renewable fuels such as those thriving back in Oregon. That is why Senator OBAMA and I passed a bill to raise the fuel efficiency standards for the first time in two decades for our automobiles in this country.

We have been making small strides. Now we need to make big ones. Renewable energy sources and less oil consumption will benefit not only our environment but our economy and our national security—energy sources, clean ones, produced here at home instead of imported from the Middle East.

The private sector in America is already visionary about a clean, strong economy. We in Congress must help and not hinder. This transformation will not happen overnight, but we can start now. We must start today. Right now, the sources of our fuel-efficient vehicles and renewable energy manufacturing too often come from foreign countries. If we do not take the lead going forward, these foreign countries will. To do so would put our country and our economy behind the eight ball, reliant upon others and not ourselves.

Right now, the world's fossil fuel is controlled by countries such as Iran, Venezuela, and Russia. We cannot let our national security and our economic security be at risk to the whims of rogue governments. Our reliance on foreign oil has gotten us into the entanglements that many of us wish had not happened. By investing in a clean energy future—a skilled green workforce, investment in the next generation of biofuels, the promotion of fuel-efficient transportation—we will depend on ourselves, not on others.

It is also time for America and this Congress to debate the merits of a new system to regulate carbon to reduce greenhouse gases and to reduce this country's carbon footprint. I know we can come together, in this Chamber and with the next President, to practically and effectively reduce the greenhouse gases we emit in this country.

To truly reduce carbon, the response must be global. We have all the tools. We have the will, the technology, the raw resources. It is time to move forward for the sake of our environment, for the sake of our economy, and for the sake of our national security. Success will only be found in setting aside partisan agendas and focusing on common-ground solutions.

Our country can do this, and we must lead. I have great confidence in the will of the American people. They know this must be done. I will help to make sure it is done.

Mr. President, I yield the floor.

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

Mr. BROWNBACK. Mr. President, I thank the Presiding Officer for that recognition.

I thank the Presiding Officer in this body for the chance to address an important topic. I am glad we are discussing important topics. It is important we get a chance to bring up these topics. I, similar to many people, have spent a lot of time with experts and a lot of time with people in my State talking about climate change issues and how we can address them. I do not know of any topic that I have actually probably met with more scientists on, more individuals about, than the climate change topic. It is enormous, it is important, and it is something we need to talk about and address.

When traveling across Kansas—we have 105 counties in the State, and I have been to 57 of them now within the last 6 months, going to all 105 of them. We talk a lot about clean energy, and I talk about balancing the three Es—the energy, the environment, and the economy. We have to get these three Es balanced. They are like a cardboard piece balanced on a pencil. You can kind of tilt them a little bit, you can move it a little bit, but you cannot tank it one way or another. You have to move these three together.

Most people across Kansas looking at the issue generally agree with that. I want a clean environment. I want a healthy economy. I want energy sources here at home, and I do not want to pay too much for them. Most people are complaining bitterly today, as well they should be, about the high price of energy. It is way too high: $4-a-gallon gasoline that people are having to pay. It is directly out of their pocketbooks. It is directly impacting their economy.

We are a big energy-using State. We have a lot of manufacturing, agriculture. Diesel fuel is very important to us. It is well over $4 a gallon, getting up to $5 a gallon in some places. This is a very high-energy formula, and the last thing people want today is to increase the cost of energy. At the same time, they recognize we need to deal with the environment, and we have to grow this economy. So I wish to talk about this in the sense of those three Es, being able to balance those together. I think we can and we should do that.

I read a paper recently that talked about the different waves of environmentalism. I thought it was quite good, and I think it is one this body should look at. The title of the paper was ''The End of Environmentalism.'' It was written by a couple of very strong environmentalists. They were talking about what needs to take place now. They were talking about the waves of environmentalism. They were saying the first wave of environmentalism, if I can paraphrase them appropriately, was a conservation wave. The second wave was a regulatory wave. The third wave, that we are in right now, is an investment wave. That is the way you move this forward, through investment and through technology and for us to invest heavily in that next wave of technology, to be able the balance these three Es I talked about—energy, the economy, and the environment. That is the real way forward.

This bill does not get us going forward that way. The key for us to be able to do investment is to be able to have a very robust economy and for people to invest in these next-wave technologies, not to load additional costs onto the system. We can look at the cost of what they are today, and then you can look at the projected cost of what this bill would put on the American public and on the energy economy and, at the end of day, still not produce the sorts of results we need to have of strong key reductions in CO_2 and, at the same time, maintaining the economy and giving us enough energy to be able to move forward.

I would like to point out—and a number of my colleagues have already done this—what this bill will do on driving up the price of electricity. The Energy Information Administration predicts electric prices will be 64 percent higher in 2030 as a result of the bill, fuel prices 53 cents higher by 2030. Actually, I do not think anybody knows, other than they know it will be higher.

But I think the biggest stat came yesterday, for me, from Western Resources. It is a utility in my hometown of Topeka, KS, that provides electricity through much of the State. They are saying, at a $20-a-ton cost for CO_2, that is going to raise their fuel costs. It is going to more than double the cost of their fuel as compared to what they are looking at presently. We are getting the actual statistics. We are going to put that, later, in the RECORD. But this is going to be a dramatic increase in the price of electricity for people in Topeka, KS, and across my State.

We are a strong coal user, using coal out of the Powder River Basin. I think, as we look forward to the future, the answer is not: No, we are not going to use particular types of energy. It is how you use energy and you reduce your CO_2, how you build the next generation of coal-fired plants and reduce the CO_2 footprint.

A very innovative project is being put forward in the western part of my State. There is a coal-fired plant, where they take the C02 stream—because we don't know how to do CO_2 sequestration on a massive scale yet—they take that C02 stream and run it through algae reactors and have the algae harvest, of sorts, the CO_2; and they are building in their biological photosynthesis process and then taking the algae and making biodiesel out of that.

Yes, it is experimental, but it is on a large scale experimental, and it is the sort of thing we ought to be looking to for us to invest in that next wave of environmentalism, being an investment wave, to see if we can make these things work in the interim, where we do not know how we are going to be able to sequester, and we cannot drive up too fast the cost of energy because energy prices are so high right now and people are very sensitive to energy prices, as well they should be. We should be sensitive to their sensitivity of energy prices.

I think the way we move this forward is with innovation and technology and investment rather than loading a lot of cost on a system that, at the end of the day, could well—and in all probability, from some of the projections, will have huge, substantial impacts and, indeed, may well have the adverse impact of driving things overseas. I think there is a lot in this bill that has unpredictable consequences other than, we know, an increased cost in the United States. That piece we do know about. But what will happen? How will industry react to this? Where will it go? We do know costs will go up for American consumers at a time when we can ill afford to do that; at a time when we would be better off taking those increased costs of investment and putting them into the next wave of technology. That is the route forward. That is the route to stabilize. That is the route to move us and to balance the three ''e''s in this process as we move forward.

I am going to be putting forward different amendments and proposals to do just that; to see if we can put forward ideas, particularly in the agricultural sector, to help with carbon sequestration projects, to help with ethanol and biodiesel and wind and solar power, soybean and algae as an investment, as a way of storing it through a natural process, but not putting on a hard cap and trade that adds costs in the system. I think that is the sort of pioneering spirit—that is the sort of investment type of way—that we need to go forward.

I am pleased that an amendment I am working on with Senators STABENOW and CRAPO has the backing of the American Farm Bureau on a more robust effort on CO_2 sequestration via agriculture. I think that is a key way we can move forward and have some success.

Finally, I wish to note to my colleagues as well that we are woefully behind on getting judges approved for the circuit court. That was a subject that stalled this body yesterday and I predict to my colleagues that it is going to stall us a lot more if we don't start getting on track to increase the number and get to even a minimal number of circuit court nominees to be approved during the remainder of this Congress. We are at eight for this session of Congress. The low watermark was 15. We are not anywhere near close to getting that. It is a requirement of this body for us to be able to clear

judges through who get nominated by the President, and then let's vote up or down one way or the other. Let's consider them and let's get a minimum number. We had an agreement for three by the Memorial Day break. One was approved. There are several highly qualified judges in the system. For us to be able to get our business done, if we are going to get it done, we have to get some of these circuit court judges approved. If we don't, it is going to stall the body and we are going to stall it a lot, until we can get circuit court judges approved in some minimal number.

I know there is a lot of dispute about this. It is a need of this body. We need to do this and if we don't do it, things are going to slow down a lot. They are going to get jammed up a lot and it is going to be early and it is going to be very difficult for us to accomplish any other of our business.

I urge the leadership to come together and let's say: Here is the number we can approve by this date, and let's get that done or there are going to be a lot of things that are going to stop happening in this body until we can get those approved.

I yield the floor.

Mr. WARNER. Mr. President, it is my understanding that we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. And that we will go on the bill, I understand, around noon?

The PRESIDING OFFICER. The Senator is correct. It will be approximately noon.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, at this time I ask unanimous consent that the three Senators—Senators WARNER, LIEBERMAN, and BOXER—could have 1 hour between 2 and 3.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The senior Senator from Washington State is recognized.

AERIAL REFUELING TANKERS

Mrs. MURRAY. Mr. President, over the years this Congress has spent countless hours fighting for the best and the safest equipment possible for our men and women in the military. Whether it was better weapons or enough body armor, armored humvees, we have all worked tirelessly to make sure our troops around the world have what they need to do their jobs and return home safely to their families.

I come to the floor today because the Pentagon is now on the verge of purchasing the next generation aerial refueling tankers. This is going to be a decision that will cost billions of dollars and affect our service members for decades. But I have serious concerns about the administration's decision to buy these planes from Airbus, a subsidized company that has never produced refueling tankers before. I believe we must again fight to ensure that our troops and taxpayers get the right plane.

Now I am not the only one with these concerns. Because this contest was flawed from the very beginning and the rules were changed throughout, Boeing has filed its first ever protest of the bidding process with the Government Accountability Office. The GAO is now expected to make a ruling in the next few weeks and we are all awaiting their decision. But the GAO investigation has a very narrow scope. The GAO is only allowed to determine whether the letter of the law was followed in the selection process. It cannot look at anything beyond that. So even if it is obvious that the Airbus plane costs more or it has unproven technology, or it doesn't meet the intended mission, the GAO cannot take any action to ensure that the contract is justified or in the best interests of our military, or, in fact, our national security. So I have come to the floor today because I believe that because of the GAO's limited role, Congress must look carefully at whether major Defense acquisitions are in line with the concerns of the American people. We need real answers before we move forward on this contract, and we have to demand that the administration make the case for why we should buy—American taxpayers should buy—an unproven and very costly Airbus tanker.

Let me begin by outlining why I am so concerned. When you examine both of these planes carefully as I have done, it is clear that Boeing's tanker is superior. Yet even though I have asked numerous questions in committee hearings, in letters, in face-to-face meetings in my office, no one—no one—has been able to make the case for why we should buy the Airbus tanker; not the Air Force, not the Pentagon, and not even the Commander in Chief.

Compared to Boeing's tanker, Airbus's A–330 is, we all know, much larger, less efficient, and, in fact, more expensive. It is so big that that plane cannot use hundreds of our current hangars, our ramps, or our runways around the globe. It burns more fuel, and it is going to cost billions of dollars more to maintain over the lifetime of the fleet, yet the Pentagon has not explained why Airbus's plane is the better buy.

The Air Force competition found that the Boeing 767 is more survivable than the A–330. That means it is better equipped to protect our warfighters when they are in harm's way. Yet the Pentagon has not explained why in the world it wants to give the Air Force a plane that doesn't match up. Airbus has never built a refueling tanker. Its technology is unproven, and it is proposing to do some assembly at plants in Alabama that haven't even been built. They don't exist. Yet the Pentagon has not explained why this is a better investment than the plane built by Boeing—the same company, by the way, that has been supplying our tankers for nearly 70 years.

I also have very serious questions about whether we should give a foreign company a multibillion-dollar contract to build a major piece of our military defense. If this contract goes forward, we would be handing billions of dollars in critical research and development funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by American air crews. Let me say that again. If this contract goes forward, we will be handing billions of dollars in critical research in funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by our American air crews. I am talking about airplanes that are the backbone of our entire military strength.

These tankers we are talking about refuel planes and aircraft from every single branch of our military. As long as we control the technology to build these tankers, we control our skies and we control our own security. Yet the Pentagon has not explained why it would let all of this slip away.

Finally, Airbus has always had a leg up on the American aerospace industry because the European Union floods it with subsidies. In fact, our Government has a case pending currently before the WTO accusing Airbus of illegal—illegal—business practices. So I am astounded that our Defense Department has not been able to answer why in the world, when we have a case pending before the WTO accusing Airbus of illegal—illegal business practices, that we would turn around and give them a major Defense contract. It does not make sense.

I am not the only one asking questions. Increasingly, even experts in military contracting are demanding answers too. One of those experts is Dr. Loren Thompson who, according to even the Secretary of our Air Force, was given access to inside information on the decisionmaking process. Dr. Thompson now believes that the contract process had been less than transparent and he recently wrote an article saying that he believes the military has failed to make its case about why it chose the Airbus plane. He wrote that he too wants an explanation for why the military believes the A–330 is superior to the 767, when Airbus's military air tanker is bigger—much bigger—much heavier, untested, and unproven. As he put it last week:

> The service has failed to answer even the most basic questions about how the decision was made to deny the contract to Boeing. . . . The Air Force has some explaining to do.

As I said earlier, despite all of these questions, the GAO is not allowed to dig for these answers. In fact, its role

in analyzing this decision is very limited. The GAO can only look at whether the Pentagon followed the letter of the law and regulations that govern the Federal procurement process. It cannot consider the real-world concerns of Congress and the American people. That is our job. The GAO cannot address whether the military made the right decision for our servicemembers. That is our job. That is why Congress has to get involved. It is our job to demand that we get answers to those questions before we go any further with this contract. Congress—us—we, the people—have to ask whether this contract will leave our servicemembers unprotected when they fly a plane. Congress has to ask whether Airbus's plane will cost too much to all of us: to our taxpayers, in military construction, in fuel, in maintenance—serious questions that are our responsibility. Congress has to ask whether our workers and our national economy will suffer if we outsource this major aerospace contract. Finally, Congress—us—all of us—need to decide whether this contract will put our national security at risk. The GAO can't do that. That is our job.

This is a major decision. We are talking about a contract that will cost at least $35 billion and could cost the taxpayers more than $100 billion over the life of these planes in purchasing costs alone. Yet the Pentagon hasn't made a case for why they would choose to buy the Airbus plane. ''I don't know'' is not an acceptable response when you are talking about billions of taxpayer dollars and the safety of our servicemembers who fly these planes.

We deserve answers. Our taxpayers deserve answers. Our servicemembers deserve answers. I hope our colleagues will stand with me and others and demand that the Defense Department justify this decision.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

CLIMATE CHANGE

Mr. THUNE. Mr. President, as the American public observes and listens to the debate on climate change and global warming, I think there are probably three fundamental questions everybody wants answered. The first question is an obvious one, and that is: Is climate change occurring? Is global warming a fact and a reality that we need to deal with? I think you have to assume the answer to that question is yes. There are changes going on in our climate, on our planet, some of which we can explain and some of which we cannot explain.

Honestly, I will use South Dakota as a case in point. We have experienced—probably for the last decade—successive and continuous years of drought. Yet, this year, in May, we had the wettest year in western South Dakota—in Rapid City—ever since they started keeping historical records. So there are changes that occur that have to be viewed in the context of time—not just a decade period but a hundred- or thousand-year period—to determine what are the causes of the changes we are seeing in the climate. We had, in South Dakota, the coldest April this year we have had historically, going back 50 to 100 years, and blizzards into the month of May. So there are a lot of changes that are going on, some of which I think can be explained and some of which cannot be explained. We need to look at them in the broader context of what has happened over a long period of time with respect to our climate.

The second question the American people would ask is this: If, in fact, climate change is occurring—and we assume the answer to that is yes—is human activity contributing to that? If we, again, assume the answer to this question is yes, then we have to get to the next question. I think, frankly, I would answer, if we look at the question of whether human activity is contributing to that, we cannot put our heads in the sand. Obviously, changes are occurring. We assume that the presence of humanity on this planet and some of the things we are emitting into the atmosphere are creating changes. I think we need to acknowledge that.

That leads to the next question that I think has become the focus of the debate in the Senate, and that is this question: If the answer to question No. 1 is yes, it is occurring, and 2, it is occurring at least on some level—and we don't know how to quantify that because of human activity—what are we going to do about it and at what cost? That is really the focal point of the debate in the Senate today.

In my view, there are many problems associated with the bill currently under consideration on the floor of the Senate. First off, it provides a minimal environmental benefit since it is a unilateral solution. China has exceeded us in terms of CO_2 emissions. It will not get them to stop their CO_2 emissions because the United States chooses to implement a cap-and-trade program. So you don't gain environmental benefit. In fact, it could likely have some profound and devastating impacts on our economy.

With regard to the first point about the other polluting countries around the world, this was said recently by President Clinton with regard to the Kyoto protocol. He said that 170 countries signed the treaty, and only 6 out of 170 reduced their greenhouse gases to the 1990 level, and only 6 will do so by 2012 at the deadline.

These countries signed a binding agreement, and yet they are doing really nothing to get back to the goal or targets called for in that protocol.

The Wall Street Journal recently reported that the European Union, which began to operate its cap-and-trade system in 2005, has actually seen carbon dioxide emissions rise by 1 percent per year since that time. Interestingly enough, in the United States, since that same time when Europe implemented their cap-and-trade system, carbon dioxide emissions have actually declined by about 1 percent.

I guess the bigger question here to this last question is, if this is occurring, what do we do about it and at what cost? We have to think long and hard about that in light of some of the things that are occurring in the country. We have $3.99 gasoline and $4.67 diesel. We have had devastating impacts on the economy in the United States as a result of our dependence upon foreign sources of energy. We need to lessen that dependence and look for technologies that will clean up our environment. Imposing an onerous, burdensome system from the top in which we impose a big tax burden on literally every American, because with $3.99 gasoline and all the studies done by the Energy Information Agency—11 studies have been done, all of which have concluded that they will increase gas prices substantially and electricity prices substantially. We have to take a hard look at what the impact will be on our economy.

I understand the time for morning business is going to expire. I would like to address some of those impacts as this debate on the climate change legislation gets underway. If I could wrap up morning business, I would like to continue with the debate on the climate change legislation, if that would be in order.

The PRESIDING OFFICER. The Senator from South Dakota may continue.

Mr. THUNE. Mr. President, I want to start with, regarding these economic impacts, looking generally at the economy.

In the fourth quarter of last year, the economy grew at six-tenths of 1 percent, and in the first quarter of this year it grew at nine-tenths of 1 percent. Some analysts and elected officials are looking at the record-high energy prices, the crisis in the financial services and housing markets, and the recent job losses as signs that we are already in a recession. In the last few weeks, we have seen oil traded at $130 a barrel, which has caused the price of virtually all consumer goods in this country to increase. However, after months of debating high energy prices and a sluggish economy, we are now debating a bill that would actually raise energy prices and slow economic growth. I don't blame my constituents when they wonder how Washington works and complain that Congress seems to be out of touch with their everyday reality.

Over the Memorial Day weekend, millions of families were faced with record-high gas prices. As they planned their vacations to travel to see loved ones, they were met with average gasoline prices that hovered around $4 per gallon.

I point out that as the economy has slowed down, high energy prices have gone up, and the impact it has had on

every American family—again, the EIA analyzed this bill on the floor today, and it would project gasoline prices to increase at 21 percent, or higher, in 2020 and 41 percent in the year 2030 under this proposal before us today. The Environmental Protection Agency also looked at the bill and concluded that gas prices would increase over 20 percent by 2030.

As we have debated this bill this week, there has been one particular impact that I think may have been overlooked in the legislation that has been drafted, and that is the impact on our Nation's domestic aviation sector.

Many of my colleagues and consumers in the country have witnessed firsthand in the first few months of this year that the domestic airlines are being crippled by the record price of aviation fuel, which will continue to rise in price under the cap-and-trade structure of this legislation. I will point out headlines of a few articles from yesterday and today: ''Continental Airlines to cut 3,000 jobs and capacity''; ''Summer airfares double, triple, quadruple''; ''United to cut back service, eliminate jobs.''

The U.S. airline industry recently sent a letter to all Senators in anticipation of the debate on this climate change legislation we have in front of us today. Here is what it says:

> The proposed bill adds a significant additional increment to the cost of transportation fuel. Assuming that emissions allowances are modestly priced at $25 per metric ton of carbon dioxide equivalents in 2012, when the bill would go into effect, this legislation would add another $5 billion to U.S. airline fuel costs, escalating each year thereafter. Assuming a lower-end estimate in the prices in 2020, a $40 per metric ton CO_2 price, the bill would impose a $10 billion additional fuel tax on the U.S. airlines, again escalating annually thereafter. Such costs will result in further job losses, losses in air services to small communities, and negative economic effects.

I certainly agree we should all be doing more to promote cleaner forms of energy. But the legislation, as drafted, that we have before us today has significant ramifications that I think many individuals haven't fully considered.

I have been a strong supporter of renewable fuels that can be produced in the United States and used in automobiles to reduce our dangerous dependence upon foreign oil. These alternative fuels are not applicable to our Nation's aviation sector. Now, it would be one thing to require sectors of the economy to transition to cleaner forms of energy, but this legislation, as drafted, would have a significant cost on our domestic airlines, which are already being significantly impacted by the record cost of oil, by adding additional costs that will be passed on to the consumer, which, in my opinion, could result in not only fewer people traveling but could bankrupt U.S. air carriers, while at the same time not requiring foreign air carriers to be subject to the same taxes that will be passed along under the cap-and-trade system that is envisioned in this legislation.

So one impact that I don't think has been entered in this debate as heavily as it should have been is the aviation sector of our economy, which is going through tumult and is experiencing economic hardship because of high fuel prices. This would complicate that further, and because they don't have access to using some of the cleaner fuels we are able to run through automobiles, it only worsens the situation they face. That is on top of what we are talking about today in terms of our headlines on job losses, capacity losses, airfares doubling, tripling, quadrupling, and cutbacks in service.

What do we do, then, in response to the question, If this is occurring—climate change—and if human activity is contributing to it, what do we do about it and at what cost? I think there are a lot of things we could and should be doing.

Honestly, irrespective of the answers to the first two questions, we should be making every effort we can to get emissions such as CO_2 out of our atmosphere. We ought to work as hard as we can to do that. Rather than creating a cumbersome new bureaucracy that would increase the price of gasoline, Congress ought to look to lowering gas prices through increased domestic production and refining capacity and investment in alternatives, such as biofuels.

With respect to electricity rates, again, according to the EIA, electricity prices are projected to increase up to 27 percent in 2020 and a 64-percent increase in electricity prices by 2030. Under the bill before us, average annual household energy bills, excluding transportation costs, would be $325 higher in 2020 and $123 higher in the year 2030.

I think there are some really good things that can be done and should be done. We need to start by investing in clean energy. I agree that we need to research and develop a new, reliable low-carbon energy source.

In South Dakota, we have examples of how that works. We are going to be producing a billion gallons of ethanol by the end of this year. New corn-based ethanol plants are producing ethanol with a 20-percent reduction in lifecycle greenhouse gas emissions relative to regular gasoline. In the coming years, we will be producing cellulosic ethanol that will reduce lifecycle greenhouse gas emissions by up to 80 percent. South Dakota also has an abundant source of wind, which is a zero-carbon-emitting source of energy.

A recent DOE study noted that the United States has the ability to meet 20 percent of its generation needs with wind by 2030. We can promote low-carbon energy without destroying jobs. We can do this without raising taxes, and we can do this without raising gasoline prices.

The climate change bill before the Senate puts the cart before the horse. The bill enacts mandates on at least 2,000 entities, and then the Federal Government collects the revenue through annual allowance auctions, and then the Government invests in new technologies. Meanwhile, jobs are lost, our economic growth slows, and family budgets get squeezed. If we are willing to make a bipartisan commitment to research and development of new technologies today, carbon reductions, in the very near future, will be considerably less expensive.

In November of 2007, the Senate Commerce Committee held one of many hearings on clean coal technology, which will play a major role in the future of our Nation's energy portfolio. The nonprofit Electric Power Research Institute, which was represented at that hearing, identified the research and development pathways to demonstrate, by 2025, a full portfolio of economically attractive, commercial-scale, advanced coal power and integrated CCS technologies suitable for use with the broad range of coal types. If we make the commitment today to fund the research, finance the demonstration projects, and fund the loan guarantees first—if we do all those things first—reducing carbon emissions in the future will be far less costly to our economy.

Mr. President, my message to my colleagues is very simply that we need to develop the technology before enacting onerous Government mandates on virtually every single part of our economy. Higher gas prices, higher electricity rates, a shrinking GDP, job losses, and minimal environmental benefit is what will come about as a result of this legislation if enacted.

There is a better way. We ought to be doing everything we possibly can to get CO_2 emissions and other pollutants out of our atmosphere to address the concerns we have about our environment, to be good stewards, to pass on a better world to the next generation, but there is a way we can go about this that is incentive based, that gets away from the heavy-handed, onerous regulations imposed by this bill and the enormous cost that will be imposed on literally every sector of our economy and, most importantly, on the hard-working American families who will be faced with higher prices for gasoline, higher prices for electricity at a time when we should be desperately looking for ways to reduce those prices and to lessen the economic hardship that every family in this country is experiencing.

I hope my colleagues will vote no. I, too, have some amendments to offer to the bill if we get the opportunity to offer the amendments. My understanding is the amendment tree has been filled. That is unfortunate. This is a bill of enormous consequence to this country. Some have described it as the biggest reorganization of the Government since the 1930s. Given the complexities and the enormous impact this would have on Americans' everyday lives, we need to go about this in a way

that allows us to have open debate, offer amendments, and improve this bill.

I regret the fact that the Democratic leadership has decided to abandon that open process in exchange for filling the amendment tree and preventing us from having an open debate and considering amendments that actually would protect consumers from higher gas and energy prices that would be the result of this legislation.

If we get to an open process, I hope to have further debate and amendments we can consider.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the time between 3 p.m. and 4 p.m. be under the control of Senator INHOFE or his designee, and that the order with respect to the farm bill be delayed until 4:10 p.m.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't object. For clarification purposes, the 1 hour we have is between what hours?

Mrs. BOXER. Mr. President, 3 and 4.

Mr. INHOFE. And the Senator from California has between 2 and 3. Between now and 2 o'clock is equally divided.

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

Mrs. BOXER. That is the first part. I further ask unanimous consent that the time until 2 p.m. be equally divided—Senator INHOFE between 12 to 1 and Senator BOXER between 1 and 2?

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, that wasn't quite my understanding. I thought we would have that 2-hour period equally divided but not necessarily—going back and forth would be my preference.

Mrs. BOXER. All right, I will say the time until 2 p.m. be equally divided between Senator INHOFE and myself.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3044, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3044, 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.

Mr. INHOFE. I suggest the absence of a quorum and ask this time be charged to both sides.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, I ask unanimous consent that Senator KLOBUCHAR be given 15 minutes to open the debate on our side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized for 15 minutes.

Ms. KLOBUCHAR. Madam President, the issue we are addressing this week, global climate change, is a challenge with so many dimensions. Some are moral, some are economic, and some are scientific. I want to spend my first few minutes today talking about the science because we cannot get the policy right unless we get the science right.

I come from a State that believes in science. Minnesota is home to the Mayo Clinic and other great medical institutions. It helped launch the green revolution in agriculture half a century ago. Today it is home to a great research university in the University of Minnesota and high-tech companies such as 3M and Medtronic.

We have brought the world everything from the pacemaker to the Post-it notes. My State believes in science. Over the last few days, we have heard a great deal of debate about the science of climate change. I believe the debate should be over. The facts are in and the science is clear.

The Intergovernmental Panel on Climate Change has concluded that the evidence of global warming is now unequivocal and apparent on every continent of our planet. It is plain in erratic weather patterns, in shrinking wildlife habitat, and the melting of the permafrost.

Just last week, a new report commissioned by the U.S. Department of Agriculture and written by some of our top environmental researchers reached the same conclusion. They wrote:

There is robust scientific consensus that human-induced climate change is occurring. Observations show that climate change is impacting the nation's ecosystems in significant ways, and those alterations are very likely to accelerate in the future.

The result? Ocean levels are rising, glaciers are melting, and violent weather events are increasing—we have seen some recent ones in my State—and soon entire species will be threatened.

This is not just an environmental danger, it is also an economic danger.

First, we can see what we would predict as we see increases in temperatures in this world. The estimates are that temperatures will go up somewhere from 3 to 8 degrees in the next 100 years. To put it in perspective, it went up 1 degree in the last 100 years. We have already started seeing changes. That doesn't sound like a lot. It has only gone up 5 degrees since the height of the ice age. And the prediction from our EPA is 3 to 8 degrees.

Here we go when we look at the increasing of temperature: A 1-degree increase means increasing mortality from heat waves, floods, and droughts. This is predicted by 2020; a 2-degree increase, millions of people face flooding risk every year; a 3-degree increase, global food production decreases, and so on.

I can tell you in my State people are already seeing these changes. They have seen the economic impacts of these changes. Lake Superior is near its lowest level in the last 80 years, and that is an average. It goes up and down a little. It went up a little, fortunately, this year. But overall, we have seen decreasing levels so that overall it is at its lowest level in 80 years. That has impacted our barges, it has impacted the economy because we need more barges because they are sinking lower.

Why is that happening? The ice is melting quicker and so the water evaporates and we see lower levels in places such as Lake Superior.

We also have seen changes for our ski resorts. Overall, when we look at the trends, we have seen decreasing snow which means less money for them. Those are just some small examples of the economic costs of climate change.

We can see that the insured and uninsured costs of weather-related climate change events are going up and up, and we are all paying the price. A problem so serious demands a serious response.

This is a chart showing the weather-related economic losses and how they have increased. Look at the decades from 1960 to 1969, 1970 to 1979, 1980 to 1989, and then look at the last 10 years. These are economic losses. These are the amounts that are insured, and then this is the total of economic losses due to weather-related issues.

A problem so serious as this demands a serious response. I believe that as a Nation, we are up to it. Look at a little history. In the 1970s, after the first OPEC oil embargo caused world oil prices to quadruple, Congress passed the first CAFE standards, fuel economy standards for the Nation's cars and trucks. At first, the skeptics said Congress had overreached and the CAFE standards were unrealistic. Then business put its mind to the challenge. Auto companies developed more efficient engines and lighter automotive components, and they competed to meet customer demand for fuel-efficient cars.

Recently, the National Academy of Sciences estimated that those CAFE standards have now saved our country

2.8 million barrels of oil a day and cut oil consumption by 14 percent annually. With the higher fuel economy standards we adopted last year after many years of inaction to build on that initial CAFE standard, estimates are for an average family, depending on the price of gas, they could save $1,000 a year. We will continue to save, but we must set those standards so we have an example where when those standards were set, business went to the challenge, and we actually saved money.

That is not the only example. In 1987 and 1992, the Government adopted new energy-efficient standards for household appliances. Again, the American business community responded, competing to develop new technologies and energy-efficient products. I call it building a fridge to the next century. Soon you could walk into any appliance store and find efficient ENERGY STAR air-conditioners that give consumers even higher quality but at much lower energy consumption.

Look at this chart on light bulbs. We can see, if every American home replaced just one light bulb with an ENERGY STAR qualified bulb, we could save more than $600 million in annual energy costs and prevent greenhouse gases equivalent to the emissions of more than 800,000 cars.

Now we are starting to develop all kinds of technologies to save money for consumers and make big reductions in carbon emissions. The American Council for Energy Efficient Economy estimates these higher energy-efficient standards saved consumers $50 billion from 1990 to 2000 and will cut U.S. electricity consumption by 6.5 percent within this decade.

What did all of these examples have in common? The public sector and the private sector worked together in a partnership in which each performed at its best. The Government took leadership, set high standards, and provided a nationwide mandatory framework so everyone played by the same rules. Then the private sector responded to that signal using a classic American combination of technological innovation and market competition.

The challenge of climate change presents us with the same opportunity—an opportunity for technology with wind, with solar, with energy efficiency, with the potential of nuclear, and with the potential of clean coal technology. It is a long list with great potential. We must meet this challenge, and we can. If we set standards for the country, the investment, technology, and innovation will follow.

On the Environment and Public Works Committee, my colleagues, Senator BOXER, Senator WARNER, and Senator LIEBERMAN have written landmark legislation to reduce greenhouse gas emissions, and I am proud to be a cosponsor. This measure establishes mandatory economy-wide, science-based limits on carbon dioxide and other global warming gases so we can cut emissions 20 percent by the year 2020 and nearly 70 percent by the year 2050.

To achieve those goals without disrupting our economy, it would establish a market-driven cap-and-trade system that provides economic incentives for reducing emissions. Now, we did the same thing with acid rain years ago and it worked well.

To make this system work, however, we need to have full and accurate information about the sources and amounts of greenhouse gas pollution. That is what I want to take a few minutes to talk about today, because of the fact that this was in the first title of the bill, and one that I authored, along with Senator OLYMPIA SNOWE of Maine.

The famous British scientist, Lord Kelvin, felt the same way about having to measure things before you do anything. He once observed:

> When you can measure what you are speaking about, and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meager and unsatisfactory kind.

Believe it or not, we don't have full, accurate information on greenhouse gas emissions right now. In fact, I was contacted a few months ago by a National Public Radio reporter who was trying to figure out who was the biggest greenhouse gas emitter in the United States. You would think that would be something that would be easy to find out, but in fact it is not because we don't have the kind of accurate information we need.

The EPA collects a lot of data on energy production and consumption, but the quantity and quality of those data varies greatly across different fuels and different sectors. For example, data on crude oil and petroleum product stocks is collected weekly for selected oil companies, while data on energy use in the industrial sector are collected only once every 3 years through surveys. In some cases, the EPA itself collects the data, while in other cases the data are collected through State and other Federal agencies. Some industries report to the EPA and others report to the Energy Department. Some are reporting every year and some are reporting every 3 years. In short, it is a mishmash.

Last week, the Brookings Institution here in Washington issued its own report on carbon emissions in different cities around the country. They too tried to make a comprehensive study, but they admitted they could only estimate emissions from homes to vehicles, not factories or planes or railroads or government buildings.

Then there are State efforts. Thirty-one States, representing 70 percent of the country's population, have formed a carbon registration system of their own. It is a bipartisan project with support from Governors such as Janet Napolitano of Arizona and Governor Schwarzenegger of California. Together, they recently issued a statement saying,

> The State climate registries are another example of how States are taking the lead in the absence of Federal action to address greenhouse gas emissions in this country.

While these State projects are very well intentioned, they are a poor replacement for a national standard. Remember years ago how Justice Brandeis, in that famous decision, talked about how the States could be ''laboratories of democracy''? He talked about how one State could have the courage to move ahead, but I don't think, when he said that, he ever meant inaction by the Federal Government. But that is what we have had in the area of climate change, and that is certainly what we have had in the area of trying to measure what is going on here.

We are never going to make progress against global climate change unless we can answer the question of how much people are emitting with greenhouse gases, where they are emitting them, and until we can give an answer with accurate, complete information.

This problem plagued the European Union 2 or 3 years ago. They actually beat us in establishing a comprehensive cap-and-trade system to cut greenhouse gas pollution. But because they didn't start with a good comprehensive registry of the sources and quantities of greenhouse gas emissions, they miscalculated their initial caps and permits and wound up wasting a lot of money and time before they got their cap-and-trade system right.

That is why Senator SNOWE and I worked together last year to write this legislation, which is the first title of the bill, establishing a greenhouse gas registry. You can see what this means. It is accurate, comprehensive data on carbon emissions. It requires reporting of greenhouse gas emissions to the EPA, it requires third-party verification, it does have exemptions for small businesses—because we don't want to do anything that is too burdensome—and it also makes the data publicly available on the Internet. I think we know how much people are interested in this issue, and they have a right to know about it.

In addition to setting the stage for cap-and-trade solutions to global climate change, one comprehensive national registry, instead of all the States doing their own, would help the States by streamlining administration costs. It would also help business. Before long, they are going to have to start cutting their own greenhouse gas emissions, and they can't make the right investments or adopt the right technologies without having good data on their own carbon emissions. In fact, some of the Nation's leading corporations have endorsed the national carbon registry. They include: Alcoa, Boston Scientific Corporation, General Electric, NRG Energy, Caterpillar, Johnson & Johnson, Pacific Gas and Electric, and many more. These executives have now teamed up with some of the country's leading environmental groups, including the Nature Conservancy, the National Wildlife Federation, and the National Defense Council,

to form the U.S. Climate Action Partnership. They recently issued a statement calling on the Federal Government to quickly enact strong national legislation to require significant reductions of greenhouse gas emissions. They took this historic step because they understood the threat of climate change and they recognized the need for Federal action. These leaders are right. The time has come for us to act.

As I close, I think about the complexities of this historic challenge, and I like to recall a prayer from the Ojibway people of Minnesota. Their philosophy told them that the decisions of great leaders are not made for today, not made for this generation, but for those who are seven generations from now.

That is part of our burden and part of our challenge as we approach this climate change issue. That is why today I urge my colleagues to support cloture on this bill, to not only start measuring what the problem is, but to actually give this country and this world a solution.

Madam President, I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. MENENDEZ. Would the Senator yield for a moment?

Mr. REED. I will be happy to yield.

Mr. MENENDEZ. Madam President, I ask unanimous consent that after the Senator from Rhode Island concludes his remarks I be recognized next.

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

Mr. REED. Madam President, reclaiming my time, I am informed that we are attempting to alternate between the Republican and Democratic side, and so I ask unanimous consent that the Senator from New Jersey be the next Democrat to speak, because we are informed somebody is coming from the Republican side.

Mr. MENENDEZ. Madam President, I didn't know we were alternating.

The PRESIDING OFFICER. Is there objection to Senator MENENDEZ following Senator REED?

Mr. REED. Madam President, let me do this. I will accede my position to Senator MENENDEZ to speak, and I ask unanimous consent that I follow the next Republican speaker.

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

Mr. MENENDEZ. Madam President, I thank my distinguished colleague from Rhode Island. I have a time pressure, and so I appreciate his courtesy.

I thought this debate would be a watershed moment, a moment when we would finally move beyond Republican attempts to deny that global warming exists. But as this debate has evolved, we see we have not gotten very far. Instead of deny, deny, deny, the Republican playbook has shifted to delay, delay, and delay.

The time to act is actually now. We are not going to be able to transition from a fossil fuel-based economy to a green, renewable energy-based economy overnight, and therefore it is critical that we act as soon as possible to begin this transition.

I thank my colleagues who have worked so hard to get this legislation at least to the floor. The mere fact that we are having this debate gets us closer to actually enacting a policy to cap greenhouse gas emissions.

I do hope that in time we can support much stronger legislation. I have concerns about whether this bill speeds our transition to a carbon-free economy quickly enough because of the cost containment measures and the large numbers of offsets in the bill. I am worried some companies might be able to delay cutting back their emissions for over a decade. I also believe we can go even farther in supporting renewable sources and energy efficiency.

I was hoping I would have the opportunity to offer a few amendments to improve upon this legislation. I certainly want to offer them—we have offered them—and I know we will probably not get to them under the procedures we are in the midst of pursuing, but I think they are markers for the future.

The first amendment I had hoped to offer, along with Senators LAUTENBERG and SANDERS, would have shifted transition assistance funding from big oil to renewable energy generators. At a time of record oil company profits, I do not think we need to allow oil companies to pollute for free, especially when that money could be used to help jumpstart the development of clean, renewable, affordable American energy.

The second amendment I offered, along with Senator SNOWE, would have boosted funding to help developing nations to adapt to changes in the climate they had little to no part in creating in the first place. Making investments to help vulnerable nations isn't just a necessary step to secure an effective international climate treaty, or a way to advance U.S. national security interests, it is a moral imperative.

The third amendment I filed with Senator KERRY would help nations with tropical forests lower their rates of deforestation, a cost-effective way of keeping CO_2 out of the atmosphere. Approximately 20 percent of global greenhouse gas emissions come from deforestation, and if we hope to secure an effective climate treaty, we must be willing to help forested nations create the tools they need to effectively address the problems.

Finally, the fourth amendment I offered, also with Senator KERRY, would require the Government to calculate the cost of inaction on global warming, from the cost of drought to flooding to storm damage. Many of my friends on the other side of the aisle have spent a lot of time this week bemoaning the alleged cost of solving global warming, but they have completely ignored the horrendous cost of ignoring global warming. We need this study so we are not always looking at half the balance sheet on this issue.

Many of my colleagues on the Republican side of the aisle are rejecting out of hand any efforts we might propose. They argue that almost anything will cost too much. They suggest any effort to go green on the scale necessary would be too expensive. Saying we can't invest in renewable energy because there is a dollar figure attached sounds like telling someone with a fatal disease that the cure is too costly, or saying to a crime victim that we can't afford to put police on the streets because it has a cost.

There were some who argued it would be too expensive to reinforce the levees in New Orleans, and when Hurricane Katrina hit, we found out what the true cost of that decision was. We can't fail again to be mindful of the words of John F. Kennedy, when he warned us that ''the time to repair the roof is when the sun is shining.''

The question isn't whether an investment needs to be made. The question is whether we want to make that investment now, while we can do it safely, gradually, and inexpensively; or later, when we have to make wholesale changes to our economy in a matter of years rather than decades.

In other words, what we are deciding is not whether to put a cap on carbon emissions. The question is whether we do it now or whether we wait. Do we do it now, when it is cheaper to do it and we can set ourselves up to compete with Europe and Japan in creating new technologies, when we can create jobs in the midst of an economic turndown; or do we do it when our hand is forced, when Americans have already felt the catastrophic effects of climate change, when our coasts are flooded, when storm surges damage our houses and droughts threaten our harvests, when the costs become enormous because we have to change so quickly?

It is going to be far harder and far more expensive to have to stop carbon emissions overnight than to do it now. If we want to slash our carbon emissions 80 percent by 2050, we simply cannot wait until 2030 to get started, unless we want to risk the economic and environmental future of this country.

Today, with the rising price of gas we have to pay at the pump, we see the result of waiting to act until disaster strikes. In the 1970s, because of the Arab oil embargo, we drastically improved the fuel efficiency of our passenger vehicles. In 1976, our cars and trucks got 13 miles per gallon. By 1981 our fleet had improved to 21 miles per gallon. From 1981 to 2006, the average fuel economy of our passenger vehicle fleet actually declined to 20 miles per gallon.

If we had been gradually improving efficiency standards instead of waiting for high gas prices to force our hands, we would all be better off today. If we had increased fuel economy a modest 2 percent per year, our new fleet of vehicles would now average 34 miles per gallon.

Astonishingly, if we had followed this course, our current demand for oil would be over one-third less than it is today, down over 2 billion barrels of oil per year. Cumulatively, we would have saved over 30 billion barrels of oil, and 30 billion barrels of oil is more oil than the entire proven oil reserves remaining in the United States. With such a reduced demand for oil, imagine how much less we would be paying for gas today.

Some of my colleagues on the Republican side of the aisle have been suggesting that taxing carbon emissions would cause energy and gas prices to go up. The reality is, anyone can tell you that prices have been going up and that they will continue to go up under the present policy of this administration unless we end our dependence on oil. That means transitioning to free, renewable fuels, such as wind and solar. We do not have to pay Saudi Arabia for the rights to use the Sun to generate power. We don't have to send money to Nigeria for the right to harness the power of wind. The more we improve the technology that can run our renewable fuels, the cheaper every kind of fuel will be.

Solving global warming is not just about protecting us from catastrophic weather and hostile foreign regimes, it is also about jobs. Renewable energy industries are perhaps the single greatest opportunity to create new, good-paying jobs this country has seen in a generation.

If we want to put up millions of solar panels, it is going to take hundreds of thousands of workers to install them, and those jobs are created at home, unlike what happens when we continue to rely on oil, which is that we create jobs in the Middle East, in Nigeria, and Venezuela, to name a few.

I am proud in my home State of New Jersey we are No. 2 in the Nation in terms of solar capacity, behind only California. We have seen new jobs created because of it.

Global warming is a challenge that faces us all. It is a challenge we must face together. It is not enough to sit back and watch as tragic stories unfold, as heat waves and wildfires strike, as we see floods and droughts more severe, hurricanes, species disappearing, ice caps melting, glaciers melting, sea levels rising. It is not enough to sit back and watch because we have a human moral imperative to take action. It is not enough because someday the door on which tragedy knocks could be our own.

Great change always has its opponents. Instead of arguing that we should be innovative, they will argue that we should be afraid; we should do all we can to hold on to the ways of the past instead of having the courage to prepare for the future.

The American people are tired of being told what they cannot achieve, and they are tired of being told they should be satisfied with the status quo. It is time to put aside our fears, unleash our powers of innovation, and rise to meet one of the defining challenges of our time. For this and future generations of Americans, what the Senate decides ultimately is going to determine the course of our country in ways that are so significant—from the course of the environment that we collectively share both in America and across the globe, from the question of economic opportunity, from the question of national security—not depending on the oil of countries that have totally different views and values than we have. That is all wrapped up in the debate and the votes we will be taking.

I hope we have the courage to move in a direction that ultimately meets all of those challenges and that we act as good stewards for future generations of Americans so we can look at this moment and say history will judge us and ultimately will say we did what was our responsibility to do.

I thank my colleague from Rhode Island for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first of all, I note this legislation has nothing to do with ending our dependance on foreign oil. It does have something to do with ending our dependence on oil. In fact, what this legislation would do is make it much more difficult for Americans to enjoy the standard of living we do by making it much more costly to indulge in any consumption of energy in any form, including driving vehicles, including turning on the lights or the air-conditioning in a building. All of these things are deliberately made much more expensive in this legislation—deliberately because the point of it is to make energy consumption so expensive that we will not consume as much of it. That way the Earth will somehow not be warmed as much because we will not be consuming as much energy.

That is the whole point here. It is not about ending our dependence on foreign oil. This legislation has nothing to do with that at all.

People might ask, What is cap and trade? Why are we talking about cap-and-trade legislation? The cap and trade contemplated in this bill has the Federal Government creating something of value—carbon emission allowances—and they are equal to the cap on emissions set by the Federal Government each year. The Federal Government says: Americans, you can only drive so much or you can only consume so much electricity and the people who produce that product are going to have to pay for the right to produce the energy that you are consuming. Then, of course, they are going to pass that cost on to you.

Some of these allocations are to favored groups. Others are auctioned off. But the cost of the allowances is passed on to the consumers, as I said. And these outstanding allowances can be traded. That is why it is called cap and trade. So you have a group of speculators, then, who are able to buy some of the allowances and sell them at a profit, even though they produce nothing of value in the meantime.

While it is referred to as cap and trade, we should appreciate the fact that in reality it is very clearly nothing more than another tax on American consumers. A very good article in the Washington Post by Robert Samuelson points this out. He says:

> The chief political virtue of cap-and-trade . . . is its complexity. This allows its environmental supporters to shape public perceptions in essentially deceptive ways. Cap-and-trade would act as a tax, but it is not described as a tax. It would regulate economic activity, but it is promoted as a ''free market'' mechanism. Finally, it would trigger a tidal wave of influence-peddling, as lobbyists scramble to exploit the system for different industries and localities.

The Congressional Budget Office itself, the nonpartisan group representing the Congress, acknowledges that businesses would pass on most of the costs imposed by a cap-and-trade system to American consumers. This would amount to a regressive stealth tax that would hit low- and middle-income families the hardest.

What does the proposal cost? According to the Congressional Budget Office, the Boxer substitute amendment before us would take out of the private sector $902 billion between 2009 and 2019. Of that amount, the Boxer substitute manages to spend all but $66 billion—$836 billion of allowances are distributed not only to favored technologies and utilities but also to buy off interests that would use funds in ways that do not decrease carbon, such as for farming practices, endangered species, Indian tribes, State governments, and to other countries for their forests.

The Congressional Budget Office considers the distribution of these free allowances the same as distributing cash, and indeed that is exactly what it is.

Over the longer term, the Environmental Protection Agency projects the amendment would redistribute $6.2 trillion from the private sector to the Federal Government by the year 2050, through these allowance auctions that energy producers and manufacturers would be required to purchase in order to be able to continue their operations—meaning continue to provide energy for us. Another $3.2 trillion would be auctioned off by States and others.

According to the administration, the nearly $10 trillion cost would make this bill the single most expensive regulation in the history of the United States of America.

If a cap-and-trade system like the one in the Boxer substitute is implemented, a number of economists believe it would add significant costs to the production side of the economy and would likely have a severe negative impact on long-term U.S. economic growth, despite having a very modest impact on worldwide carbon levels. The

cap-and-trade system is intended by design to raise the cost of gas and electricity, as I said in the very beginning. Raising the cost of gas and electricity will change people's behavior. They will use less energy and, as a result, theoretically emit less carbon. The cap-and-trade program cannot achieve its goals unless it increases the cost of energy, and the proponents do not deny this.

So when you are thinking about the high cost of gasoline today, think about the additional cost that is going to be imposed by this legislation. The proponents say it is going up anyway. You do not have to make it go up more than it would otherwise, and that is what this legislation would do.

The American Council for Capital Formation projects that under this cap-and-trade system, gasoline prices would rise from about $4 a gallon today to $5.33 a gallon by 2014 and $9.01 by the year 2030.

As I noted, businesses would have to pass on most of the costs imposed by a cap-and-trade system to their consumers. One must recognize that the demand for energy is relatively inelastic. In other words, even as prices rise, individuals find it difficult to switch to alternatives. It is very hard to engage in any activity that does not use energy. As a result, individuals would be forced to bear the cost increases imposed by the system. They might use less energy, drive less, live in colder homes during the winter, or turn off air conditioners in the summer. Those are the choices.

When individuals use less energy, they buy less, travel less, and in effect curtail overall economic activity. The gross domestic product of this country would be roughly 1 percent lower at the end of 2014 and 2.6 percent lower by 2030 under this legislation. That is a huge reduction in the economy of the United States and therefore the well-being of the American people. As economic activity slows, employers are not going to hire as many workers. In fact, employers would create 850,000 fewer jobs by 2014, and 3 million fewer jobs by 2030. My home State of Arizona would lose 63,500 jobs by 2023, roughly speaking. Ironically, this bill would become an economic stimulus for China and India, as they would meet the manufacturing demands that we could no longer produce competitively. Perhaps more striking is the cost on American household incomes.

Cap-and-trade legislation would, on average, reduce income adjusted for inflation by $1,000 in 2014 and by $4,000 by 2030. My home State residents in Arizona would see their income fall by $3,400 by 2030.

However, not everyone will bear the same burden. Cap and trade is incredibly regressive in its impact, since low-income households spend a higher fraction of their income on energy. According to the Congressional Budget Office, just a 15-percent cut in carbon emissions would cost low-income households almost twice as much as high-income households. Cap and trade reduces the after-tax income of those in the bottom fifth of the income distribution by 3.3 percent. The top 20 percent of the income distribution would see their disposable income fall by 1.7 percent.

It is important to note that the amendment of Senator BOXER claims that it would reduce carbon emissions by 66 percent by 2050 or more than four times the amount CBO estimated. Of course, we obviously believe that CBO is far more correct in its assessment. But assuming the Senator were correct, then one might expect the amendment to reduce individuals' incomes four times as much as CBO estimated as well.

Think about that—$12,000 to $15,000 reductions in income.

I mentioned before that this creates winners and losers. Part of this is based on the whims of Congress. We would have the authority to make the distinctions that would enable some people to be better off than others.

The amendment before us would redistribute $836 billion of allowances over the 2009-to-2018 period to various special interest groups. Just imagine that, Congress being in charge of redistributing $836 billion. And we are going to do that without any influence of special interests? I think not.

Robert Samuelson noted in the article I quoted from earlier:

> Beneficiaries of the free allowances would include farmers, Indian tribes, new technology companies, utilities and States. Call this environmental pork, and that would be just a start. The program's potential to confer subsidies and preferential treatment would stimulate a lobbying frenzy. Think of today's farm programs and multiple by ten.

The tax-and-spend system, in other words, would create arbitrary winners and losers. Over the life of the bill, it would give away allowances valued at approximately $3.2 trillion for auction by States and other entities.

Let me conclude with this point. While having all of this dramatic negative impact, the benefits are questionable at best. They do not meet any rational cost-benefit analysis. A recent editorial in the Wall Street Journal aptly summed up cap and trade as follows:

> Trillions in assets and millions of jobs would be at the mercy of Congress and the bureaucracy, all for greenhouse gas reductions that would have a meaningless impact on global carbon emissions if China and India don't participate. And only somewhat less meaningless if they do.

So it is doubtful that a cap-and-trade system would actually accomplish the goal of reducing emissions and decreasing global temperatures.

A report released by the EPA indicates that even with a cap-and-trade system in place in the United States, there would still be a net increase in carbon emissions over the next several decades.

Indeed, other cap-and-trade efforts have been unsuccessful. For example, the Kyoto Protocol, an international cap-and-trade system aimed at controlling and reducing greenhouse gases, has largely been considered a failure. The European trading system has not only failed to reduce emissions as contemplated, it has constrained growth in developed countries and has enhanced unrestricted development in countries such as China and India.

So before we sacrifice the U.S. economy and American jobs, we need to quantify the benefits of having a relatively slight reduction in greenhouse gases, and compare it to the huge costs imposed on the U.S. economy and American families.

In sum, the amendment before us would increase energy prices, harm American families, and likely have a negative impact on long-term U.S. growth. Moreover, it is questionable whether the legislation would even make a perceptible dent in carbon emissions and decreasing global temperatures.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Madam President. We are engaged in an extraordinarily important debate here. It is somewhat disappointing that the debate has been shortchanged due to procedural maneuvers by the minority party, which forced the clerk to read the entire bill and forced the majority to file a cloture petition.

I think what Senator KYL and many others have said, I might not agree with, but it is important to have this vigorous debate. I am somewhat disappointed that it has been curtailed.

But now we are engaged in something that will impact this country and generations to come in a significant way. Seldom have we debated such an issue with global ramifications over decades and decades and decades.

We talk about many times the burden that our children and grandchildren will bear as a result of the Federal debt.

But there is an equally daunting burden placed on generations to come if we fail to come to grips with carbon emissions.

Each ton of heat-trapping carbon dioxide that human activity releases into the atmosphere remains there for 100 to 500 years, amplifying the warming effect on our planet, changing the climate, and fundamentally altering ecosystems, landscapes and public health.

The more carbon that is piled onto this ecological debt today, the more drastic the consequences will be in the future. According to the Intergovernmental Panel on Climate Change, the IPCC, the atmospheric concentration of greenhouse gases is now the highest it has been in 650,000 years, and it continues to grow.

Madam President, what we do or what we fail to do with respect to climate change will have an impact not only on our country but on life on this planet into the next century and beyond. Seldom has this body grappled

with an issue with such sweeping global ramifications.

We frequently talk about the burden that is placed on our children and grandchildren by the Federal debt, but an equally daunting burden will be placed on generations to come if we fail to come to grips with carbon emissions. Each ton of heat-trapping carbon dioxide that human activity releases into the atmosphere remains there for 100 to 500 years, amplifying the warming effect on our planet, changing the climate, and fundamentally altering ecosystems, landscapes, and public health. The more carbon that is piled onto this ecological debt today the more drastic the consequences will be in the future.

According to the Intergovernmental Panel on Climate Change, IPCC, the atmospheric concentration of greenhouse gases is now the highest it has been in 650,000 years and it continues to grow. With near scientific certainty, the IPCC tells us that the high level of greenhouse gases in the air has led to the increase in global temperatures that has occurred since the beginning of the 20th century. This increase has accelerated in the last 50 years, making the years 1995–2006 the warmest on record. Indeed, global temperatures may now be the hottest observed in the last 1,300 years.

The impacts of climate change are already observable:

Higher ocean temperatures have led to an increase in the number of intense hurricanes in the North Atlantic over the last century.

In Rhode Island's Narragansett Bay, the water temperature has climbed 4 degrees Fahrenheit in the last 40 years, coinciding with declines of winter flounder and lobsters.

Permafrost is thawing and becoming unstable, causing buildings to collapse in the Arctic region.

In 2007, the extent of Arctic sea ice was 23 percent less than the previous all-time minimum observed in 2005.

Snowpack and glaciers are diminishing and are melting earlier in the spring. This, in turn, is causing a decline in the health of rivers and lakes and is threatening habitat for endangered species.

There has been an effect on human health, with increased mortality from extreme heat and changes in infectious disease vectors. For instance, in Rhode Island this has meant an increase in the incidence of tick-borne disease.

The best science tells us that we must begin to curb emissions within the next decade in order to stabilize greenhouse gas concentrations and avoid the catastrophic effects of climate change. If we fail, temperatures will continue to rise with dramatic results:

With an increase of 2 degrees Celsius, millions more people will experience coastal flooding each year.

An increase of 3 degrees will result in the loss of 30 percent of the world's wetlands.

An increase of 1–5 degrees will place 30 percent to 40 percent of species at risk of extinction.

Hundreds of millions of people, including up to 250 million people in Africa, will lose access to reliable water supplies.

But this is not a debate solely about plants and animals. It is not merely about feeling better about how we treat the Earth. At its heart this issue is tied to the fundamental national security challenge of this century, energy and our dependence on imported fossil fuels. Changes to the environment do not occur in a vacuum and will have far-reaching impacts on our national interests and our national security.

The U.S. intelligence community has recognized the threat and is in the midst of conducting a national intelligence assessment on the effect of climate change on our security.

Last year, the CNA Corporation's Military Advisory Board, consisting of 11 former general and flag officers, led by former Army Chief of Staff, GEN Gordon Sullivan, called for action to stabilize global temperatures. They warned:

> Climate change acts as a threat multiplier for instability in some of the most volatile regions of the world. Projected climate change will seriously exacerbate already marginal living standards in many Asian, African, and Middle Eastern nations, causing widespread political instability and the likelihood of failed states.

Just this week, NATO Secretary General Jaap de Hoop Scheffer reiterated that the alliance must prepare for new threats that stem from the impact of global warming, saying: ''climate change could confront us with a whole range of unpleasant developments—developments which no single nation-state has the power to contain.''

Regrettably, we have already witnessed the political ramifications of climate change. In writing in the Washington Post last summer, U.N. Secretary General Ban Ki-moon noted that ''[a]mid the diverse social and political causes, the Darfur conflict began as an ecological crisis, arising at least in part from climate change.'' As Secretary General Ban notes, a protracted drought, likely brought on by climate change, served to spur conflicts over resources and fuel the hatreds that brought genocide to this region.

With so much at stake, the United States cannot fail to lead. In fact, we have a special obligation. As noted NASA climate expert James Hansen recently wrote, carbon dioxide from the beginning of the Industrial Revolution is still present in the atmosphere today, contributing to the warming our planet is experiencing. He estimates that the responsibility of the U.S. for the level of greenhouse gases is three times greater than any other country.

These are the imperatives that bring us to this debate.

I commend Senator BOXER for her efforts to bring this legislation to the point where it is today. Certainly, there must be compromise on legislation of this magnitude. As we engage in this debate, I want to highlight some areas of concern.

First, we should be setting more aggressive targets for emission reductions so temperature increases are contained within an acceptable range. In that regard, I'm concerned that the bill will reduce emissions, at most, by 63 percent by 2050. The IPCC has estimated that we may need to reduce emissions by as much as 85 percent in order stabilize carbon. Sixty-three percent leaves very little room for error. Given the stakes, I believe we should be setting a higher target. As a cosponsor of the Global Warming Pollution Reduction Act, S. 309, which sets a final reduction target of 80 percent, I believe this is the goal we should set in this legislation. I am pleased to join as a cosponsor of Senator SANDERS' amendment to reach this goal. I am also pleased to join Senators KERRY and FEINSTEIN in their amendment to require a scientific review by the National Academy of Sciences to ensure the goal we are pursuing is sufficient to stabilize carbon concentrations and to require new legislation to be proposed by the President if we are projected to fall short.

Second, because we must ensure that emissions begin to decline no later than 2020, we must implement the carbon cap as quickly as possible. I think we should begin implementation in 2010. Equally important, I have serious concerns about the bill's cost-containment provisions which would allow the auction of allowances borrowed from future years in order to provide additional allowances in early years. Although unlikely, this mechanism creates the potential for a situation in which there could be almost no reduction in U.S. emissions through 2028. Even if it is remote, it's not a possibility we should accept.

Third, we should ensure that the needs of consumers, particularly low-income consumers are recognized in the policy that we enact. I was disappointed to see that auction proceeds that were dedicated to the Weatherization Assistance Program, WAP, and Low-Income Home Energy Assistance Program, LIHEAP, under the committee-reported bill were removed. As this debate progresses, I plan to offer an amendment that will again provide funding for these programs, which not only help consumers pay their energy bills but also make important strides in reducing energy consumption and carbon emissions.

Fourth, I appreciate the steps that are taken to promote and coordinate market oversight among various regulatory agencies, but I am concerned about the capacity of the EPA to lead the effort to provide oversight to a market of this size.

Fifth, we need to make sure that in any climate change bill we address the very real impacts that capping carbon

will have on everyday Americans living paycheck to paycheck. That is no small task, but no climate change bill will be a success unless we find a way to provide help to middle class families already struggling in an ever more competitive global economy. They must be afforded the same kind of transition assistance that many on the other side want to provide to carbon emitters.

Make no mistake, addressing climate change will not be easy. It will involve change and sacrifice, but it also offers opportunity and hope. We hold the power to unshackle ourselves from the dangerous energy resources of the fossil age and develop an economy based on new, clean energy sources and technologies. Instead of becoming increasingly beholden to foreign energy suppliers, we have the opportunity to become an exporter of energy technology and to bring light to the 2 billion people in the developing world who lack access to reliable energy. By making the choice to face the reality of climate change, we will help leave the world a better place for our children, grandchildren, and generations to come.

While I hope that we can continue to make improvements to the bill, I believe that this is an essential debate to have.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, before my friend Senator REED leaves the floor, if I can have his attention, this morning, Senators WARNER, LIEBERMAN, and I and Senator KERRY held a press conference with GEN Gordon Sullivan, whom you mentioned in your remarks, and ADM Joseph Lopez. We had the most extraordinary testimony from them in terms of having to act. It was chilling in a way because they said: You never know something with 100 percent certainty.

They said: But what we learned on the battlefield is if you wait until you have 100 percent certainty, horrible things can happen.

It was chilling. They warned us to act. So I think my friend brought it home this morning with his remarks.

I ask unanimous consent that Senator ALLARD speak off his side's time—how many minutes?

Mr. ALLARD. For 10 minutes.

Mrs. BOXER. This is up to you.

Mr. ALLARD. For 10 minutes.

Mrs. BOXER. And then Senator SANDERS for 7, and then Senator BENNETT for 5, and then Senator BAUCUS for 10. I know Senator CRAIG would like 10 minutes.

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

The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, thank you. I am prepared to discuss the Lieberman-Warner climate change bill that was amended by the Boxer amendment. In general terms, I wish to take a moment to discuss climate change because that is obviously the main topic on the floor today. I have concerns about the science that some people are claiming here on the floor of the Senate.

I think that obviously if we are going to have good policy, we have to have good science. But let me say that from the reports I have seen, I think it is unclear as to what the long-range trend is as far as the temperature of the Earth is concerned. I admit that right now we are going through a warming period, but in the last few years we may have cooled a fraction of a degree.

I am recalling when I was in high school in the late 1950s, that we had magazine articles, National Geographic and everyone were writing about how we were into a cold trend, and we were heading toward an ice age.

Now we are heading toward the trend in the headlines where we have global warming. I have listened to some of the comments here on the floor. One comment was that: We are at the highest temperature on record—the problem is, the record we have of the Earth's warming and cooling is a relatively short period of time when you look at the total history of the Earth. If you go back to the year around 1,000, for example, measuring based on some scientific evidence that has been obtained from our polar caps, by going down through the depths of the ice and analyzing it, some scientists have come up with the conclusion that actually it was warmer in the year 1,000 than it is now. You cannot blame that on human action. So the question comes up whether this is a trend, a natural cycle, that happens, that is related to sunspots or volcanic activity or whatever natural phenomena might be happening.

I happen to agree that we probably contribute some to global warming. The question is, how much? That has not been adequately identified either.

I am here to raise some questions. Obviously, if we absolutely know we are headed for catastrophe, the sooner we act, the better. But on the other hand, we don't want to overreact. We could cause problems for the economy and for Mother Earth if we react in the wrong way without having good scientific evidence.

I am rather disappointed we will not have an opportunity to debate and amend this legislation, as we should. No piece of legislation is perfect. Obviously, there needs to be an opportunity for bills to be amended when they come to the floor. I am disappointed the majority leader has filled the amendment tree and filed for cloture, rather than allowing for the full and healthy debate that is such a rich part of the Senate's history.

Since this bill has been introduced, we have record-high gas prices. There is pain at the pump. The common solution we have heard time and time again, whenever we have high petroleum prices, is: You need to raise taxes. You need to limit supply. You need to blame corporations. You need to somehow control international cartels. You can't control what isn't part of America. We can't pass laws and tell them when they can form a cartel and what they can do. It is beyond our reach. But we can take care of corporate misbehavior. We have had hearings time and again trying to blame oil companies for overcharging. Over the years, the conclusion is, there has not been any misbehavior as far as corporations setting prices. They are responding to supply and demand. They are responding to the cost of the product, taking a reasonable profit and putting that product on the market. I happen to believe supply and demand has the greatest impact on our prices at the pump to date.

Obviously, this is not a perfect process. It is not a perfect bill. We need to bring the bill to the floor, provide an opportunity for substitutes to be brought forward, and then an opportunity to amend those. I am disappointed we will not have an opportunity to do that. That seems to be the trend this year. Republicans are not having the opportunity to bring up issues they believe are important on legislation that comes to the floor. That has happened time and again. Then the other side blames Republicans for somehow blocking the process. If you don't have an opportunity to offer amendments to the legislation, that is a serious concern to those of us who have to work in the minority in an institution such as the Senate, where there are specific minority rights.

I would like to address some of the concerns of the Boxer amendment to the Warner-Lieberman climate change bill. My foremost concern is the science on which the entire bill is based. But because the ranking member of the Environment and Public Works Committee has asked us to leave science aside and focus on the legislation itself, I will start there.

Based on many reports I have seen, it is unclear what, if any, effect climate change legislation would have on global temperatures. However, its potential economic impacts are absolutely staggering. The primary tool this bill uses to reduce greenhouse gases is a cap-and-trade program. It should more accurately be called a cap-and-tax program because it is essentially a camouflaged energy tax increase.

Many of the proponents of this bill have said it is just like the program the Government instituted to control acid rain. But unlike sulfur dioxide in the acid rain program, there is no widely deployable control system for CO_2 removal, nor do we expect this equipment to exist in the reasonably foreseeable future. This will result in significant increased cost to electric utilities, their consumers, as well as affected industries and their customers. That is the taxpayers. Thus, the cost of compliance will have a significant negative economic impact on electric consumers statewide and Colorado's manufacturing industries.

A recent study produced by the Heritage Foundation Center for Data Analysis found that enacting this bill would cost Colorado almost 7,000 agriculture-based jobs and over 21,000 manufacturing jobs. That is over 27,000 lost jobs in Colorado alone. The same study found that statewide, Colorado would have a personal income loss of around $2.162 billion.

This bill also contains a provision in section 201 which was originally formulated for the acid rain program. This provision specifically denies that emissions allowances, which will be given out by the Government, are to be considered a property right. The provision also allows the administrator to limit or revoke the allowances at any time. Specifying that allowances are not property is, therefore, the Government's way to avoid a ''taking'' in the inevitable instance that the administrator does revoke allowances.

How do we justify this? Government enables itself to give a product, sets up a scheme for buying and trading that product but can, at any time and for any reason, revoke that product without compensation. While there is certainly legal precedent, that does not make it right. In my view, this challenges assertions the bill's sponsors are making that their cap-and-trade approach is a market-based one.

I will propose an amendment, if given the opportunity—I filed it by the 1 o'clock deadline—to fix this by specifying that emissions allowances are property rights, and while the Government could still limit or revoke allowances, it would have to compensate the owners of allowances in order to do so. It is only fair that the Government would have to follow the same rules it sets out for industry to follow when buying and selling allowances.

If we allow this legislation to go forward in its current form, we will see energy prices go up. The national cost of gas today averages around $4 a gallon. This will only go up if we pass the climate change bill. Coloradans are currently feeling pain at the pump, but if we pass this bill, they will feel it in their homes also. One of Colorado's municipally owned utility providers has informed me that when this bill takes full effect in 2012, their customers will immediately see their utility bill jump above 25 percent.

Another utility, Tri-State, which provides electric power for 1.2 million rural electric customers in a 4-State area, has projected that their costs to comply with the requirements laid out in this bill will be $12.6 billion in 2012 to 2030. This is based on the assumption that carbon credits would cost $50 per ton.

It is entirely possible that cost projection is very conservative, and these are just rural electric cooperative impacts.

I also have very real concerns related to the fact that anyone—not just covered emitters—can buy, sell, hold, or retire emissions allowances. Anyone with a large enough pocketbook could purchase a significant share of allowances and hold them to push the allowance price up or retire them. That would put our Nation at risk of economic manipulation, should another nation decide to step in and buy those allowances. Additionally, if an investor wants to make a lot of money off of the carbon trading market, they could just purchase and hold those allowances until the price gets high enough to make them want to sell.

In any of these scenarios, the end result will leave the consumers as the ones paying the price.

In closing, I reiterate that this bill is, in my opinion, not the right way to approach the issue of climate change. A far more effective approach would be for the Federal Government to continue to provide incentives for the development of greenhouse gas neutral technologies and technologies that do not produce greenhouse gases. Incentivizing technology development would get us to the same place without the economic hardship that this bill would impose. A good example of doing this has been the significant increases in renewable energy production that have resulted from the production tax credit, clean renewable energy bonds—called CREBs—and with incentives for clean coal technology.

There will, of course, be a need for a larger Federal incentive program in all these areas to move the ball forward, but this will still be at much less cost to consumers than the $325 increase in average annual household energy cost that the Energy Information Administration has projected this bill could bring about.

This is a poorly thought-out piece of legislation. We need to have an opportunity to legislate, to offer amendments, and move forward with this important debate. This is a comprehensive piece of legislation. It is important. It involves lots of Americans. I am disappointed we will not have an opportunity, under the current process, to amend this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 7 minutes.

Mr. SANDERS. Madam President, today we are discussing two issues which, in fact, are related to each other. No. 1 is the outrageously high cost of oil and gas. The second is the planetary crisis we face as a result of global warming. There are some people who think we have to address the price of high oil prices today and not worry about global warming. Some people think we have to worry about global warming and ignore the reality facing millions of people who cannot afford oil and gas. I think we are actually smart enough to walk and chew gum at the same time. We can and must address both these important issues.

My office has recently published a small book. It is called ''The Collapse of the Middle Class, Letters from Vermont and America.'' It talks about what is going on not only in my State but all over this country, where the middle class is declining, people are working longer hours for lower wages, losing health care, pensions, their good-paying jobs. After all that, when you have gas at $4 a gallon at the pump, home heating oil outrageously high, many people throughout the country have now fallen over the economic cliff.

In terms of oil and gas prices, the time is now for the Congress to tell our friends at ExxonMobil and other oil companies enjoying recordbreaking profits—last year ExxonMobil earned more profits than any corporation in the history of the world; last year the head of Occidental Oil, a major oil company, had enough money to provide $400 million in compensation for their CEO—to stop ripping off the American people. It is time for us to pass a windfall profits tax which says: Enough is enough.

But it is not only the oil companies that are ripping off the American people. The other day at the Commerce Committee, there was an important hearing in which George Soros and major economists testified it is not only oil company greed but speculators on Wall Street who are driving prices up, which results, perhaps, in a 35-percent increase in what the price of a barrel of oil should be. We have to deal with that issue as well. This is the so-called Enron loophole. Right now, through hedge funds, through unregulated markets, there is a massive amount of trading on oil futures which is driving up oil prices. We should be regulating that speculation. It should be transparent. In the process, when we do that, as was the case with Enron and electricity, as was the case with propane gas, as was the case with natural gas, if we begin to address speculation in terms of oil futures, we can drive down oil prices.

Bottom line: We have to do that. In my State, as in rural States all over this country, where people are traveling long distances to work, they cannot afford, on limited incomes, to pay $4 for a gallon of gas. When the weather gets 20 below zero in Vermont, people cannot afford to pay twice as much this year as they did a couple years ago for home heating oil. So let us have the courage to take on the speculators. Let us have the courage to take on the oil companies and fight to lower oil and gas prices.

In addition, we can't ignore the crisis in global warming. My friends come to the floor and say: Well, the scientific evidence is not clear.

That is not true. Virtually every leading scientist who knows something about the issue, including the Intergovernmental Panel on Climate Change, has said, with 100 percent certainty, global warming is a reality. In fact, what they have told us is the situation is more dire than they had previously predicted. If we are concerned about

the drought we are seeing today which will only get worse, if we are concerned about the hunger we are seeing as a result of that drought which will only get worse, if we are worried about the severe weather disturbances we are seeing right now, if we are worried about flooding, about disease, it is absolutely imperative we address the crisis of global warming and address it now.

Some people say: There may be economic dislocation if we do it. There may be, and we have to address that. But I believe there are enormous economic opportunities. I believe the evidence is clear we can create millions of good-paying jobs as we move toward energy efficiency, as we produce automobiles, not that get 15 miles per gallon but hybrid plug-ins which get 150 miles per gallon, as we rebuild our deteriorating rail system so people do not have to get into a car to go where they want to go but can get on good rail, that we deliver cargo via rail.

There is enormous opportunity not only in terms of energy efficiency, in saving huge amounts of fossil fuel, but also in sustainable energy. I have tremendous optimism in what we can do with the technology that is already on the shelf, not to mention the technology that will be coming in the near future.

In terms of solar thermal plants which are now being built in the southwestern part of this country, as well as all over the world, you have plants, solar thermal plants, that are being built which can provide as much electricity as small nuclear powerplants, with no, or virtually no, greenhouse gas emissions. We are talking about producing 15, 20 or more percent of the electricity the United States needs right from solar thermal plants.

In addition to that, as Germany is doing, as California is now doing, there is tremendous opportunity with photovoltaics. We can put photovoltaics on 10 million roofs in this country. The more we produce, the more the price goes down, and we create jobs in the process.

Wind is the fastest growing source of new energy in the world and in the United States. It is also becoming less and less expensive. I am not just talking about large wind farms in Texas, in the Midwest. We are talking about small wind turbines that can be placed in people's backyards all over rural America.

Geothermal, biomass—there is huge potential. We must go forward for the sake of our kids and our grandchildren.

I thank the Chair.

The PRESIDING OFFICER. The Senator has used 7 minutes.

The Senator from Utah is recognized for 5 minutes.

Mr. BENNETT. Madam President, I thank the sponsors of this legislation and the leadership of the Senate for bringing this debate forward. I think it is warranted. I think the issues are serious. I am not a naysayer who would say that global warming is not taking place or that human beings are not contributing to it.

However, when I start discussing this with my constituents with respect to the present bill, they hit me immediately with one single question: What is it going to cost me?

So before I get into any of the aspects of global warming, I want to answer that question. We know we have had a wide range of costs cited on the Senate floor. They have said the increasing gasoline price will be anywhere from 11 percent to 140 percent. We have heard that the increase in cost to electricity will be anywhere from 44 percent to 500 percent. We have heard that the increase in cost in natural gas as a result of this bill would be anywhere from 35 percent to 87 percent.

I do not want to pick a number between those two wide ranges in each case. I went to Utah, and I went to the Utah Petroleum Association and said: All right, you have looked at this bill. What will this cost Utah motorists if this is passed? Do not give me 2030 estimates. Do not give me numbers that are in a wide range. Tell me, what will drivers in Utah have to pay at the pump if this bill passes?

They gave me a range: somewhere between 32 and 34 additional cents price at the pump. How did they calculate that? They said the total cost to Utah's oil refineries of the bill would be $500 million in the first year of implementation. They can extrapolate that $500 million into the price at the pump.

On electricity, I got a wider range. A Utah company estimated it would have to raise electricity rates somewhere between 100 percent and 500 percent in order to cover the cost of their purchasing the carbon allowances.

So we start with this debate answering the constituent question: What will it cost? These are what it would cost in Utahns approximately 32 to 34 more cents at the pump and somewhere between 100 and 500 percent in their electricity bill.

Now, let's get to the heart of the problem. I would like to make a point I think everybody ignores. This is a global problem, and the bill attempts to solve it with a national solution.

On this chart I have in the Chamber I have two lines. The blue line is the projection of what is going to happen in carbon emissions globally. The red line is what is going to happen in carbon emissions in the United States. You can see, the blue line is going up dramatically, whereas the red line is virtually flat.

Now, if the bill passes, and everything works as its sponsors say it will—everything comes to pass in the best possible way—what will be the impact? The dotted line in red shows what will be the impact in the United States. The dotted line in blue shows what will be the impact globally.

The impact globally will be minimal because increasingly the U.S. share of global emissions is going down. So that is why I am opposed to this bill.

I close with a comment from Daniel Botkin, Ph.D., professor emeritus of the University of California, Santa Barbara. He says in his statement:

> You may think I must be one of those know-nothing naysayers who believes global warming is a liberal plot. On the contrary, I am a biologist and ecologist who has worried about global warming, and been concerned about its effects since 1968. . . .

Then he says:

> I'm not a naysayer. I'm a scientist who believes in the scientific method and in what facts tell us. I have worked for 40 years to try to improve our environment and improve human life as well. . . .

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BENNETT. Madam President, I ask unanimous consent for an additional 30 seconds.

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

Mr. BENNETT. This is his summary:

> My concern is that we may be moving away from an irrational lack of concern about climate change to an equally irrational panic about it.
>
> Many of my colleagues ask, ''What's the problem? Hasn't it been a good thing to raise public concern?'' The problem is that in this panic we are going to spend our money unwisely, we will take actions that are counterproductive, and we will fail to do many of those things that will benefit the environment and ourselves.

That is the irrational panic I think we would move to if we do this bill without serious amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. BAUCUS. Madam President, today, the Senate is addressing the most compelling environmental issue of our time—global warming.

President Teddy Roosevelt once said:

> I recognize the right and duty of this generation to develop and use our natural resources, but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.

We all have a basic moral duty: a duty to leave this Earth to our children and our grandchildren in as good a shape or better shape than we found it. We should not rob future generations of a healthy climate and all the benefits that come from it. What will history say about us if we rob future generations of the chance to fish in cold water trout streams or see glaciers in Glacier National Park?

By reasserting America's moral leadership and enacting a cap-and-trade program, we can leave a different legacy. We can protect our outdoor heritage, make our economy more competitive, and create more good-paying jobs.

In Montana, we are already transitioning to a new green economy. We have increased our wind-generating capacity more than seventyfold in the last 2 years. The potential for this clean energy is huge. We can replicate this success with solar, clean coal technology, with carbon capture and sequestration, and other clean forms of energy.

We must begin the process of developing the next generation of energy technologies at home. A cap-and-trade program will spur cleaner technologies and create good-paying jobs.

We already know that a cap-and-trade system can work. It is a market-based solution that harnesses the power of America's ingenuity and entrepreneurship.

In the year 1990, I chaired the conference committee that completed the Clean Air Act amendments designed to address acid rain. At the time, there were a lot of gloom-and-doom predictions about the costs that the Clean Air Act amendments would impose on the economy. Certain industry groups claimed that the Clean Air Act amendments would cost industry more than $5 billion every year. The actual cost to industry was less than one-third of that. And the public benefits of cleaner air have amounted to more than $78 billion a year.

A cap-and-trade system for greenhouse gases will be much more complicated, clearly. But I am confident that by using a market-based solution, we can stop global warming as well.

We have a moral imperative to act. We have no choice. But we must also work to get the policy right. We have no choice there either. This means designing a cap-and-trade system that stops global warming. But it also means doing it in a way that enhances our economic competitiveness, creates good-paying green jobs, and avoids harm to working families.

Setting the cap determines whether we meet our environmental goals. What we do with the money the cap-and-trade program raises will determine whether we enhance our American competitiveness and help working families.

By establishing a cap-and-trade system, we are creating a market for greenhouse gas emissions. Under the cap-and-trade system, emitting greenhouse gases will come at a price. Allowances will govern the right to emit greenhouse gases. The bill before us gives away some of the allowances but auctions others in an auction system. The bill auctions fewer allowances in the earlier years and more in the later years of the program, through the year 2050.

The auctioning of these allowances will generate receipts. According to the Congressional Budget Office, enacting this substitute will generate an additional $902 billion in receipts over the next 10 years—close to $1 trillion.

The bill we are considering allocates the money generated from the auction through a variety of trust funds. There are 15 of them in all. They are directed toward different needs anticipated from dealing with global warming. For example, the bill sets aside funding for such things as wildlife adaptation, creation of a new worker training program, and energy technology.

All of these are worthy causes. But are they the best way to use the receipts in order to increase our competitiveness and help working families? Should we auction all of the allowances, more of the allowances, or fewer? Rather than spending the receipts through the various trust funds, should we return more of the money to the people in tax cuts?

This bill also safeguards American economic competitiveness by requiring importers to buy carbon allowances for products imported from countries that have not made commitments to reduce greenhouse gases. This requirement can serve as an effective incentive for other countries, particularly the rapidly developing economies in China, India, and Brazil to join us in the fight against global warming.

Of course, our trading partners will watch closely any proposal that imposes an assessment on imports. It is important we adopt such measures in a manner that respects international trade rules. The proposal before us has been carefully crafted to take these rules into account.

As a member of the Environment and Public Works Committee, I supported the Lieberman-Warner bill in both the subcommittee and full committee. I believed it was very important to move forward on global warming.

As chairman of the Finance Committee, I have additional responsibilities. Those include directing the revenues generated by the Federal Government, overseeing U.S. trade policy, and helping those displaced by trade to retool and retrain. The bill before us today involves these and many other matters. This is a complex and challenging issue involving many committees within the Congress.

We in the Senate have finally woken up to the moral imperative of addressing global warming. Now we must acknowledge the imperative to get the policy right. I applaud Senator LIEBERMAN, Senator WARNER, and Senator BOXER for bringing this issue before the Senate so we can begin to debate and improve the policy.

I want to continue to work with my colleagues to get it right, as chairman of the Finance Committee, as a member of the EPW Committee, and as a Montanan and a concerned American. We owe it to our children to act and to get it right.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes under the previous order.

Mr. CRAIG. Thank you, Madam President.

Let me recognize at the beginning of my comments that yesterday I was on the Senate floor to talk about the incorporation of good forest policy as it relates to rejuvenating America's forests to increase their capability of sequestration of carbon out of the atmosphere. I said at that time there would be an amendment. That amendment has the cosponsorship of Senators DOMENICI, ALLARD, CRAPO, and BARRASSO and has been filed. It is an important amendment, if we ever get to that phase of this debate, where we will be able to effectively craft and shape a policy for our country.

We deal with striking the international intent within this bill to take our money to help others before we help ourselves. We define biological sequestration. We think that is extremely important because we know how to do that now at the Federal level. It is not the old business-as-usual model; it is establishing a baseline and being able to effectively measure from there. We allow forests to get credits from meaningful sequestration, and I think this is tremendously important to be able to do. It is not about the volume of a stand of timber; it is about the ability of that stand to sequester. If you have 400 trees per acre, you have overpopulated that area by as many as maybe 250 or 300 trees per acre. But that is the measurement of the Boxer amendment. It is absolutely counterintuitive to modern forest science. We change it to where we are and to where we know our forest scientists are today.

We use existing monitoring and measuring tools, which is very important. It is a product of 1992 legislation when we charged the U.S. Forest Service and their laboratories to get at the business of being able to effectively measure. We use internationally recognized sustainable forest management standards. We use RFS and productive tax credits for biomass and biomass removement, and of course we use stewardship contracting, which is critically important.

Let me take the Presiding Officer and those who might be listening today on a very interesting journey that starts at America's gas pump. Let me assume that the Presiding Officer has just driven up to a gas pump somewhere in America. You stick the hose in your car, you activate the pump, you slide your credit card, and you begin to fill. Depending on the size of your vehicle and the price—anywhere from let's say $3.85 a gallon for regular to maybe $4.44 in California—you begin to grow annoyed as the calculator on the pump goes: 35, 40, 45, 50, 55, 60, 65—oops, you have maxed the pump and you have to get more by reactivating the pump to fill your SUV. Your anger is optimal now. You have just paid 100 bucks or somewhere near that, and you have never done that before. You move your view up to the pump and it says ''Chevron.'' It says ''Shell.'' It says one of the major oil companies. You focus your anger on that company and you say: It has to be their fault. They are making record profits. Somehow, there ought to be a way to stop them from doing what they just did to me and my pocketbook and my family's budget.

Let me take you, the consumer, then, a step further and suggest to you that you are part of a problem that has been growing in America for a long while. Your demand for the use of energy has

gone nearly straight up over four decades as you have increased your consumption of it. Why? Because the price was reasonable and you enjoyed it. The price was reasonable and your demand went up dramatically, but while that was going on, there were interests at work in our country that said: We are not going to produce any more, we are going to produce less, and we did. So our overall supply began to drop at about the time that our demand began to go up catastrophically. What happened was an interesting scenario.

So now you have hung your hose up from the gas pump, you have just paid 100 bucks, and you are angry as heck. You are part of the demand curve in our supply in our country that is dropping down, and you have just blamed Exxon or Chevron or Marathon or someone because you have spent 100 bucks to fill your SUV and you are not happy.

If you took all of these small companies and blamed them all and said they have to be the problem, they would only represent about 6 or 7 percent of the problem. The problem these companies have is that they are buying a substantial amount of their oil from this side of the chart. They are buying their oil from countries—from countries that don't give a darn about our problems. We have grown so dependent on foreign countries that now some 55 to 60 percent of our consumption comes from them, and we pay a phenomenal amount for it, or should I say you—you, the consumer who has just put up the hose on the gas pump and who has grown angry, wanting to focus your anger on these companies.

Is it Canada you want to blame? Well, let's see now, at $125 a barrel, we are paying Canada $280 million a day. Why should we blame them? They are supplying our needs. There are no gas lines today. There is no diminishment in supply. It is a price problem. Well, then let's blame Saudi Arabia. Oh, yes. They are over here. They are the big boys. The President just went over there, hat in hand, begging that they turn their valves on, and they said: No, Mr. President. Your problem, not ours. You are going to keep buying our oil. You need it. We are paying them $190 million a day. Maybe it is Venezuela, run by a little tinhorn dictator—$160 million a day flowing from our consumers' pocketbooks—or it is Nigeria at $140 million or it is Algeria at $70 million.

The bottom line is, well over $1 billion a day comes right out of the consumers' pocket and goes primarily to one of these companies that buy from one of these countries. They buy the oil at the current world price, and they are allowed to take some profit from it; sure they do. Their profits are record highs because the charges are record highs, and the story goes on and on.

We search to blame. We have little alternative. The business of the oil economy has little elasticity to it. We can't switch over to something else unless we park the SUV and get a bicycle. But you can't haul your kids to the soccer game on a bicycle. You can't haul boxes of groceries home on a bicycle. So the American economy and its consumers are questioning themselves right now, saying: What do we do?

Let me suggest there is somebody to blame besides ExxonMobil and Chevron and Marathon. Why don't you blame the Senate? Why don't you blame the Congress of the United States which, by being subject to environmental pressure over the last 30 years, has largely denied the right of this country to effectively develop its oil reserves and create a less dependent relationship with all of these countries? That is what we ought to be doing, but we are not doing that.

Here is a map of the gulf region of Florida. In this region, we are developing this right now. We have just opened this area after we spent 2 years trying to get it open because politics would not allow us to open it, and we think there are about 2.2 million barrels a day starting in 2012 down here. This is lease sale 181. But over here, there may be as much oil as there was or is here, but this is politically off limits. We can't do it. Why shouldn't the consumers say: Well, what is the politics of it? You are draining my pocketbook dry. Is there value in those politics? Why don't you develop your reserves? Well, Florida, Presidential politics—you name it. Floridians are awfully frustrated by the fact that you might be able to drill there.

This area right down here is the Cuban basin, the northern Cuban basin. Cubans are letting leases out to drill there. The U.S. Geological Survey would suggest that there is some oil there—maybe quite a bit of oil—but we won't get it. It won't traffic through Exxon or Chevron because we have a policy that denies us access to that region of the world because, if you will, of the politics of Cuba, plain and simple.

So here is our problem with that and here is our problem with this interesting picture. We have about 115 billion barrels of reserve in gas, about 29 billion known, about 5 billion undiscovered resources. In gas, we have about 633 trillion cubic feet, 213 trillion known, 419 unknown. Now, that is information that is 20 years old because politically you dare not go out into any of these regions today with the new seismic technology and explore because if you did and you found oil, you might want to drill, and that would be environmentally unacceptable. Oh, how frightening.

I remember a time—and not all do unless you are about my age—come 1969 when there was an interesting oil spill off the coast of Santa Barbara in southern California. It made national headlines because it was one of the first major oil spills that did substantial environmental damage. I have oftentimes referred on the floor to our denial to access the Outer Continental Shelf as the ghosts of Santa Barbara that lurk in this Chamber and hide in the background of environmental arguments. That was Santa Barbara in 1969. But what is fascinating about Santa Barbara is that while we didn't drill offshore Santa Barbara because of a moratorium on the Federal waters, we continued to drill offshore Santa Barbara in the State waters. Today, offshore Santa Barbara, CA, is producing 731,000 barrels of oil a day. They just cut a new deal with some oil companies to drill in this area. Well, why aren't they allowing us to drill offshore further out in the Continental Shelf? Because California doesn't get the money. Oops. Sorry, folks. Money trumped the environment. Remember that. In Santa Barbara today, they are drilling for oil if it is within the 3-mile limit of the shoreline because that is State oil and that is State water. But out in the Federal reserve, Outer Continental Shelf, no, no, no, no, can't do, must not do that, something about a problem.

Well, what the ghost of Santa Barbara and the 1969 oil spill did was shove us into a period of technology unprecedented. Today, we are drilling offshore in the gulf, and the water is so deep that we didn't even imagine a decade ago we could be there. We are doing it appropriately and in a very clean fashion.

So here are the headlines in Los Angeles, April 20, 2008: Santa Barbara approves offshore drilling. Well, what happened to this picture here? What happened in 1969 with this oil rig spilling oil, sea lions dying, fish dying, muck, oily muck along the shoreline? That is Santa Barbara, 1969. We were led to believe they stopped drilling altogether, but they didn't. They just approved new drilling, but it is inside the 3-mile zone.

Now, Californians are selective, apparently, about their environment. If there is money tied to it, well, maybe we can drill, if we get all the money, but if we don't get as much of it, we won't drill offshore. That is the kind of politics that have gone on today.

So remember how I started these comments a few moments ago? You have just driven up to a gas pump, you just stuck the nozzle into the tank of your SUV, you just cranked out 100 bucks of regular at about $4.40 a gallon—in California, because of the boutique fuels of the Clean Air Act—and you have grown angry because somebody was ripping you off, and that somebody had to be an Exxon or a Chevron or a Marathon or someone else. But I hope I have been able to suggest to you some additional knowledge: That they represent maybe 6 percent of world production. It is the petropolitics of the world today where nearly 90 percent of the known oil and the reserves are owned by foreign nations that are sticking it to us, and they are sticking it to us today because of our own interesting greed, because we grew luxuriously fat on cheap energy and we developed cars that take

a lot. Now that we can't fill them for 20 bucks and it is costing us 100 bucks, we are angry and we want to blame somebody. Blame Saudi Arabia, blame Venezuela. But how about blaming us here in the Congress, because some of us have tried, but the body politic of America denied that we should touch our own reserves, develop our own oil, and that we should become dependent upon someone else.

So we have legislation on the floor today that doesn't help that. It creates, in fact, greater dependency. It doesn't move us forward to develop those known reserves. It doesn't allow us to do the geological exploration in the deep waters of the Outer Continental Shelf with the new technologies, in which we will find much more oil than we know is there.

America, blame your Congress—blame your friendly Congressman or your friendly Senator. Ask them how they voted. Ask them how they are going to vote on ANWR, on Outer Continental Shelf, on new development, on new refinery capacity. Oil is not the answer for 50 years from now, but oil is the bridge that gets us from where we are to where we need to be with new technologies. But our lack of foresight, our rush to be green, and our rush to deny the realities of the marketplace has produced the problems we have today, and there are people to blame. We ought to start right here with a Congress that would not listen.

But year after year, while I and others brought ANWR to the floor for a vote, and while we tried to get into the Outer Continental Shelf, politically, it was simply an unpopular thing to do, because some would say this would be the picture. Fellow Senators, this picture I display on the Senate floor is a picture of the past. This is of 1969 Santa Barbara. From that day forward, we began to apply technology to drill heads, to drill rigs, through our capability and talent. When Katrina hit the gulf and hit the coastline of Louisiana, parts of Alabama, Mississippi, and Florida, offshore, not one drop was spilled. Thousands of wells were shut down. Rigs were sent adrift. But what is depicted in this picture did not occur. This will not occur again because of the triple safety devices and all of the kinds of things that have been incorporated as a result of this.

So California today drills happily away within the 3-mile zone, because they get 100 percent. But outside the 3-mile zone, no, no, no, can't touch, might hurt the environment. Shame on us.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Missouri is recognized.

INTELLIGENCE COMMITTEE PHASE II REPORT

Mr. BOND. Mr. President, with some reluctance, I come to the floor today to continue the discussions that were begun this morning about the Intelligence Committee's report that comes out today, called phase II.

I am somewhat embarrassed to have to highlight the partisan divisions and sloppy work of the Intelligence Committee that was discussed here. Back in July of 2004, the Intelligence Committee completed an exhaustive 2-year study of the inadequacies of the intelligence pre-Iraq war. We looked at it. We had hundreds of interviews, brought people in, and looked at all of the documents. Our staff analyzed all of these items and interviewed people. We came to the conclusion that, despite what some people had said, the intelligence prior to the Iraq war was flawed. It wasn't a question of the administration pressuring analysts or the administration misusing intelligence. Those charges were made and they were very volatile. They were all dismissed because the intelligence was bad. We passed the bill out of committee unanimously. It was a true bipartisan work. It stands as a monument to what effective oversight could and should be. It helped reform the intelligence community, to make it better and improve the tradecraft of the analysts, and to inspire more working together.

But today we have regressed significantly. What came out today as the phase II reports were, regrettably, highly partisan. When I became vice chairman of the Intelligence Committee, I had hopes we would be able to put behind us the corrosive atmosphere of partisanship that had taken over in the committee in previous years. I recommended that we work together on phase II to bring it to an end, because most of the work had been done in 2006. The minority asked for extensive analysis and collation and collaboration, and they prepared that. But the offer was rejected by the chairman.

Instead, two reports were written solely by Democratic staffers. No minority staffers participated in the writing of the report. They were shut out, unlike work on the phase I effort. It is an unfortunate example of partisanship being alive and well on the committee.

The report released today is an attempt to score election year points. I would have thought we would quit fighting the 2004 election, but apparently we have not. It violates the committee's nonpartisan principles and rejects the conclusions unanimously reached in previous reports.

I think it is ironic that the majority would knowingly distort and misrepresent the committee's prior phase I findings in an effort to prove that the administration distorted and mischaracterized the intelligence. In contrast, as I said, the phase I report of July 2004 concluded that most of the key judgments in that NIE, National Intelligence Estimate, on Iraq's WMD programs either overstated or were not supported by the underlying intelligence. And the committee found that the Intelligence Committee failed to explain to policymakers the uncertainties behind the judgment. The report made it clear that flawed intelligence—not administration deception—was the basis for policymaker statements and decisions.

Despite the Democrats' political theater on the floor today, none of the facts in the phase II majority reports released today change that conclusion. There is no evidence in the information brought up today that changes the conclusions of the phase I bipartisan 15-to-0 vote.

Now, the reports that came out today ignore the fact that many in Congress—Republicans and Democrats—examined the same intelligence as the Bush administration, and they, too, characterized Iraq as a growing and dangerous threat to the United States.

The public report is replete with examples of statements by the current chairman and by other Democrats. Let me report what was said by the current chairman.

October 10, 2002:

There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. He could have it earlier if he is able to obtain fissile materials on the outside market, which is possible—difficult but possible. We also should remember we have always underestimated the progress that Saddam Hussein has been able to make in the development of weapons of mass destruction.

He said this also:

Saddam Hussein represents a grave threat to the United States.

Further on in the statement, he said on October 10, 2002:

The President has rightly called Saddam Hussein's efforts to develop weapons of mass destruction a grave and gathering threat to Americans. The global community has tried, but has failed, to address that threat over the past decade. I have come to the inescapable conclusion that the threat posed to America by Saddam's weapons of mass destruction is so serious that despite the risks—and we should not minimize the risks—we must authorize the President to take the necessary steps to deal with that threat. . . . There has been some debate over how ''imminent'' a threat Iraq poses. I do believe Iraq poses an imminent threat. I also believe after September 11, that question is increasingly outdated. It is in the nature of these weapons that he has and the way they are targeted against civilian populations, that documented capability and demonstrated intent may be the only warning we get. To insist on further evidence could put some of our fellow Americans at risk. Can we afford to take that chance? I do not think we can.

Those were the statements he made on the Senate floor. Frankly, I said many of the same things, because he was looking at the same intelligence I was, the majority of this body was looking at, and the executive branch was looking at when they made the distinction. We decided to support the President to move forward. The intelligence was often flawed, but that was the intelligence we had at the time.

The report we have today was drafted entirely by the majority. The minority was entirely cut out of the process. Even with the majority-only drafted report, the twisted statements of policymakers cherry-picks intelligence

and validates what we have been saying for years—that the intelligence was flawed.

No. 2, the statements report excludes intelligence, including instances in which the committee knew that policymakers' statements were fact checked and approved by the IC. For example, the report does not explain that the speech of Secretary of State Powell was not only checked and rechecked by the IC, but that the first draft of the speech was actually written by the CIA. This original draft included text that the majority report claims was ''unsubstantiated.''

The report does not review any statements of Democrats.

The report distorts the words of policymakers to help make the majority's case.

The majority didn't even seek to interview those whom they accuse of making unsubstantiated statements.

There is a second report, the Rome report, which was totally outside the scope of the committee's authorization. The committee said we will look at the Office of Special Plans and the PCTEG in the Defense Department, with reference to Iraq. The report they put out today has nothing to do with Iraq. It is about an Iranian talking about Iran. The people whom they were talking to were not members of the Office of Special Plans or the PCTEG. It was not an intelligence operation. The United States had been contacted by somebody who wanted to speak to somebody other than the CIA about information he had in Iran. It was found not to be trustworthy or useful, and the National Security Adviser dismissed it and said it requires no further proceeding.

We wasted time, we wasted valuable effort, and we got nothing for it.

I regret to say this has injected partisan politics and does this committee and this body no useful purpose.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 3036

Mr. MCCONNELL. Mr. President, I notified the other side that I am going to propound a unanimous consent request to which I think they will object. I didn't want to blindside them. I don't know who on the other side is available.

I see both leaders here. Therefore, I ask unanimous consent that the Senate resume consideration of S. 3036, the Lieberman-Warner climate change bill; that the motion to commit be withdrawn and the pending amendment be temporarily set aside so that I may offer an amendment related to gas prices.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I think it is pretty clear what the picture is here. After trying everything that we could to have a regular debate on this bill, we were turned away at every point.

My memory goes back to yesterday, with the unusual, untoward request and objection that we not be allowed to waive the reading of almost a 500-page amendment. So we spent all day yesterday doing that. I think if my friend is interested in doing something about gas prices, that opportunity will come quickly, because we are going to have to vote Tuesday morning on gas prices. It is a very direct, concise debate on gas prices. I hope we will get support from the Republicans on that issue.

It would seem to me, if they are interested in doing something about gas prices, they would vote cloture on that. If they wish to offer amendments, that is the fine. But with all due respect to my friend, who objected to even committees meeting today—committees meeting today—in addition to having the amendment read——

Mr. MCCONNELL. Parliamentary inquiry: Is this an objection or a speech?

Mr. REID. It is both. I object.

The PRESIDING OFFICER. The Senator has reserved his right to object.

Mr. REID. And I object, Mr. President.

The PRESIDING OFFICER. Does the Senator wish for the regular order?

Mr. MCCONNELL. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Republican leader does have the floor.

Mr. MCCONNELL. I take no pleasure in cutting off my friend, the majority leader. I have the floor, and I propounded a unanimous consent request to which he objects, which is, of course, his right.

Let me make some observations about the amendment I would have offered had I been permitted to.

My good friend, the majority leader, was complaining about the reading of the amendment yesterday. I remind him it did not take nearly as much of the Senate's time as his reading passages from his own book back in 2003, which took up to 9 hours of the Senate's time, that, too, to make a point about the way judicial confirmations were being handled. So it is certainly not unprecedented for Members of the body—not the majority leader, not myself—trying to make points with regard to the displeasure, if you will, in the handling of judicial appointments.

With regard to the amendment I would like to have offered, I ask unanimous consent to have printed in the RECORD the amendment so people will know what I would have offered had I been allowed to.

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

On page 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER GASOLINE PRICES CAUSED BY THIS ACT.

(a) DETERMINATION OF HIGHER GASOLINE PRICES CAUSED BY THIS ACT.—Not less than annually, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator, shall determine whether implementation of this Act has caused the average retail price of gasoline to increase since the date of enactment of this Act.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher gasoline prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a gasoline price increase.

Mr. MCCONNELL. Mr. President, obviously, I am disappointed that the majority has objected to allowing this amendment to become pending. Earlier today, the assistant majority leader said we should be voting on amendments. I actually couldn't agree more. In a week in which gas prices have climbed to an all-time high, the Democratic majority in the Senate is pushing legislation that would send them up, at the very least, another 53 cents a gallon.

Since the majority took over Congress 17 months ago, gas prices have gone up $1.66 a gallon. Since the beginning of this year alone, gas prices have gone up nearly a dollar—82 cents. Today, AAA reported a new record-high average gas price nationwide of $3.99 a gallon. All of this is hurting families, workers, truckers, farmers—it is hurting literally everyone. Yet the majority has nothing to say about it. It has done nothing, actually worse than nothing. It has repeatedly blocked efforts to increase production of American energy at home, as recently as last month, when 48 Democratic Senators voted against the American Energy Production Act.

Now, at the beginning of the summer driving season, it offers a bill that would send gas prices up another 53 cents a gallon, for goodness' sake. People in the Commonwealth of Kentucky are paying, on average, $3.92 a gallon this week. They want to know what in the world is going on around here. I am telling them to take a look at what is going on here this very week. I am asking the same question they are: Why on Earth are we considering a bill that would raise gas prices even higher—even higher—than they already are?

Our friends on the other side have no serious plan for lowering gas prices. Indeed, they seem intent on raising them even higher, which is why I have tried offering this amendment as a sort of emergency brake on the majority.

This amendment says that if the Boxer climate tax bill does, in effect, increase gas prices, its provisions shall be suspended.

Let me say that again. This amendment I had hoped to be able to offer and get pending and voted on simply says, in fact, if the Boxer climate tax bill does, in fact, increase gas prices, its provisions shall be suspended. Turn them off and take a time out.

Earlier this week, the junior Senator from Connecticut said the Boxer bill would reduce gas prices. His contention runs counter to every analysis of the bill of which I am aware. But if he is right—if he is right—if the Boxer climate tax bill actually reduces gas

prices, then there is no reason not to support my amendment because my amendment would not go into effect—if, in fact, the underlying bill is going to reduce gas prices.

If the Senator from Connecticut is right, then my amendment would not have any effect on the cap-and-trade system outlined in this bill because, of course, gas prices would not be increased by the operation of the bill. If he is wrong, my amendment will protect those who are suffering today from the high price of gasoline.

We should have an opportunity to ask Senators where they stand. Do they believe, as I do, that gas prices are high enough already or do they believe, as the sponsors of this bill do, that gas prices should rise even higher? What are they afraid of? Let's have votes on these amendments. This is the kind of bill, as I have said repeatedly, normally in the Senate would have been on the floor for weeks. This is a big, complicated bill, described by my friend and colleague, the majority leader, as the most important matter for the planet. I think we would all agree that is a big deal.

If this issue is the most important issue confronting the planet, then it is worth more than a few days. If we spent 5 weeks and considered 180 amendments and processed 130 of them on the clean air bill in 1990, this bill is certainly worth a multiweek, multifaceted debate and consideration of amendments without preclearance on both sides.

What has evolved in the course of the last year and a half is the only way you get to offer an amendment around here is if the other side agrees to let you. The majority leader and I have been around the Senate long enough to remember when that was not the way you operated on major bills. We were both here in 1990, when Senator Mitchell was the majority leader. The Democrats controlled the House, controlled the Senate, and there was a Republican in the White House. We were trying to do a clean air bill. We spent 5 weeks on it, considered 180 amendments, passed 130 of them. Nobody was asking permission to offer an amendment. It was a freewheeling, wide-ranging, wide-open debate on an important issue at that time.

This strikes me as very similar in nature to that, and I don't know why we are afraid to spend time on this bill, why we are afraid to have amendments on it. My goodness, filling the tree, filing cloture—it strikes me my good friend, the majority leader, doesn't want anybody to vote on any of the amendments. We wish to go through a kind of 1-week, check-the-box exercise and move on. If this is, indeed, the most important issue confronting the planet, why are we not spending time on it?

So I would have liked to have had a chance to vote on that amendment. It strikes me that if the position of the majority is this bill will not raise gas prices, there would be no particular reason not to adopt it because, at the end of the day, it wouldn't become operative unless gas prices went up. GAO thinks gas prices will go up 53 cents a gallon. I hope this bill doesn't pass, but if it does, I hope they are wrong and that the Senator from California is right. In any event, as a good hedge against further raising gas prices on American consumers, it struck me that the McConnell amendment would be a good way to go.

I regret it will not be possible to offer that amendment. It would have been good for the Senate to have considered and to have voted on this amendment. But apparently that will not be the case today.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, look at this picture: My friend is complaining about judges. They did this yesterday because of judges. I gave a speech 7, 8 years ago that lasted 9 hours, so they can now say that is fine, these many years later, we are going to force them to read a bill.

Keep in mind, all you people who are watching, we have the lowest rate in decades, some 30 years, of vacancies in the Federal judiciary. Is it an emergency? Of course not. These lifetime appointments make far more money than the average American.

This judges issue they put into this global warming debate is a diversion. President Bush doesn't acknowledge global warming exists, so it is obvious he is not concerned about global warming.

I so admire a few valiant souls, led by Senator WARNER, on the other side who do believe it is a critical issue. I appreciate their vigilance and their courage for coming forward and supporting us in trying to do something about global warming.

My friend, the Republican leader, is talking about gas prices having gone up while we have been in control of the Senate for less than 18 months. The President of the United States has been in power for 7½ years. Gas prices have gone up 250 percent. Gas prices, since the first of the year, have gone up 82 cents.

This whole argument objecting to committees meeting—when the Republicans were in power, there was not much going on with the committees, no oversight. We are having a little oversight. Maybe that is why they don't want us to do the committee hearings.

This whole issue dealing with global warming—we have a memo of theirs saying they are going to play political games—the whole issue relating to this reminds me of the old-time story where a person kills his parents and then seeks the mercy of the court because he is an orphan. That is what they are doing.

This argument is so transparent. After not having allowed us to do anything on this bill, they suddenly walk out here and say: We have something we would like to amend.

We have tried. We have tried. We have a cloture vote set on this issue. We are going to do it in the morning, to allow us to go forward and debate some amendments. We will see what happens on that vote.

The American people understand what the Republican minority has done to the Senate and to our country. It has even spilled over into the House of Representatives in three special elections. The former Speaker of the House of Representatives, the man Speaker PELOSI replaced, in a heavily Republican district in the State of Illinois, that district went Democratic. Why? Because of this going on.

In Louisiana, a House seat that had been Republican for many years, the Democrats won that seat in a special election. In Mississippi, they appointed a Senator to take Senator Lott's spot. There was a vacancy. A Democrat won that. It is going to continue. The American people see this picture.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, with respect to the judges issue—we are getting things kind of mixed in together—with respect to the judges issue, it was viewed with incredulity the suggestion that somehow reading the amendment yesterday was without precedent. My good friend clearly remembers his reading his own book on the floor of the Senate. According to Senate records, it was nearly 9 straight hours, longer than it took to read the amendment yesterday. Interestingly enough, it had nothing to do with judges. At least reading the amendment yesterday was a way to learn about the Boxer substitute, since we had gotten it about 15 minutes before it was offered.

The fundamental issue on judges is keeping your word around here. Let's not obscure the point. The fundamental issue about judges is, Are you going to keep your word?

At the beginning of this Congress, the majority leader and I agreed we would achieve, working together, the average number of circuit judges of each of the last three Presidents, each of whom, to their regret, ended their terms with the opposition party in the majority. It was not contingent on vacancy rate. There was no discussion of vacancy rate. It didn't have anything to do with anything other than a numerical measurement of success.

When it became clear several months ago that there was no serious effort being made to keep that commitment, we had a conflict here on the floor about another bill. In connection with settling that dispute, the majority leader committed to me that we would do three circuit judges before Memorial Day toward the goal he and I had agreed on earlier. We did one. We did one.

The only way this institution can function is that when we give our word, we ought to keep it.

Now, on a separate track, last night, in connection with a nominations package, the commitment was made to do three district court judges within the next week who are on the calendar right now and have been on the calendar since late April.

So now we have two commitments extant here. We have the commitment at the beginning—well, three actually: the commitment at the beginning of the Congress to reach the average for each of the last three Presidents, which would have been 17; then we had the commitment to do three prior to Memorial Day, only one of which was done; and now last night, in conjunction with a nominations package, we had a commitment to confirm three district court judges who have been on the calendar here in the Senate since late April. And these are typically not even controversial. The chair of the Judiciary Committee was on the floor at the time. So we will see if that commitment is to be kept.

So that is what this is about, Mr. President. It is about keeping your word here in the Senate.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand that the order gave a period from 2 to 3 to the Senator from Virginia, the Senator from California, and the Senator from Connecticut. Am I correct on that?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Recognizing that our leadership had important matters to bring to the attention of the body and that 15 minutes of that time was consumed in that series of important messages, I ask unanimous consent now that the entire calendar of scheduled speeches and so forth be moved ahead 15 minutes to restore our time and thereby extend time.

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

Mr. WARNER. I thank the Presiding Officer, and I thank my colleagues.

Mr. President, I wish once again to express my appreciation to the chairman, Chairman BOXER, and my colleague, Senator LIEBERMAN, in the long voyage we have had. Senator LIEBERMAN and I have been working on this for nearly a year, the climate change bill and the security bill, as we call it, and then our chairman eventually joined and the committee acted and the rest is history.

I look upon this as being a very substantial contribution to this continuing debate on this very perplexing but essential subject to be continuously watched here in the United States of America, and the next Congress will take it up, and I think we will have laid a foundation for the future work of the next President and the next Congress—an important foundation. I wish we would have had more debate, but I will not get into the politics of what happened. It is clear to all. But I will say that in the brief period we were on the bill, for example, I did not hear any really substantial debate contesting the fundamental question: Is there adequate science to support—to support—the action by the Congress of the United States and then hopefully the President of the United States to address this issue? That seems to me to be put aside now.

I think we can deduce from this limited debate we have had that each and every Member of this Chamber is genuinely concerned to some degree about the effects of the erratic changes in our climate, in our weather, with the droughts and the floods, the tornadoes, and these other unexplainable variations in the historical—I repeat, the historical—benchmarks of these weather occurrences. So we are moving forward, and that was a very important building stone.

This morning, the chairman and the Senator from Connecticut and, indeed, the Senator from Massachusetts, Mr. KERRY—the four of us joined to introduce two very fine, distinguished, retired four star officers—one a general and one an admiral. They are a part of a team of 11 members.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of all the members of the Military Advisory Board to the Center for Naval Analysis, a national and internationally recognized organization which deals in a nonpolitical way on issues. They put together a very comprehensive report about the national security implications from global climate change.

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

THE MILITARY ADVISORY BOARD

General Gordon R. Sullivan, USA (Ret.), Former Chief of Staff, U.S. Army; Chairman, Military Advisory Board.

Admiral Frank ''Skip'' Bowman, USN (Ret.), Former Director, Naval Nuclear Propulsion Program; Former Deputy Administrator-Naval Reactors, National Nuclear Security Administration.

Lieutenant General Lawrence P. Farrell Jr., USAF (Ret.), Former Deputy Chief of Staff for Plans and Programs, Headquarters U.S. Air Force.

Vice Admiral Paul G. Gaffney II, USN (Ret.), Former President, National Defense University; Former Chief of Naval Research and Commander, Navy Meteorology and Oceanography Command.

General Paul J. Kern, USA (Ret.), Former Commanding General, U.S. Army Materiel Command.

Admiral T. Joseph Lopez, USN (Ret.), Former Commander-in-Chief, U.S. Naval Forces Europe and of Allied Forces, Southern Europe.

Admiral Donald L. ''Don'' Pilling, USN (Ret.), Former Vice Chief of Naval Operations.

Admiral Joseph W. Prueher, USN (Ret.), Former Commander-in-Chief of the U.S. Pacific Command (PACOM) and Former U.S. Ambassador to China.

Vice Admiral Richard H. Truly, USN (Ret.), Former NASA Administrator, Shuttle Astronaut and the first Commander of the Naval Space Command.

General Charles F. ''Chuck'' Wald, USAF (Ret.), Former Deputy Commander, Headquarters U.S. European Command (USEUCOM).

General Anthony C. ''Tony'' Zinni, USMC (Ret.), Former Commander-in-Chief of U.S. Central Command (CENTCOM).

Sherri W. Goodman, Executive Director, Military Advisory Board, The CNA Corporation.

STUDY TEAM

David M. Catarious Jr.
Ronald Filadelfo.
Henry Gaffney.
Sean Maybee.
Thomas Morehouse.

Mr. WARNER. Mr. President, I will read first from the statement, and then I will insert the full statement of General Sullivan in the RECORD.

General Sullivan has had a 50-year career, in one way or another—on Active Duty or continuously working—with the U.S. Army. I have known him a long time. I remember him coming to testify before the Senate Armed Services Committee many times in his capacity as the Chief of Staff of the Army. He stated as follows:

Having said this, I admit I came to the Advisory Board as a skeptic and I'm not sure some of the others didn't as well. After we listened to leaders of the scientific, business, and governmental communities, both I and my colleagues came to agree that global climate change is and will be a significant threat to our national security. The potential destabilizing impacts of global climate change include reduced access to fresh water, impaired food production, health issues, especially from vector and food-borne diseases, and land loss, flooding and so forth, and the displacement of major portions of populations. And overall, we view these phenomena as related to failed states, growth of terrorism, mass migrations, and greater regional and inter-regional instability.

This is a totally pure, nonpolitical assessment of this problem.

How I wish we would have had the opportunity to have had further debate, at which time we could have brought forth other testimony of members of this panel and addressed the security issues. Those were the issues that drew me, this humble Senator, to participate and to devote basically a year of my career with my good friend from Connecticut, both of us members of the Armed Services Committee. It is because of the national security implications.

I would like to read a bit from the testimony of ADM Joe Lopez. Now, I have known Joe Lopez ever since he was a Navy captain, when I was the Secretary of the Navy. He has a remarkable career. He stated as follows:

National security involves much more than just military strength. National security is affected by political, military, cultural, and economic elements. These elements overlap, to one degree or another, and every major issue in the international arena contains all of them. And climate change has an impact on each of them. This will be particularly more pronounced in the world's most volatile regions, where environmental

and natural resource challenges have added greatly to the existing political, economic, and cultural tensions. These instabilities that already exist will create a fertile ground for extremism, and these instabilities are likely to be exacerbated by global climate change.

Again, there is no politics in this. It is a clear statement from a man who has devoted over 40 years of his life to military service for our country, and there are nine others who participated in this panel.

Mr. President, I ask unanimous consent to have printed in the RECORD the statements of General Sullivan and Admiral Lopez.

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

GENERAL SULLIVAN

My name is Gordon Sullivan. I have served America as a soldier since 1955. My last duty position was as Army Chief of Staff—1991 to 1995. I retired from active service in 1995 and have been president of the Association of the United States Army—Army's professional association—since 1998. Thus, I have been in or involved with the Army for over 50 years.

I am here as the chairman of the Military Advisory Board for CNA. The Military Advisory Board consists of retired three- and four-star flag officers from the Army, Navy, Air Force, and Marines.

We were charged with looking at the emerging phenomenon known as global climate change through the prism of our own experience, and specifically looking at the national security implications of global climate change.

Having said this, I must admit I came to the Advisory Board as a skeptic and I am not sure some of the others didn't as well.

After we listened to leaders of the scientific, business and governmental communities, both I and my colleagues came to agree that global climate change is and will be a significant threat to our national security. The potential destabilizing impacts of global climate change include reduced access to fresh water, impaired food production, health issues, especially from vector and food-borne diseases, and land loss, flooding and so forth, and the displacement of major populations. And overall, we view these phenomena as related to failed states, growth of terrorism, mass migrations, and greater regional and inter-regional instability.

The findings of the board are:

First, projected climate change poses a serious threat to America's national security. Potential national threats to the Nation—potential threats to the Nation's security require careful study and prudent planning.

Second, climate change acts as a threat multiplier for instability in some of the most volatile regions of the world.

Third, projected climate change will add to tensions even in stable regions of the world.

Fourth, climate change, national security and energy dependence are a related set of global challenges.

The recommendations of the board are, first, that we cannot wait for certainty. In this issue, there maybe a lack of certainty for some, but there is certainly no lack of challenges. And in our view, failing to act because a warning isn't precise would be imprudent.

Second, the United States should commit to a stronger national and international role to help stabilize climate changes at levels which will avoid significant disruption to global stability and security, and third, we should commit to global partnerships to work in that regard.

Climate change, national security, and energy dependence are all inter-related. Simply hoping that these relationships will remain static is simply not acceptable given our training and experience as military leaders. I think hoping that everything is going to be great probably won't work, at least in our view.

I would say that most of us on the Military Advisory Board were in the military service of the United States of America for over 30 years, most of it during the Cold War. High levels of catastrophe could have occurred if we didn't invest in military preparedness and awareness of the threats we faced.

In conclusion, you never have 100 percent certainty on the battlefield. We never have it. If you wait until you have 100 percent certainty, something terrible is going to happen. As such, now is the time to act on the critical issue of climate change.

ADMIRAL LOPEZ

My name is ADM Joe Lopez and my naval career has included tours as commander-in-chief of U.S. Naval Forces Europe and commander-in-chief, Allied Forces, Southern Europe from 1996 to 1998. I commanded all U.S. and Allied Bosnia Peace Keeping Forces in 1996; and served as deputy chief of naval operations for resources, warfare requirements and assessments in 1994 to 1996.

National security involves much more than just military strength. National security is affected by political, military, cultural and economic elements. These elements overlap, to one degree or another, and every major issue in the international arena contains all of them. And climate change has an impact on each of them. This will be particularly more pronounced in the world's most volatile regions, where environmental and natural resource challenges have added greatly to the existing political, economic and cultural tensions. The instabilities that already exist will create a fertile ground for extremism—and these instabilities are likely to be exacerbated by global climate change.

If you look at the Middle East, it has long been a tinder box of conflict. The natural environment of this region is dominated by two important natural resources—oil because of its abundance, and water because of its scarcity. Climate change has the potential to exacerbate tensions over water as precipitation patterns decrease, projected to decline as much 60 percent in some areas. This suggests even more trouble in a region of fragile governments and infrastructures and historical animosities among countries and religious groups.

Another challenge of climate change is projected sea level rise. Couple this threat with a predicted increase in violent storms and the threat to coastal regions is real. Not only is this a threat to homeland security as a response mechanism, but some of our most critical infrastructure for trade, energy and defense are located on our coasts. A more concrete example of expected sea level rise affecting national security and our strategic military installations can be seen in low-lying islands, such as Diego Garcia, which is a critical base of support for our Middle East operations. Climate change is a ''threat multiplier.''

These are a few examples of how the expected effects of climate change can lead to increased stress on populations and increased strife among countries. We believe that climate change, national security and energy dependence are a related set of global challenges.

With my remaining time, I'd like to make three observations:

The first is to highlight that link between climate change and energy security. One can describe our current energy supply as finite and foreign. Continued dependence on overseas fossil fuel energy supplies, and our addiction to them, cause a great loss of leverage in the international arena. Ironically, a focus on climate change may actually help us on this count. We should leverage technology and extract and exploit our natural resources including coal to make it safe and environmentally friendly. Nuclear power can be exploited. The Navy has been safely doing this for years. Key elements of the solution set for climate change are the same ones we would use to gain energy security.

Second, this issues is great and the U.S. alone cannot solve it. If we in our Nation do everything right—assuming we know what is right—the hazards of global climate change would not be solved. China and India are integral to the global solution. We must engage them.

My third point: For military leaders, the first responsibility is to fight and win. The highest and best form of victory for one's nation involves meeting the objectives without actually having to resort to conflict. It takes a great deal of investment, planning, strategy, resources and moral courage. But the prevention of conflict is the goal.

Finally, our security revolves around issues that are political, economic, cultural and military in nature. We have concluded that the potential effects of climate change warrant serious national attention. As General Sullivan has mentioned, national security and the threat of climate change is real, and we can either pay for it now, or pay even more for it later.

Mr. WARNER. So Mr. President, there again we have laid another building block, bringing to the attention of the American people their own security here at home, their own armed services who are called upon to address these problems now and in the coming years.

Now, I have no basis and I will not state that the tragic weather change that hit Burma and is taking tens upon tens of thousands of lives should be put in a category now of global climate change, but I do point out that, at this very moment, we still have ships and aircraft and men and women of the U.S. Armed Forces offshore ready to move in with food and supplies and other things.

Our country, almost alone, is the one to which the world turns when there is some sort of a crisis, and it is clear from the statements of these two professionals that many of those crises can be generated by these erratic climate changes.

Mr. President, I wish to yield the floor at this moment to my other colleagues, but I ask unanimous consent to have printed in the RECORD a series of recognitions that the three of us want to state with regard to our staffs and to a number of organizations that have come forward, foremost among them the Pew Center—that was the one that provided us with magnificent books on this—and many others across America that came forward to participate in what we had hoped to be very extensive debate on this issue. Nevertheless, they have laid the foundation, and they will continue to lay a foundation upon which to build and build, until we finally come to grips with a framework of the solutions as to how this Nation is going to lead and deal

with the inevitable consequences of these climate changes.

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

Mr. President, my colleagues and I would not be here today were it not for the incredible input and support from other distinguished colleagues in the Senate, as well as a great deal of organizations and companies that helped shape our bill.

First, I would like to thank our esteemed cosponsors of the Climate Security Act: Senators Dole, Coleman, Collins, Casey, Bill Nelson, Cardin, Klobuchar, and Harkin. Their critical input made the bill what it was.

I would like to thank all the members of the Environment and Public Works Committee, but in particular, Senators Baucus, Carper, Lautenberg, Barrasso and Isakson. Without their help at critical junctures of the legislative process, we would not have moved our bill to this point.

I would be remiss if I did not recognize my dear friends, Senators Bingaman and Specter, whose bill we borrowed heavily from and who highlighted such important issues as cost containment and international competitiveness.

I thank our friends from the Northeast, Senators Kerry and Snowe, who had their own bill that informed our process and who adopted the substitute like it was their own, not only cosponsoring the amendment, but drumming up support every step of the way.

I thank my dear friend, Senator Alexander. While he doesn't support our bill, he has contributed eloquently to the debate.

Before I joined my partner Senator Lieberman, he had a different partner. I must thank Senator McCain, who has been a pioneer on this issue of global climate change.

This effort would not have been possible without my partner and dear friend, Senator Joe Lieberman, and his fine staff, in particular: David McIntosh, Joe Goffman, and Alex Barron. I must thank Rayanne Bostick, who along with Anna Reilly of my staff, helped coordinate so many meetings between myself and the Senator from Connecticut.

I must thank our fearless chairman, Senator Boxer and her staff: Bettina Poirier, Erik Olson, Eric Thu.

I thank the members of my own staff who worked tirelessly on this bill: Carter Cornick, Chris Yianilos, Chelsea Maxwell, John Frierson, Shari Gruenwald, Sandra Luff, Tack Richardson, Mary Holloway, Hughes Bates, Bronwyn Lance Chester, and Jonathan Murphy.

There were also a number of organizations and companies whose input was invaluable to our work. The U.S. Climate Action Partnership members were critical to our efforts. In particular, I highlight: Alcoa, the Pew Center on Global Climate Change, Exelon Corporation, Florida Power and Light, General Electric, the National Wildlife Federation, NRG Energy, BP America, DuPont, PG&E, and the Environmental Defense Fund.

In addition, we received valuable advice from the Nicholas Institute at Duke University and the National Commission on Energy Policy.

If you were one of the numerous witnesses at one of our full committee or subcommittee hearings, whatever your perspective was, you informed the debate, and I thank you.

Mr. President, the problem with naming those who have helped is that you inadvertently leave someone out. I am eternally grateful for all the input we received.

Mr. WARNER. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to thank my friend and colleague from Virginia, Senator WARNER. He is an extraordinary man and a great Senator, and we are going to miss him. I wish I could convince him to run again, but I think it is a little late, probably past the filing dates. But he has been an extraordinary leader in so many ways, particularly on matters of national security.

We first worked together when we cosponsored the resolution authorizing President Bush 41 to go into the gulf war in 1991. We served together on the Armed Services Committee. I have never met a more patriotic American, a more honorable man, and it meant everything to this whole effort when Senator WARNER decided he wanted to be part of the solution to the climate change problem.

I often tease him—but it shows the strength of this man—that on the two times Senator MCCAIN and I introduced an amendment on the floor to do something about global warming, Senator WARNER voted against it. And I was with him one day when somebody in the media said: Why did you change your mind? And he said: Two words—science, grandchildren. That says it all about this great man.

I appreciate what he has just said. Nothing has driven JOHN WARNER's career in the Senate and his service to America over decades more than his commitment to protect our national security. And maybe I should add a third word—science, grandchildren, national security—four words—because it is his understanding that climate change, if we don't do something about it, is going to compromise and threaten the national security of the American people.

This conference we did this morning with General Sullivan and Admiral Lopez I thought was stunning and stirring. These are two people who served their country in uniform for decades. There was not a lot of rhetoric there, just stating the facts. One of them said—I forget which one; it might have been Admiral Lopez—''The best thing you can do if you are a military person is to prevent conflict, prevent war.'' They see this legislation as a way to do that.

I hope my colleagues consider that. There is so much on the line, with so much work that has been done by so many people. I am not just talking about Senator WARNER and myself and Chairman BOXER, who made all the difference in her leadership. Our staffs, so many people outside the Senate—environmentalists, business leaders, labor leaders, hunters, anglers, leaders in the faith community—representing the public will of the American people, asking us to do something to protect them from global warming and its worst consequences.

The bill we brought forth, the Climate Security Act, none of us will say it is perfect. Of course, it is not. I don't ever remember voting for a perfect piece of legislation. But it is very good. It creates a framework, a structure that will allow our country to begin a decades-long effort. This will go decades and decades to solve this problem. Future Congresses will come back and fix this where it didn't quite work out the way we hoped. We have a lot of mechanisms in here, which we have described earlier, to create fail-safes to protect our economy, our environment, our national security.

With all that on the line, I have to say it is disappointing and frustrating that parliamentary maneuvers and concerns about something totally irrelevant to this once-in-a-career, once-in-a-lifetime opportunity to do something to deal with this extraordinary challenge for our future—that those kinds of irrelevant issues are standing in the way, potentially, of a full debate on this matter.

Tomorrow morning we come to a real turn in the road. I think the question is not whether you think this is a perfect bill but whether you think it is a real good-faith effort to deal with the problem of climate change and whether you want to say, by your vote, that you believe climate change is a real problem and a real threat to our future and you want to be part of a solution to the problem.

Some of my colleagues have said to me today, I wish to be part of the solution to the problem, but I am now blocked from offering amendments. I always said I would vote for the bill if certain amendments were adopted.

That is not literally true. The fact is, as is the regular order in the Senate, if you filed your amendment, as everybody was duly notified, by 1 p.m. today, and cloture is granted tomorrow, that amendment will be fully debated next week and in the days ahead.

But this is a moment to say the Senate is prepared, if not this year then soon, to deal with this very real threat to our environment, our economy, and our national security.

What is the rush, some people may say. Let me quote first from a study by the Environmental Defense Fund that has found that each 2-year delay in starting emissions reductions doubles the annual rate at which we will need to reduce emissions by 2020 in order to ward off a global catastrophe. Because of the way the climate responds to the buildup of greenhouse gases, these gases stay trapped in the atmosphere. That is the whole problem. Then the heat from the Earth, as it bounces up, cannot go anywhere and it stays there and you have the greenhouse effect that is clearly warming the planet.

The truth is, our children and our grandchildren are already going to face, inevitably, consequences of global warming. What we are talking about now is beginning to reduce the greenhouse gases, the carbon pollution that

causes the globe to warm, so the consequences that we, our children, our grandchildren and succeeding generations of Americans and people all over the world face are not disastrous or catastrophic, because that is totally within the realm of the possible. Many scientists say it is not only possible, it is probable, if we do not do anything soon. So the longer we wait to start reducing this carbon pollution that is trapped up there, the more sharply we will need to reduce them in order to stay within our emissions budget, you might say.

Let me add, we have received an analysis from an economic modeling firm called On Location. They used the model of the Energy Information Administration of the Department of Energy of the Bush administration on our Climate Security Act. Their analysis asks one simple question: What would happen if we wait 10 years to enact the exact same policies that are involved in the Climate Security Act, the exact same bill, to achieve the same cumulative emissions reductions scientists say are required to protect the climate? The results are striking, unsettling, and I hope motivating for quick action.

Here is what this economic modeling firm found: That waiting 10 years to start on emissions reductions increases the cost of emissions allowances by 15 percent. Listen to this: It doubles the overall cost of global warming to our economy.

Whatever my colleagues are trying to say about the cost of this innovation-driving, market-based entrepreneurial incentive policy, are they prepared to double that number through delay? Are they prepared to saddle the American economy and our progeny with the burden of increasingly severe and essentially irreversible climate impacts?

Finally, I wish to draw the attention of my colleagues to this graph, this chart, this description of what is happening. In previous debates, we have referred to the summer Arctic ice, the polar icecap. When we started in our interest in whether there was global warming and what its consequences might be and whether we should do something about it, that was in the late 1980s and early 1990s. Then-Senator Al Gore, I think, held some of the first hearings on this subject in 1988. Senator KERRY was involved at the time and shortly thereafter. We had to use computer models of projections the way the weather was going to go to see what was happening and what might happen if we allowed the globe to warm. But we now have technology, satellite pictures, and real evidence to show us what impact global warming is having. It is not a theory anymore, it is not a computer model anymore.

In earlier debates, these satellite pictures—this is from 2001—were used. Here is the North Pole at the green spot. The red line on the outside is where the polar icecap was in 1979. The white here is where the polar icecap was in satellite pictures taken in 2003. It is 20 percent less than it was in 1979—20 percent of the polar icecaps in 2003 had already melted away.

If that doesn't begin to stir your concerns enough about what is happening, go over here to the 2007 satellite picture. Again, the exterior red line is where the polar icecaps were in 1979. Look at this. In 5—well, 4 years but let's say 5 because there are parts of those 2 years—in 5 years, the polar icecap has melted away to the point where it is 40 percent less now than what it was in 1979. In 2003, it had lost 20 percent; in 2007, it has lost 40 percent.

I asked the scientific fellow in my office, Alex Barron—I wish to give him credit. I said: So this is now raising the sea levels? He said no. He taught me a lesson. I was one of those who at college took a course called Science for Nonscience Majors, so I am still learning.

He said: No, the ice melts as if it was ice in a glass—it sits as if it was ice in a glass. It has air in it, and when it ultimately melts, because the water is warming, the total amount of water will be about the same because this ice is all in the water, the polar icecap is in the water.

But here are two things. One is, the fact that the icecap is melting obviously shows something is happening there, that the warmth is causing it to melt. But here is the danger. Here is Greenland. There the ice is on land, it is not in the water. I have now been taught, when the polar icecap diminishes by 40 percent, the capacity of the ice—just like wearing a white shirt—to reflect the sunlight and reduce the impact on the temperature diminishes. In other words, the water warms and warms the entire environment and the real danger there is that the ice on land, in Greenland, will begin to melt. When that begins to melt—which the scientists tell us will surely happen unless we reduce the amount of carbon pollution we are putting into the atmosphere—then we are in real danger because then sea levels will begin to rise—some scientists say with a suddenness that will create catastrophic results. I do not know that. But I can tell you some credible scientists have told us that.

While the Senate fiddles, the globe warms. We can have these silly parliamentary debates, and we can get into side partisan fights about nominations, but this process is going on and getting worse, with potentially catastrophic consequences for the United States of America and particularly, of course, as Greenland would melt, to the enormous coastal regions of our country.

There has been a pattern of human behavior in America over the last century. People are moving to the coasts. It is where they want to be. They and their lifestyles are going to be threatened in the most consequential way unless we do something about that.

We have come a long way in this year. I am not ready to give up about the cloture vote tomorrow, but I understand the realities and I urge my colleagues, as they consider how to vote on it, to see this as your opportunity to say—not whether this Climate Security Act is a perfect bill but whether you, No. 1, accept the reality of global warming; No. 2, want to do something about it and believe that a cap-and-trade system—nobody has come out in this debate and offered any other way to do it. As a matter of fact, a lot of our most severe critics have said cap and trade is actually the way to do it, but they don't like this part of the way we have done it or that part of the way we have done it. We welcome that debate. But this is a moment to say whether you want to do something to stop this clear and present danger to the security of the American people or whether you want to continue to fiddle while the globe burns.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from California.

Mrs. BOXER. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 34 minutes remaining.

Mrs. BOXER. I would like to speak for about 20 minutes, and then I would like to yield up to 10 minutes to Senator SALAZAR.

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

Mrs. BOXER. Colleagues, let me tell you where we are. Your Environment and Public Works Committee, for the first time, voted out a landmark bill, the Lieberman-Warner bill. We did that after 25 hearings. We had everyone come before us. It was extraordinary. From the leading scientists, to State government officials, to mayors, to business leaders, to folks who run utilities, to religious leaders, it was extraordinary—environmental organizations.

We listened and we asked questions and we voted. Now, the day that Senator WARNER decided he believed part of his legacy on national security had to include global warming, he stepped out and he came to me, after he had already talked to Senator LIEBERMAN, and said: I want to be on this team. He said: I will be with you through thick and thin.

We have had thick and we have had thin. We have had great moments and tough moments. And we are kind of in a tough moment now because we so want to complete work on this bill. It is going to be a very tough road for us to be able to do that.

I went over to my friend, Senator WARNER, and I told him, first of all, what a joy it has been to work with him on this because our lives in the Senate have kind of taken us in different directions. But now, we finally had a chance to work together. You could not have a better colleague. You could not have a more loyal friend.

When he says something, he sticks with it.

We have created this troika, a tripartisan troika, which I think has been a very good experience for all of us. I told him, because he has several months remaining in the Senate, that when he leaves, I hope he will become a worldwide spokesperson for action in this area.

There are very few people who bring to the table the national security experience and his new knowledge now that he has absorbed on this issue of global warming or climate change. I do not know if he will do that, but if he does it, I think it is going to make an enormous contribution as Senator LIEBERMAN and I are here battling every day with a new President of the United States to try to get something done. So I hope he will consider that.

So many people did help us. Senator WARNER alluded to our staffs. I want to name a few names now. This is just a few of the people: Bettina and Erik of my staff, David and Joe of Senator LIEBERMAN's staff, and Chelsea and Chris of Senator WARNER's staff, and their staffs that report to them.

There was extraordinary dedication, sleeplessness, early morning phone calls. To get to this point is so difficult. And not one second has been wasted because as we get this landmark bill in place, we will take off where we left, and where we left is just a tremendous amount of knowledge, so many of our Senators getting involved. It has really been a heart-warming experience.

That is why it is tough to get to the point where we are now because we are ready, ready to finish this job, ready to work with our friends. But we are going to try to see how many votes we can get for cloture. We urge our friends and colleagues to please say yes to continuing this important topic.

Senator LIEBERMAN, I think by showing these maps and showing us the ice melt—by the way, many members of our committee, we led a trip to Greenland. Imagine. I say to my friends who might be listening to this, imagine this. An iceberg that is larger than the Senate Chamber, floating, floating toward the ocean. The average age of this iceberg, 9,000 years old. Imagine this. Average age, 9,000 years old. Within 1 year, that iceberg will be nothing but water. And we know what that means. Seas will rise. It is happening faster than we thought.

When we have this debate, our opponents come down, and they do not talk about climate change. They do not talk about it. They haven't challenged us on our basic premise that we have a problem. They switch the topic to what I think is a made-up topic. And it is sad because the Senate deserves more than that.

I don't know how many times I have said it, but I have to say it again because there is a big advertising campaign against what is called the Lieberman-Warner bill. I suppose I am lucky they did not put Boxer in that one. They have said gas prices, because of this bill, are going to go to $8 a gallon, and this morning, $28 a gallon. These people are making things up. These people are making things up. Even the Bush administration, who opposes us, said the worst case scenario is 2 cents a year on the pump for 20 years.

We know because we have done the calculations that the fuel economy bill we passed will offset that increase. So this bill brings no increase. Indeed, this bill will get us off foreign oil, will get us away from big oil. We will have alternatives for once, and we will be free.

We will not have to have our President go to Saudi Arabia and hold hands with the Prince and beg. This is not necessary if we allow technology to move forward. So I am going to show you again. This is annoying that I have to keep doing this, but I think it is important.

In the last 7 years, we have seen gas prices go up 250 percent, 82 cents since January—82 cents.

My friends are coming down here, and suddenly the opponents of the bill are saying: Watch out, gas prices will rise. When truly, honestly, they have not offered anything, in my view, to try and resolve the terrible increases we have seen until now. So let's get rid of that bogus issue.

We are on the precipice. We are on the moment. If we do this bill, we will finally have alternatives to oil, and we will get off our addiction to oil, as the President said we should. We will have cellulosic fuel. We will be able to see new kinds of automobiles. We are really there right now. Senator SANDERS was eloquent today. There is a plug-in hybrid that can get 150 miles to the gallon. That is all going to happen with a bill like this one. I want to thank also the groups that have worked so hard to help us, the environmental groups, the faith-based groups.

I thank right now GEN Gordon Sullivan who came to the press conference that both my colleagues alluded to this morning. I have a copy of his statement. Did you place it in the RECORD, Senator?

Mr. WARNER. Mr. President, I have placed into the RECORD the statement of General Sullivan and Admiral Lopez.

Mrs. BOXER. I would think that General Sullivan's credentials are impeccable. He said: Yes, climate change and national security and energy independence are all interrelated. Simply hoping that these relationships will remain static is not acceptable, given our training and experience as military leaders.

And then he says: Because, as you know, we have been told that the scientists have 90 percent certainty. He addresses that at the end.

He says:

In conclusion, you never have 100 percent certainty on the battlefield. We never have it. If you wait until you have 100 percent certainty, something terrible is going to happen. As such, now is the time to act on the critical issue of climate change.

Now this did not come from Senator WARNER, Senator LIEBERMAN, Senator BOXER; it did not come from Al Gore; it did not come from Tony Blair—all of whom are fighting hard. This came from a general with years of experience on the battlefield.

We must act now. I think I would like to go to this chart. Waiting 2 years to act will double the annual rate at which we must cut emissions. In other words, you have a problem, and the longer you wait, the harder it is because the carbon goes into the atmosphere and stays there.

So we get further and further behind. Look at this. A May 2008 study by Tufts University economists found that the annual costs of not addressing global warming, not addressing it, by 2100, could be $422 billion in hurricane damage, $360 billion in real estate losses, $141 billion in increased energy costs.

Let me say that again: $141 billion in increased energy costs if we do not do something about it; $950 billion in water costs.

So if we do not act now, it is going to cost us. And we have to devise a way, through cap and trade, which I will not go into the details of, that essentially says: Those who are the biggest emitters will pay for permits to pollute.

What do we do with those funds? I have a chart to show you what we will do with those funds. Most of it goes to the following: tax relief. In the early years, we are concerned that we may see energy, electricity costs go up before we get into the energy efficiency we want.

The next big amount is consumer relief through utilities and State actions. That is second. So when our utility bills start going up, utility companies have the right to write on that bill ''credit'' so we stay whole.

Deficit reduction, that is another big piece. We wanted it to be deficit neutral. I have to laugh—I think it was Senator KYL and Senator MCCONNELL who said this is a tax bill. Let me get this squared away. Our bill is a huge tax cut, huge consumer relief, not a penny of a tax increase.

What else do we do? Workers assistance. We make sure our workers are trained for new jobs. Local government action, they are going to do something. For example, if they are going to take their offices and make them energy efficient, we want to help them.

Low-carbon technology and efficiency, we know what that means. We know the low-carbon energy sources are going to get funds.

Agricultural resources and forestry are going to get funds. National security and international are going to get funds. Transition assistance to emitters. In other words, we say to those who pollute, those who emit: You are going to have to buy permits. But in the beginning, we help them with that.

So, look, about more than half of this goes straight back to the consumers

and the other parts go to technology. That is what this bill does.

Why are the opponents of this bill afraid to have a debate? I do not understand it. At first we heard they wanted the debate because they believed they could defeat us if they talked about how this bill would result in higher gas prices.

Frankly, between Senator WARNER, Senator LIEBERMAN, Senator SNOWE, myself, Senator KERRY, the Senators who have been on the floor, I think we definitely debunked that point. We said it is a humpty-dumpty argument. We are right on the precipice of getting off of foreign oil and big oil. We are on the precipice of these new technologies with this bill.

We are on the precipice of moving toward energy independence finally. We have been talking about it since I was a much younger person, and now, finally, we can do it. And what happens. We have to cut the debate short when we are ready to get the job done.

Well, this is a national security issue. It is a religious and moral issue. This is an issue of tremendous import for our grandchildren, for our children. This issue strikes me as one that is a win-win for everyone because when you address global warming and you save the planet, which is what we must do, we finally have the impetus to get to that energy independence. We finally have the impetus to say, you know, we can be controlling, we can be controlling of our own future. It is a great picture for our children to see.

I honestly think if we do nothing, we will be on the wrong side of history. I want to say to my friends in State government, from the east coast to the west coast to the middle of America, keep up what you are doing. You are doing the right thing. You can't wait for us. It may not happen today, but we are catching up with you.

I say to my friends at the Conference of Mayors, Republicans and Democrats and Independents who support this bill: Thank you for your support. Keep on doing what you are doing. You are in the leadership. You are on the ground. We are coming soon. We have two Presidential candidates who care about this issue. When one of them gets to the White House, they will be here negotiating with us. That is going to make a big difference, that is for sure.

I want to close by showing a great chart that says ''Yes.'' This is the moment for us to say yes to energy independence, yes to our children, yes to the science, yes to a diversified energy future, yes to American manufacturing, yes to saving the planet, yes to consumer protection, yes to new technologies, yes to a strong economy, yes to State and local action, yes to public health, yes to tax relief, yes to transit, yes to a level playing field, and yes to American leadership—there are a lot of yeses on here—and, of course, yes on the cloture petition which will allow us to get to the substitute and get to the bill.

I reserve the remainder of my time and turn now to Senator SALAZAR. I thank my colleagues all.

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

Mr. SALAZAR. Madam President, let me acknowledge the great work of Chairman BOXER and my good friends and colleagues, Senators WARNER and LIEBERMAN. They were two members of the Gang of 14 who brought the Senate back from the brink of disaster, now almost 2 years ago. I admire them as good friends and as people who have helped lead us out of difficult times. Senator BOXER from California is unequaled in terms of her passion for our planet and environment. I appreciate the thoughtfulness, the bipartisan approach they have taken to deal with what is truly one of the central issues of our time.

I want to spend a few minutes, as we come to the end of our debate on global warming, to say how important this issue is for me. When I get up in the morning and I think of my job as a Senator, I think about the major issues we face around the world. We face issues of war and peace and how we have to deal with terrorism. We face the issue of how we deal with energy independence. Many of us here have joined in a bipartisan effort, progressives and conservatives together, an effort we describe as ''setting America free.'' We know the huge issue of health care which confounds and confronts so many people. But among those issues, which are the greatest of our time, is the reality that we are frying our planet, as many people have said. We have not developed a framework to move forward to make sure we save our planet, that we save civilization for our children and grandchildren. The world they know, the planet they will know in 2050 and 2100, when none of us are here, will be the kind of planet where we have preserved what we know as God's creation on Earth.

The importance of this issue is unparalleled. It is something I believe we should be able to move forward with.

I want to illustrate this in a couple of different ways. First, with respect to water, for the State of Colorado and the arid West—and I know in the State of the former Presiding Officer, Nebraska, because we share the South Platte River and its waters—we know the importance of water. Water is the lifeblood of the West. Without water, we know communities and fields will dry up and die. We have seen that happen in many cases around the West.

This is a picture of a place in eastern Colorado where we have had severe drought over the last 7 years. You see what happens to what would have been a great crop of corn which a farmer planted, knowing that he would harvest this crop of corn at some point in time. But because of severe droughts we have had on the eastern plains, this field died. There are so many places in the arid West where that same story could be told.

There are seven States that share the water of the Colorado River. Much of that water is born in my State of Colorado, as the mother of many rivers, including the Colorado River, and places such as Wyoming and Utah. As those seven States, with a population of 30 million people, depend on the flow of water on the Colorado River, we are seeing challenges there that we have never seen before. The flows in the Colorado River for the last several years have been at an all-time low over the last 100 years because of the record drought we are seeing on the Colorado River. Lake Mead, which is one of the controlling vessels on which we depend to regulate the flow of water on the Colorado River, will never fill again. That is what the scientists are telling us today.

So as we look at the reality of water across the West, it is impressive that organizations that are not Democratic or left leaning or so-called environmental organizations are coming to me and saying: You need to do something about global warming. You and the Congress and the new President have to do something about the issue of global warming.

The ski industry in Colorado, in places from Vail to Aspen to Steamboat, is saying: We are concerned about global warming because the snow that is the essence of our having the best ski programs in the entire world is in danger. The water users, the Denver Water Board, the Northern Water Conservancy District, the Southwest Water Conservancy District, are telling us we need to do something about water.

I believe global warming has a lot of different consequences, if it goes unaddressed. I am hopeful this Senate will have the courage to move forward and address the reality of global warming. There is a connection here to our planetary security, but also to our national security in terms of energy. I agree there are some good things we have already done as a Senate in a bipartisan way, under the leadership of Senators BINGAMAN and DOMENICI, with passage of the 2005 act and the 2006 Energy bill and, most recently, with passage of the 2007 Energy Independence and Security Act. The CAFE standards we included in that bill alone will save huge amounts of consumption of fossil fuels and will save us from emitting thousands upon thousands of tons of carbon into the atmosphere. Those are good things that we have done, but our work is far from finished. We must do more.

The way of doing more is by making sure that we put a cap on carbon in the United States. Some people say: How can you do that in the United States, because you can't control China and the fact that they are building a coal-fired powerplant, one a week, or you can't control what is happening in India? But there is a reality for us as

Americans: We must lead. We must have the courage to take the first steps so that then the rest of the world will be able to follow us, so we can address the issue of global warming in an effective way.

I don't believe this bill is a perfect bill. I have four or five very important amendments I want to be considered. I could not vote for this bill as it is currently structured, because there are improvements that have to be made. But that is the nature of the legislative process. I would like to have the opportunity to have my colleagues join us in a debate so we could improve upon this bill and make it much better. I will cite three areas where I believe we need to make improvements on this legislation. I have others.

The first is renewable energy. I do not believe the allocation tables included in the Boxer substitute are the allocation tables that are appropriately supportive of a renewable energy future. I have seen a renewable energy revolution taking place in Colorado over the last 3 years, where we are now generating over 1,000 megawatts of electric power from wind, harnessing the power of the Sun, doing things with biofuels we have never done before. I am proud of what is going on in Colorado. I would like to see those allocation tables changed so we put a much greater emphasis on renewable energy.

Secondly, coal for us, in many States, including the West, is very much what oil is to Saudi Arabia. We have vast amounts of coal, not only in my State but obviously to the north in Wyoming and Montana. I believe there is a future for clean coal technologies through the methods of carbon capture and sequestration. Yet it is money that has kept us from moving forward with a demonstration of those projects. That technology shows great promise. It is my hope that we could amend this legislation to move forward with carbon capture and sequestration in a more effective way.

Finally, I do not agree that there is sufficient recognition of the contribution that farmers and ranchers can make with their bioproducts. It is those products that end up consuming the very carbon dioxide we are now emitting into the atmosphere. We need to offer amendments with respect to the agricultural offsets that are included in this bill to make them a much more effective way of helping us address the carbon problem we have.

Let me conclude by saying to my colleagues once again: I have the utmost and greatest respect for my leaders and my role models—JOHN WARNER, JOE LIEBERMAN, BARBARA BOXER—for the work they have done, for having brought us to this point on this legislation. If given the opportunity, and if we can have a robust debate on the floor of the Senate on global warming, we can make this bill a much better bill. We can put the United States in a position of leadership where we address the issue of carbon, we address the issue of global warming, and we save our planet and civilization.

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

The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. WARNER. Madam President, I wonder if I might take 3 and my distinguished colleague from Connecticut, the senior partner of this partnership, would have the final few words to say.

I thank our colleague from Colorado. How much I have enjoyed, through the years he has been here, how he has stopped at every opportunity to talk about the land, the farm that is in his family, and his love for the land and the outdoors. He speaks from the standpoint that he has tended that land and loves it. He wants to preserve that land for future generations. I commend him.

This debate has laid strong building blocks for the future. We have worked our way through the issues of the science. We have worked our way through how national security is linked to this subject. We have worked our way through the fact that technology must be encouraged in every possible way to accommodate the capture, transportation, and eventual sequestration of CO_2, this greenhouse gas that is affecting the atmosphere. That technology needs a known, dedicated, constant—underline ''constant''—stream of funding. Whatever global climate exchange comes up, eventually the Congress of the United States must put in a clear understanding that we are going to fund and have that funding stream go to provide for the needs of the technology to come up with the answer to this question. Our several States—another building block—each of the States, in its own individual way, is doing things. We commend them. But the United States must step up and lead.

Lastly, we must devise clearly a policy toward other nations in the world—nations we trade with, nations we otherwise have relationships with. We are all in this together. Sharing of the hardships must be common among those nations. We cannot ask the citizens of our Nation to accept a level of sacrifice greater than that which would be accepted by other leading nations of the world.

I am very proud of what has been done. I am humble to have had a small part in laying this foundation.

I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, again, I thank my friend from Virginia. I get a kick out of him calling me his senior colleague on this matter. We are at least equal. I say to my colleague, I consider you to be the leader because without your decision to be part of the effort to come up with a solution to this problem, this bill would not have moved out of committee. It is the first time ever that has happened. So I thank you for your strong words. I thank you for everything you have done. We are going to keep you in this fight next year. We are going to figure out a way to do it.

I also thank Senator SALAZAR.

Mr. WARNER. Madam President, I say to the Senator, you are the chairman of the subcommittee. Senator BOXER is chairman of the full committee.

Mr. LIEBERMAN. Yes.

Mr. WARNER. I am the ranking member of the subcommittee.

Mr. LIEBERMAN. Only in name. I consider you to be the person who made it possible for us to get where we are.

Madam President, I thank Senator SALAZAR for his statement. I think it perfectly summed up the decision that our colleagues in the Senate are going to have tomorrow on the vote on cloture, because Senator SALAZAR said it: This is a problem. He showed us the concerns he has about the land and water of his beloved State of Colorado and the impact of global warming on those necessary-to-life, fundamental-to-life elements in Colorado.

He also said he basically thinks this is a good-faith approach. He likes the basic architecture of our bill. But he has a lot of things he would like to change about it to make it better. But he is going to vote for cloture tomorrow because he does not want to end the debate. He knows all the amendments filed, as is our rule, prior to 1 p.m. today will come up for debate. They are presumably subject to second-degree amendments as the debate goes on. He does not want the debate to end.

If it ends tomorrow, he wants his last statement this year, by his vote tomorrow, to be that he wants to be part of a solution to the carbon pollution that is warming our globe and a lot of us believe is endangering the future of our country, our people, and the people of the world.

So this is a big problem that requires a big solution. I hate to see it get stopped by small worries. We are here to legislate. We are here to debate. We are here to amend. The body can work its will. If you do not think this is a perfect measure, come on out and make it better. The only way you are going to be able to do that is by voting for cloture tomorrow.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Madam President, I ask unanimous consent that the speakers during this hour controlled by Senator INHOFE be the following: Senator BUNNING, Senator VITTER, Senator CORKER, Senator SESSIONS, Senator DOMENICI, and Senator INHOFE.

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

The Senator from Kentucky.

Mrs. BOXER. Madam President, please, this is a parliamentary inquiry and not to be taken away from the time of my friends. I just found out when we did our unanimous consent request it was not clarified that following the Republican side, Senator

BOXER or her designee would have 5 minutes, followed by Senator INHOFE or his designee to have 5 minutes.

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

Mrs. BOXER. Thank you.

Mr. INHOFE. Very good.

Then, Madam President, one thing further: The Senator from Kentucky did not mention the times. I want to make sure all of our speakers on our side know we are going to hold them to the times because we have more speakers than we have time. Thank you.

The PRESIDING OFFICER. Is there objection to the request from the Senator from Kentucky?

Without objection, it is so ordered.

The Senator from Kentucky.

Mr. BUNNING. Thank you, Madam President.

I am here on the floor today because this mandatory cap-and-trade bill represents the greatest threat to the American economy I have seen since my fellow Kentuckians first elected me to represent them in 1986. We have had 30 years to address the energy crisis in America. In 1974, we got the first shot across the bow, and the balance of power in the world shifted from the oil consumers to the oil producers. We looked at domestic production and alternative fuels. But when the crash in the 1980s came, so did our investment in future sources.

But what is the biggest achievement of this Congress? Stopping 70,000 barrels of oil from going into the Strategic Petroleum Reserve. We could have had a million barrels a day right now from Alaska if President Bill Clinton had signed our legislation to open ANWR in 1995.

What about the need for clean nuclear energy? Thanks to the majority leader and environmental groups, we have spent decades working on Yucca Mountain and still do not have the waste reserve we need for a strong nuclear energy industry.

The last thing America needs today is another energy mistake.

The reason this climate change legislation is on the floor today is simple: It is fear. The Democrats in Congress want you to be afraid. They want you to be afraid that manmade emissions will cause massive hurricanes, raise sea levels, prolong droughts, and kill off endangered species.

I am not standing here telling you we should not protect the environment or that manmade carbon emissions have not increased. I am telling you that carbon emissions are a function of economic growth and technology. It means jobs, cars, and energy. When I look at these emissions, I do not know what role they play in overall climate change relative to other natural effects such as solar radiation.

For a minute, let's say the carbon issue needs immediate action. What will we get from passing this legislation? If all the world's industrial nations were to completely comply with familiar or similar ambitious goals, the climate change would be seven one-hundredths of 1 degree Celsius cooler in 20 years. Such a small change occurs naturally all the time. From Sun spots to forest fires to volcanic activity, nature does much more on its own day to day.

So what is the point of the climate change bill? The Democrats in Congress want you to pay more for energy so you drive less, buy smaller cars, and use less electricity. They are telling Americans they know better and want the Government to manage their money for the good of the environment.

This bill would raise $5.6 trillion for the Government over the next 40 years. Let me say that again: $5.6 trillion. This money does not magically appear in the Government coffers; it comes out of your pockets. The supporters of this bill will try to tell you it comes from oil companies, utilities, or any number of other people. But they are just straw men. That is not how our economy works. American consumers are going to get stuck with this bill. It means natural gas prices doubling. It means gasoline prices 30 to 40 percent higher—and it costs $4 a gallon for regular unleaded gasoline today—than they would have been. It means electric costs between 40 and 120 percent more.

In my home State of Kentucky, the average family will spend $324 more for electricity every year, $133 more for natural gas, and $397 more for their gasoline. That is per year. So I want everyone in America to take a look at your last month's bills. Can you afford to double your natural gas bills, add a dollar for every gallon of gasoline you buy, and add $50 to the average electricity bill? Many of us cannot do it. Now, think about paying that money every month, every year, for the next 40 years. That is your share of the $5.6 trillion Uncle Sam will take because of this legislation.

What will happen to all of the money you send to us here in Washington? Under this bill, there is a $5.6 trillion cost over 40 years, and the Government will spend it on new programs, $566 billion to the States—back to all 50 States—$237 billion for wildlife, $342 billion to foreign countries—figure that one out. I cannot.

Let me make it clear: Democrats and the environmentalists are trying to scare Americans into adopting legislation that will take money out of their pockets to pay for new Government programs that could decrease global thermal temperatures by seven one-hundredths of 1 degree over 20 years. And these changes are only estimates. They are not backed by conclusive evidence. Respected scientists disagree about the true effect increased emissions will have in coming decades. Just 20 years ago, some of these same scientists came to the Capitol warning us of an ice age. Can you believe that? Twenty years ago.

If this tax-and-spend plan based on incomplete science does not sound bad enough, it only gets worse. Based on several studies, nearly 4 million Americans will lose their jobs because of this legislation. A cap-and-trade program would force many industries, such as steel, automotive, aluminum, cement, and others, to take their jobs to other countries where energy costs are lower and environmental regulations are looser.

Let's look at the airlines as an example of what could happen to American jobs because of this bill. Based on current projections, the airline industry expects to pay $62 billion for jet fuel in 2008. That is $20 billion more than they paid last year, or about a 50-percent increase.

Let's look at this chart I have in the Chamber. In response to this price shift, eight airlines have gone completely out of business in the last 6 months and another is operating in bankruptcy. Eight are out of business. Thirty cities lose service, and 9,000 jobs are eliminated. To make it worse, the Democrats in Congress have stopped efforts to address this crisis in the airline industry.

I have proposed incentives for coal-to-jet-fuel facilities that would produce clean-burning aviation fuel with carbon capture technology at less than half of the current cost of oil: $65 a barrel. If we had invested in alternative jet fuel technology, maybe we could have saved the thousands of jobs that are now in jeopardy.

Think about what you would feel if you were laid off because of high oil prices or if you had to choose between the grocery store and filling your truck with gasoline. Now imagine your congressional representative deliberately voted to make things worse. It is not just about American jobs and dollars and cents. America could bring its greenhouse gas emissions to zero and it would not reverse the growth in worldwide emissions, thanks to rapid expansion in China and India and other developing countries.

The PRESIDING OFFICER. The Senator is notified that he has used 10 minutes.

Mr. BUNNING. Madam President, I ask unanimous consent for 3 more minutes.

Mr. INHOFE. Madam President, I have to object.

I am going to object, as I said earlier, to any of our speakers going over because they would be doing that at the expense of those who have not had a chance to speak. So let me renew that unanimous consent request, that the times for the next speakers will be Senator VITTER for 10 minutes, Senator CORKER for 10 minutes, Senator SESSIONS for 5 minutes, Senator DOMENICI for 15 minutes, Senator INHOFE for 10 minutes, then Senator BOXER for 5 minutes, and Senator INHOFE for 5 minutes.

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

Before the Senator from Louisiana speaks, the Chair wishes to make an announcement.

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

The PRESIDING OFFICER. The Senate having received a message from the House of Representatives, the House has agreed to the conference report to accompany Senate Con. Res. 70. The vote of the Senate taken on June 4, 2008, with respect to this matter, is ratified.

CONSUMERS FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I rise to discuss this very important climate change legislation and amendments I would have brought to the Senate floor for consideration. Now, unfortunately, I said ''would have brought'' because this entire process has been short-circuited, cut off, blocked by the actions of the distinguished majority leader. I find that very regrettable.

Whatever side of the debate we are on, whatever we think about this bill, it is beyond debate that this is enormously significant legislation that would have dramatic impacts on our economy. I believe it is the most significant bill that would have the most drastic and dramatic impacts on our economy of any since I have come to the Senate, which has only been about 3 years, but we have considered a lot of bills. Yet we are operating, apparently, under a procedure now where not one amendment will be considered before the significant cloture vote tomorrow morning. The distinguished majority leader has filled the amendment tree, so not a single amendment could ever be considered without his acquiescence and consent. That is flat out ludicrous. That is flat out offensive.

I came to the Senate from the House. In doing so, I heard from so many different sources so many stories, so many examples of how the Senate is a place of great unlimited debate; the ability to bring ideas and amendments to the Senate floor on the big issues of the day, in contrast to the House. Unfortunately, our distinguished majority leader has turned that on its head. He has made that exactly the reverse, where debate is completely shut down, where we have no amendments possible to be considered before the cloture vote on the most dramatic and significant bill to impact our economy that I have been able to consider here in the Senate. That is ludicrous.

On this topic, former Vice President Al Gore made a very famous movie: ''An Inconvenient Truth.'' I ask what the distinguished majority leader is afraid of. Why not have a full debate. He seems to be concerned about an inconvenient debate or a series of inconvenient amendments. Again, I express extreme regret that we are having a cloture vote tomorrow morning before a single amendment is called up on the floor to be debated, before there is any opportunity—any security—for amendments to be considered, at least unless they have the majority leader's acquiescence and support.

I would have called up at least three amendments. These three amendments go to the heart of my concerns about the legislation. When I look at virtually all legislation, I look at the costs of the legislation and the benefits, and I ask: Do the benefits outweigh the costs. In this case, I believe the costs are very severe. First, costs relating to gasoline. The Louisianans whom I represent, as Americans are all over the country, are struggling under the weight of enormously high gasoline prices right now. They have risen from about $2.33 when this Congress came into office, to almost $4 at the pump now. Yet this bill could increase that burden significantly by as much as a dollar a gallon. That is a big cost.

I also look at the cost of other energy prices: natural gas prices, electricity prices. Again, that is a big additional cost this bill would be putting on American citizens.

Finally, I look at the cost of shipping more jobs overseas, because this bill would put dramatic onerous controls on American industry, American businesses, and American jobs, but wouldn't do anything comparable with regard to jobs overseas, including China and India. Those are big costs. The benefit? Well, the benefit, I believe, would be slim to none because of the factors I have mentioned, because of what this bill would do to burden our industry, our companies, our jobs. Those jobs would be pushed overseas, largely to countries without these controls—to countries that would not change their policies, that would not follow our lead, particularly China and India.

So what would we do with regard to the global issue of climate change? It is certainly global and not localized. We would be accomplishing virtually nothing.

My amendments, had I been allowed to offer them, would have addressed these onerous costs. First, I would have presented an amendment that said if the price of gasoline at the pump reaches $5 a gallon—forget about $4 where we are already—if it reaches $5 a gallon, then we would allow exploration and activity on our ocean bottoms off our coasts, but only under two conditions: first, if the host State off whose coast that activity would happen would want the activity; the Governor and the State legislature of that State would say yes, we want this activity off our coast, we want to help meet the Nation's energy needs. Secondly, if that happened, that State would get a fair revenue share—37.5 percent—building off the precedent we set 2 years ago with revenue sharing in the Gulf of Mexico; and important Federal programs and important Federal priorities, such as LIHEAP and the Highway thrust Fund and the Adam Walsh Act, would also get guaranteed funding. That is a significant and important amendment that should be part of this debate.

My second amendment would discuss electricity prices, particularly natural gas, and it would say that if natural gas demand went up, if the price went up because of this bill, then again it would pull a trigger and allow that exploration and production on our ocean bottoms off our coasts under the same conditions that I outlined with regard to host States.

Finally, my third amendment would address the significant jobs cost that this bill presents. Natural gas-intensive sectors of our manufacturing industry would be particularly hard hit by this bill. So my amendment, had I been allowed to present it, would have said that we will have annual reports describing whether this bill would displace more than 5,000 employees in natural gas-intensive sectors of the manufacturing industry such as the fertilizer industry, the pharmaceutical industry, the chemical industry. If that happened, if we went over that threshold, then the EPA Administrator, in consultation with the Secretary of Labor, would have to increase the number of allowances necessary to preserve those jobs.

Those are important topics in this debate. Yet they were completely shut out from consideration on the Senate floor. Once again, I have enormous regret and concern for this body based on the precedent the distinguished majority leader has set. This is an enormously important topic and bill, yet not allowing a single amendment to be called up and considered before our vote on cloture tomorrow morning, and filling the amendment tree so not a single amendment could ever be considered without the acquiescence and support of the majority leader himself.

As I said a few minutes ago, Al Gore talked about an inconvenient truth. I believe the majority leader is concerned about an inconvenient debate, inconvenient amendments, but that is exactly what the American people deserve: a full and fair debate and consideration of amendments.

With that, I yield the floor.

Mr. INHOFE. Madam President, I think it is very clear. Our speakers—myself included—all we are asking for is to debate our amendments and get votes on our amendments.

I now yield to Senator CORKER from Tennessee 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, if the Chair could let me know when there is 2 minutes left on my time, I would appreciate it.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. CORKER. Madam President, thank you very much for the opportunity to rise and speak about the Climate Security Act. I think all of us realize what is getting ready to happen.

Unfortunately, in the morning, there will be a cloture vote and obviously the bill will not have the votes for cloture and it will fail. Hopefully, we will return to a debate on the bill. I think the likelihood of that is very low.

I wish to say that as one Senator who has spent a tremendous amount of time on this issue, I am extremely disappointed in the process we have followed as it relates to this most important piece of legislation. Yesterday at about 11:15, a 492-page amendment was placed on the desk—492 pages. It is 150 pages longer than the original bill. Yet tomorrow we have a cloture vote. I would say that almost no Senator in this building has had the chance to fully read this bill as it now is. So again, the cloture vote will fail tomorrow at about 9 o'clock.

I got up this morning and I turned on the coffee pot early. I read the paper. I rode the elevator down and ran on the Mall and came back, got dressed, got in my car and came to work here, and I realized that every single process I had gone through this morning in some form or fashion would be affected by this bill if it were to pass. This is one of the most important pieces of legislation we have ever debated in this Senate Chamber. The fact that we have allowed such little time for debate, to me, is a tremendous disappointment.

I know many proponents of this bill will say that those who vote against cloture tomorrow will vote against cloture because they do not care about climate change; they do not care about climate security. I can tell my colleagues that in my case, nothing could be further from the truth. Over a year ago, I spent time with JEFF BINGAMAN in Brussels, Paris, and London, meeting with carbon traders, meeting with members of the European Commission, meeting with utilities, meeting with cement manufacturers, meeting with everybody who had a stake in what occurred in Europe when they put this process in place.

This last July, with a group of Senators led by Senator BOXER from California, I went to Greenland and saw firsthand the poster child, if you will, of what we have all been talking about. I met with Danish scientists. I met with scientists from our country. I have read tremendously about this issue throughout the years. Every time I have read a book or a magazine that was a proponent, I read one that was an opponent, if you will.

I have gotten both sides of this issue. Our staff has spent inordinate amounts of time on this. We have offered amendments. I have actually sent a letter to every single Senator in this Chamber with detailed amendments and the background and the reason we were offering them. I have never on this Senate floor used any degree of demagoguery to talk about this issue. I have only spoken about the facts of the policies we are debating.

The reason this bill is going to fail tomorrow is not because of the process. This bill is going to fail because it has serious flaws. Again, the process we went through to get to this point is one that is so inappropriate. Typically, when you have a portion of a bill, for instance, that relates to money, it goes to the Finance Committee. Typically, when you have a portion that relates to energy, it goes to the Energy Committee. That didn't happen. Most people on the EPW Committee itself candidly—as a matter of fact, almost every Member didn't even see this massive bill until it came to the floor yesterday. However, that is not even the reason it is going to fail. That is reason enough, but this bill has serious flaws. We have tried to point that out from day one. We have been totally transparent in the process. We have met with environmental groups that have been so involved in pushing this legislation; we met with their boards and pointed out along the way the three serious flaws we have seen in the bill. Other Senators have wonderful contributions to make to the bill, including Senators DOMENICI, INHOFE, BINGAMAN, and others; they have tremendous contributions to make.

Let me mention the three flaws we have talked about before. No. 1, the proponents of the bill, whom I respect tremendously—and I believe their hearts are in the right place—I thank them and their staffs for the work they have done on this bill because I know they spent a lot of time. Unfortunately, the politics of climate change itself and of solving the environmental problem was not good enough. Instead, the proponents had to take trillions of dollars in the Treasury and then preprescribe through the year 2047—and then 3 years after in a different way—how the money was going to be spent. We haven't had a bill such as this since Medicare or Social Security. I don't think we have done something this pervasive that affects everybody in America on a daily basis. Instead of just focusing on the policy and letting the policy of cap and trade work as a potential market system, this bill had to be turned into a huge spending bill on the backs of the American people, driving up energy prices, driving up food prices, driving up clothing prices. Instead of returning that money to the American people, the proponents decided to spend every penny—almost—of the money taken in.

The second thing is, marketable securities, as everybody knows, are created the day this auction process begins. Those marketable securities are called carbon allowances. They are transferred to people in this bill. It is a transference of wealth. It would be like if I had 10 shares of IBM stock and my good friend, JEFF SESSIONS, was over here, and I said, JEFF, I am going to give you these 10 shares of IBM stock; they are worth money and are marketable. He can sell them that day. The policy of focusing on climate wasn't enough. This bill had to take the extra step of not just spending trillions of dollars but also giving trillions of dollars away to people—by the way, this is the best part——

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. CORKER. That has nothing whatsoever to do with emitting carbon. I have no idea why that is done.

Thirdly—and maybe most offensive—this bill sets in place something called international offsets. Others have talked about the burden on U.S. companies competing here if this bill is passed. This bill doesn't just create those burdens, which I acknowledge; it also pays them by allowing them to invest more inexpensively in other countries. I find that reprehensible, and I cannot imagine why any process such as that would be part of this bill.

Most importantly, though these three flaws exist, no doubt, this bill doesn't include an energy title to cause our country to be energy secure. I think we have missed a tremendous opportunity at a time when people have a passion about dealing with the climate in our country. Americans are feeling vulnerable, as they should, as it relates to energy. I think we have missed a tremendous opportunity to bring those two groups together and solve, once and for all, the problems that exist in our country in a meaningful way.

I came to the Senate to work on the big issues of our country. I am very disappointed that we will leave tomorrow having accomplished nothing, having accomplished nothing as it relates to climate, nothing as it relates to energy security, and nothing to ensure that generations who come after us will have a better way of living.

With that, I will close by saying I hope in the very near future we will put aside our differences, and I hope this cloture vote tomorrow will not lock people into places they don't want to be, to show romance, if you will, as it relates to the issue.

I hope that over the course of the next few months, we will be able to come together and do something that is appropriate for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, what is the time agreement?

The PRESIDING OFFICER. The Senator is allocated 5 minutes.

Mr. SESSIONS. I thank the Chair.

Madam President, I appreciate Senator CORKER for his hard work and bringing his capable mind to this incredibly complex piece of legislation. He has been able to explain, in simple language, some of the fundamental flaws that exist. I also agree with him, having traveled my State hard in the last month or two and talking to a lot of people who are concerned about gas prices. They want us to do something. My belief, and what I have said for some time now, is let's get busy and let's do the things that work. Let's not make a mistake and take wrong steps. Let's do things that work.

We need to accelerate biofuels. We have seen progress with wind, and maybe more could be made there. Solar is not right and hasn't proven itself as a major source yet, but maybe we can see that. And there are fuel cells and hydrogen. A lot of things are possible. This past week, I visited a Mercedes plant in Alabama that has a diesel engine that runs 35 to 40 percent better for mileage than a gasoline engine.

I visited, in Huntsville, AL, a plant that incinerates garbage and creates steam to provide to the military base, and it has been doing so since 1984. Yet not another city in Alabama has such a steam plant.

I visited an Alabama power company incinerator, where switchgrass and wood chips are blown in with coal, reducing the amount of coal used, burning more biofuels.

I visited the transport center at the University of Alabama, which is working on a more complete combustion of our fuels, fuel cells, and plug-in hybrids.

I visited Auburn University, where they are converting wood products, biofuels, to gases and then to liquids we can burn in our automobiles.

All that is happening in my State right now. I say, let's get busy and see if we cannot accelerate those things. Let's not create a monumental bureaucracy. As a former U.S. attorney, I am familiar with the Code of Federal Regulations. I am not sure a lot of people are. But this 400-plus page statute that we are about to pass has within it 35 direct requirements that various agencies of the U.S. Government will issue regulations on, and the regulations frequently are far more extensive, more complex, and detailed than the laws we pass. But every business in America will be bound by them. If they violate them, they can be fined $25,000 a day. Somebody will have to enforce them. Who is going to do that? The EPA says they know they will need perhaps 400 new people right off the bat to keep these programs up and going. But the Department of Agriculture, the Department of Treasury, and Department of Commerce have requirements, and they are going to have to have people, among other agencies.

But who will have the most? What area of our economy will be required to hire the most people to comply with these regulations? I submit it is the private businesses that are going to have to hire accountants, technicians, have monitoring stations, hire people to figure out what credits to buy and what credits to sell and try to project the market and see what the future is going to be on credit and where to get these credits. It is going to be an incredibly complex thing.

This 492-page legislation has 35 different specific directions to various agencies to issue regulations.

My time has expired. I thank the Chair and point out that this has huge ramifications throughout our economy. I am pleased to listen to Senator DOMENICI, our fabulous leader for so many years on these issues.

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

Mr. DOMENICI. Madam President, I ask that you advise me when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. DOMENICI. I am sorry, but it gets difficult to keep track of the time. I thank the Senate for permitting me to speak a few moments today.

We are just 3 full days into the Boxer bill, and several important questions have arisen. Unfortunately, the majority leader has filled the tree. That sounds like something you do around Christmastime, but that is not what it is. It means last night the majority leader decided this bill, when we return to it—if we do, which I don't think we will—would not be amendable. He has put amendments in every place you could amend so you cannot amend any further. So we would not have a chance to fix this.

So everybody will understand, 3 days for a bill such as this in the Senate is unheard of. This Senator is serving his 36th year and happens to be fortunate that I was here when the Clean Air Act of America was passed. It was a new regime for trying to clean our air. We were on the floor of the Senate, with Ed Muskie as chairman, for 5 weeks. Over 160 amendments were brought up, and over 100 were approved, or voted on. That is debating a bill—not 3 days.

As we consider this bill, we have to ask ourselves if a cap-and-trade regime is our only option, or even our best option, for reaching the bipartisan goal of reducing global greenhouse gas emissions. The Congressional Budget Director recently testified before the Committee on Finance and the Committee on Energy that a carbon tax would be five times more efficient, that a rigid cap-and-trade regime would, conversely, be only one-fifth as effective as a carbon tax. So, obviously, we have set about to do something far more difficult than directly attacking the problem with a carbon tax because we fear it. But the American people should know what we are doing to them, in this roundabout way, is far worse on them, their families, and their future than a carbon tax, which everybody says we should leave alone and forget about.

It is also appropriate to ask how this bill was written and why it has been written several times. The bill leaves us with more questions than answers. One that immediately comes to mind is, why allowances under this bill are not considered property. This bill mandates that entities pay for the allowances. Then it refuses to extend the rights of ownership to those allowances.

The distinguished junior Senator from Tennessee has spoken eloquently about this whole business of allowances and what is wrong with the way we are treating it. He has mentioned, but I mention again, the bill specifically says they are not property rights. Why do you pay for them? If you pay for them, you think you own them. If you don't own them, they are worth nothing because anybody can do what they like with them if they are in a position of authority and you receive nothing. If you try to sell them and an administrator decides you cannot, you have no rights because you don't own anything.

This bill mandates the entities pay for them and, I repeat, refuses to extend the ownership rights. I don't know why this is written this way, but I hope we will have a chance to consider an amendment. Perhaps the Senator from Tennessee would have joined me in an amendment to strike that provision, but we will not have a chance to do that because the leader has filled the tree.

I repeatedly heard false claims that this bill will create a market-basket approach to reduce greenhouse gas emissions. For a marketplace to operate, its participants must own the products they seek to trade. Property is a fundamental right in a well-functioning market. The right of ownership should not rest with the bureaucrats at EPA. It should rest with the purchasers of the allowances.

Additionally, it is not credibly explained how Americans will comply with this bill. There are a number of resources and technologies that can significantly reduce carbon emissions, but often they are not commercially viable or, worse, are blocked from being licensed.

Our Nation currently has 104 nuclear powerplants. According to the EIA, Energy Information Agency, we need to build an additional 264 gigawatts of nuclear capacity by 2050 to comply with this bill. Another Federal agency found that only 44 gigawatts of nuclear would be built and that our needs would, instead, be largely met by 81 gigawatts of coal with sequestration and 61 gigawatts of renewable power. An MIT study found that we would meet our obligations with 236 gigawatts of coal with sequestration. This technology has potential, but it has not yet been commercially demonstrated.

The point I am making is, some of the assumptions as to how we will reach this goal under this bill are stated by the experts in our country that they cannot be achieved because some of the things they expect to use cannot be used or cannot be done.

In the years ahead, will those who now support this bill strongly advocate the construction of the infrastructure and facilities necessary to comply with it?

More than 20 organizations went on record last November in opposition to the National Interest Electric Transition Corridor. These corridors, established in the Energy Policy Act, which we together wrote and passed on the floor of the Senate, are essential to addressing electric transmission constraints or congestion across the country. But an attitude of ''not in my

backyard'' has resulted in vocal opposition in many localities. Yet that would be absolutely necessary for this bill to work.

According to Greenpeace's Web site, carbon capture and sequestration is ''an unproven, expensive, and inefficient technology'' that taxpayers should not be asked to subsidize. But according to EIA, it is not available. The result is almost a doubling of the negative impacts of economic growth.

As recently as 2005, a leading proponent of this bill said in the Senate:

Nuclear power is not the solution to climate change, and it is not clean.

Friends of the Earth, a large environmental group active in 70 countries around the world, describes nuclear power as a ''false solution'' that ''is simply a diversion'' from the progress of reducing greenhouse gas emissions. The fact is, nuclear power is our only carbon-free source of baseload generation, and the 104 nuclear reactors now in our country around the Nation displace as much carbon dioxide—just this one source of energy—as nearly all the passenger vehicles on the roads of America. That is a pretty good exchange for 104 nuclear powerplants that are old and doing the job.

The opposition to energy infrastructure that we need to reduce greenhouse gas emissions overlooks a fundamental truth that is underscored by nearly every study in this bill. Without these resources and technologies, it will be impossible to meet the targets outlined by this bill. So supporting a cap-and-trade regime is insufficient. The bill's advocates must also pledge to support and work hard for energy infrastructure, which we have just discussed, for years to come.

Perhaps the most important question in considering this bill is whether it will accomplish its stated purpose. Listen carefully. The first stated purpose of this bill is ''to establish the core of a Federal program that will reduce the United States greenhouse gas emissions substantially enough to avert the catastrophic impacts of global climate change.'' First purpose.

The United Nations IPCC—that is the technical hierarchical leader—projects that if the global concentration of greenhouse gas increases by 90 parts per million, global air temperature will rise by roughly 1 degree. These are the projections cited by the advocates of this bill. According to the EPA, however, this legislation would only decrease global concentrations by 7 to 10 parts per million by the year 2050, enough to reduce temperatures by only one-tenth of 1 degree Celsius.

As I stated earlier in this debate, such an increase will fail the test outlined in this bill. Its impact will not be substantial enough to avert a catastrophic impact of global climate change as stated by the proponents of this bill, cited by the advocates of cap and trade, to say it another way.

Their own rhetoric does not match the reality of what this bill would accomplish. The biggest purpose would not even come close to being accomplished. If we did it, it wouldn't come close to what is necessary. I just gave the numbers.

The second stated purpose of this bill is divided into seven subsections. First, it is intended to reduce greenhouse gas emissions while ''preserving robust growth in the United States economy.'' Economic studies across the board have found that this bill fails in this regard. The studies find that this bill will have a negative impact on gross domestic product, our basic test of collective productivity, in the range of trillions of dollars.

Next, the bill is intended to create new jobs in the United States. Why then is so much attention given to retraining assistance for workers in this bill? A study by the SAIC estimated that 3.5 million jobs would be lost by 2030 as a result of this legislation. And there is no credible study that says this bill, on a net basis, will create jobs in America.

Third, this bill seeks to ''avoid the imposition of hardship on U.S. residents.'' Given the projections of lower economic growth and job losses, this is simply not possible.

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes remaining.

Mr. DOMENICI. I thank the Chair.

The fourth subsection states that this act is intended to ''reduce dependence of the United States on petroleum produced in other countries.'' Last year, I introduced the American Energy Production Act. I plan to offer this as a complete substitute for this bill. There is no one who could doubt that it would do more to reduce our dependence on foreign oil than this bill.

The fifth states that the act will ''impose no net cost on the Federal Government.'' This stated purpose omits the massive cost that consumers and businesses will incur. The number has been placed at $6.7 trillion, which represents an unprecedented transfer of wealth to be carried out at the discretion of the Federal Government. This is the most expensive authorization bill in my 36 years in the Senate.

Sixth, the bill states that it seeks to ''ensure 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.'' Why then does the bill include an entire title for international offsets and allowances? That has been stated by the distinguished Senator from Tennessee eloquently.

Further, uncertainties of numerous kinds remain that I am unsure this act is capable of being administered, but I am not sure exactly how that can be done. CBO estimates an increase of $3.7 billion in discretionary spending at EPA between 2009 and 2018 just to administer this bill—$3.7 billion. That is nearly a 50-percent increase compared to their entire current budget.

This bill would require more than 50 new reports and studies, many of which recur on a monthly, quarterly, or annual basis. It includes directions for 39 new regulations and rulemakings and would establish 56 new program initiatives, funds, and similar Federal entities. This chart behind me shows just how complex this bill would be. I ask that my colleagues look at it because it is accurate.

It should be clear that any reasonable amount of time studying this cap-and-trade proposal leads to more questions than answers. While that may be acceptable for scientific endeavors, it is not a very sound footing for making law.

On a global scale, this bill would provide minimal, if any, environmental benefit by the end of this century. But even to achieve a small reduction here at home, we may subject America's economy, prosperity, and global competitiveness to irreparable harm, while creating greater emissions abroad. The capp-and-trade system envisioned by this bill is simply not the answer we seek for reducing our greenhouse gas emissions. I hope in the future we can move this debate in a direction toward solutions.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding that I have 10 minutes and then the distinguished junior Senator from California will have 5 minutes and then I will have 5 minutes in rebuttal.

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. Madam President, please tell me when I have 1 minute.

All Republicans want just one thing, and that is to debate this bill, bring it out in the open, let the light shine on it. Every Republican who has spoken has talked about the various amendments they want. All we want to do is discuss, debate amendments, have recorded votes on the amendments, and then have a recorded vote on final passage. That is a very reasonable request.

The Senator from New Mexico said on a couple of occasions that—referring to the amendments of 1990—there were 180 amendments that were offered at that time in 5 weeks of debate. Now we are talking about 3 days. I don't want anyone walking away when they pull the bill and say the Republicans had anything to do with it because all we want to do is debate it.

One of the amendments I want is to set up a mechanism we put down in a very reasonable way that would protect truckers, small businesses, and farmers from higher diesel prices caused by the Lieberman-Warner bill. I still want that amendment, and I hope there is a change of heart someplace and we will be allowed to do it.

It is important in these last few minutes to talk a little bit about this 53 cents a gallon they have estimated. They have said it is not going to be 53 cents a gallon, but the EIA, the Energy

Information Agency, has estimated that it would be 53 cents. But they say we are underestimating. They said first they acknowledge their model does not take into account cost of allowances for refineries, it does not account for more production going overseas, and it does not account for supply-side changes in the market, which means as production costs go up, supply will get tighter. That is a conservative estimate.

Since our junior Senator from California has returned, let me one more time talk about the tax increase. This is a massive tax increase on the American people. At a press conference on June 2, Senator BOXER said this is tax relief. Later on, she said in the same press conference: We also have in this bill a very large piece, almost $1 trillion of tax relief. So when we see some increases in energy costs, we can have tax relief. Then she talks about tax relief.

What does the bill say? The bill says the tax relief referred to is nonbinding; it is sense of the Senate. That just means it is conversation. It says it should be used to protect consumers. It doesn't authorize it, it doesn't direct it, it doesn't provide anything is paid. So what we are talking about is that $800 billion is not going to happen. But assuming it did—that is after we have taxed the American people $6.7 trillion—then we might give them back $800 billion. That means that for every $8 we tax them, we give them back $1.

Next, nuclear. Certainly, the Senator from New Mexico has been a leader on this, and we have talked about trying to get more nuclear energy for quite some time. I will say this about the McCain-Lieberman bill. One of the reasons I don't believe Senator MCCAIN is for this bill is that it doesn't have a nuclear component. His bill had a nuclear component, a recognition that we are not going to solve this problem in this country without a nuclear component. So this bill has no nuclear component.

When you look at other countries, such as France, they get 80 percent of their energy from nuclear energy. We are getting 20 percent. It is clean, abundant, cheap, and safe, and we ought to be doing more of that. I think we are on the road to start doing that, but not in this bill. It is not in this bill.

Next, the gas price, the 53 cents, I would suggest that is not just conservative, it is incredibly conservative because that is assuming 268 new nuclear electric powerplants by 2050. That is assuming we have 268 new nuclear plants. Well, according to the Electric Power Research Institute, and everybody else, the most we could have would be 64. So that is one-fourth the amount. That means the increase in the cost per gallon most likely would be closer to $2 a gallon instead of 53 cents a gallon.

On the $6.7 trillion tax increase, this is one where they say: Well, we are going to give part of this back. Even if they gave back $2.5 trillion over that period of time, this would still be a $4.2 trillion tax increase.

Now, you might say: What is all that money going for? Look behind me. There are 45 new or expanded bureaucracies that would be recorded or be established by this bill. In other words, if we do this bill, yes, we are going to be taxing the American people $6.7 trillion, and it is going to be going toward expanding and creating new bureaucracies—45 of them. I can assure you that none of that money would be returned to the people of Oklahoma.

Now, it is hard to explain what $6.7 trillion means. It has so many zeros, people's heads start to swim. The analysis by Charles Rivers Associates says that each family of four in my State of Oklahoma will have their taxes increased by $3,300 a year—$3,300 a year. That is a massive tax increase. If you go back and look at the last major tax increase we had in this country—it was the Clinton-Gore tax increase of 1993—where the taxes went up, Americans were taxed by some $32 billion. This would be closer to in the trillions. It would be 10 or 12 times more than that.

The last major thing to talk about is jobs. I don't know how anyone can look at this logically and come to the conclusion that this is not going to be the killer for jobs in America. I listened to my friends from Ohio and other States in the Midwest. We in Oklahoma don't really have that much of a problem, but in the manufacturing belt of the Midwest—Ohio, Michigan, Illinois—they are losing their manufacturing jobs. They have lost, by some estimates, up to 25 percent of their manufacturing jobs because we don't have adequate amounts of energy to take care of those things.

Well, this bill, according to the analysis that was done, would increase the loss of jobs in the manufacturing sector by 9.5 percent. In other words, it is not going to lose a few thousand jobs but many thousands. If the manufacturing sector is going to be dropping another 10 percent, it is devastating.

Now, where are these jobs going to go? They are going to go to Mexico and they are going to go to India and China. There are a number of different places they will go. This is the interesting thing—and I think the Senator from Wyoming, Mr. ENZI, gave a speech on this that I thought was very good. In the speech, he talked about what happens when jobs go to China. When jobs go to China, they do not have any emissions restrictions in China, so the problem we will have there is that it is going to increase the amount of CO_2 in the air.

I have agreed going into this debate that we would assume that it is true that manmade gases—anthropogenic gases, CO_2, methane—are a major cause of climate change. I don't believe that is true, but we wanted to assume it because if we didn't do that, this debate would be all about science. We might end up winning the debate but not in the short time the leadership has given us for this bill. So if we were to have the time to do that and to talk about these losses and where these losses are coming from, it would be much more meaningful.

But the bottom line is this: You can't worry about what is going to happen if we lose the jobs without realizing that even if this bill were to pass, it will end up costing the atmosphere. We will end up with a lot more CO_2 being emitted into the atmosphere. It is only logical we are going to lose these jobs to developing nations, some of which I have mentioned, and those developing nations don't have any restrictions on their emissions. So what happens? We pass the bill, emissions increase, and America goes through this economic disaster.

For those reasons, we can't do it, and for those reasons, we are getting all kinds of editorials all around the country saying we can't afford to do it and saying things such as:

> This is easily the largest income redistribution scheme since the income tax.

And saying things such as:

> The only thing it will cool is the U.S. economy.

And saying things such as:

> The Boxer climate tax bill would impose the most extensive government reorganization of the American economy since the 1930s.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. INHOFE. Our only request is to let us debate the bill, debate the amendments, vote on the amendments, and vote on the bill. It is a reasonable request.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. My Republican friends are fierce defenders of the status quo. They are desperate defenders of the status quo. They are clinging to the past and turning away from solving one of the major challenges of our time. All they say is no, no, no, for the status quo. And the reason is they know we are so close with this bill to finally getting us off foreign oil, finally getting us off big oil, and that is whom they defend here every single day.

They talk about working people. When is the last time they stood up and argued in favor of working people? Let me show you the working people who are supporting us.

They stand up: Oh, we are going to lose jobs, lose jobs, lose jobs. It simply isn't true. We have businesses, we have working people. Why don't they go and tell the people who are supporting the Boxer-Lieberman-Warner bill, from the International Union of Operating Engineers, from the building and construction trades, from the Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, from the heat and frost insulators, to the plumbers, to the roofers, to the plasterers, to the painters and the allied trades, to the teamsters and truckdrivers, to the

brick layers. They stand here and scare people. These working people know where the jobs are. The jobs lie in the new economy, the new green economy, the economy that gets us off of foreign oil, that gets us off of big oil.

Then they have the nerve to talk about how we are going to raise gas prices. Take a look at what has happened to gas prices since George Bush became President. And what did they ever do about it, Bush and CHENEY? Oh, they were the oilmen and they were going to be able to deal with the oil companies. I will never forget it. Under George Bush, a 250-percent increase, a 250-percent increase in a gallon of gas in the years he has been in office, and all he can do is go to Saudi Arabia and hold hands with the Saudi Prince and beg. It doesn't work. What is going to work is a climate security act such as the one we have before us, and this is the pie chart I can show you.

Look at this. My friend from Oklahoma, he makes up things about this bill. He says it is about raising taxes. That is false. We give back almost $1 trillion in taxes. We give back much more than $1 trillion in consumer relief. All of this yellow is what most of this bill does, and here we invest. We invest in low-carbon technologies so that we can get off oil.

They do not want to get off oil. They have friends in the oil industry. Who do you think is opposing us and making up untruths about our bill? That is what happens. We don't have any tax increases, we have tax cuts.

And then Senator BUNNING says scientists disagree. Yes, there were a few people who still said the world was flat. There are a few people who still say cigarette smoking doesn't cause cancer. But the vast majority of scientists from the IPCC, the most brilliant scientists all over the world gathered, including our own here in America—11 American National Academies of Science say global warming is unequivocal.

You can put your head in the sand. You can divert attention by saying this is a tax when it is not. How do we get the funding? We get it from the largest emitters of greenhouse gas emissions.

I am looking at the Presiding Officer sitting in the chair. She wrote the first section of the bill that deals with a greenhouse gas registry so we can measure that. And what do we say to them? You are going to have to get permits to pollute. Polluters pay. And we help them with that in the early years, and we take that money and we give most of it back to the people, OK? Then the rest of it, the rest of it we put to deficit reduction and investments of technology.

We hear others get up and say: Drill, drill, drill. You can't drill your way out of this problem. I don't want to drill in a wildlife preserve that Dwight Eisenhower, a Republican President, set aside. That is ridiculous. It only has 6 months of oil. It is better to have a long-term solution where we have the alternatives ready, the cars ready, the different fuels ready.

Senator CORKER complains about the process and he complains about the process. I say to Senator CORKER: Vote for cloture. We will have amendments, we will debate the bill, and we will move forward.

So it seems to me we are hearing a lot of falsehoods here. Vote for cloture. Let's get off of big oil and foreign oil. Let's have a good economic future and solve the crisis of global warming.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I have heard the same thing, and I have a great deal of respect for our chairman of the committee and her people's information. I used to chair that committee when the Republicans were in the majority. We are not a majority now, so it is Senator BOXER. But I wanted to cover the three things she covered.

First, gas prices, that somehow gas prices are not going to be going up as a result of this, and blaming that on the President, the administration, whether it is Cheney-Bush or whoever it is. Let's keep in mind that gas prices went up when the Democrats controlled the House and Democrats controlled the Senate.

Now, if anyone doubts who is at fault for this, go to the Web site for Environment and Public Works, epw.senate.gov, and look it up. What I have done is document the votes all the way back to 1995. Every time we tried to increase the supply of energy in America and every time we tried to increase our refining capacity, it was killed by the Democrats, right down party lines. Look it up. It is there. I have provided it for you so you don't have to find it yourself. It is there.

Now, I don't know how many times I can refute this; the distinguished Senator talks about the fact that she doesn't believe this is a tax increase and it is going to be a tax decrease by almost $1 trillion. It is $800 billion. But let us remember, as I said before, this bill takes $6.7 trillion from Americans in the form of a consumption tax on consumable goods and on energy. Now, the bill says we should give back $800 billion. That means for every $8 we are taxing the American people, we might be giving back $1.

The third thing is on jobs. You know, this is such a logical thing that I don't believe we should have to go into all this. If you do away with energy and dramatically cut energy in America, jobs have to go someplace. It is estimated that almost 10 percent of manufacturing jobs will go overseas. They will be gone.

She talks about the labor unions. Let me read what the labor unions say. The National Mining Association wrote:

Contrary to representations made of the Boxer substitute, S. 3036 does not provide sufficient funding or incentives for CCS and advanced coal technologies. Under the Boxer substitute, the advanced coal research program proposed is replaced with a kick-start program. In other words, they are opposed to it.

How about United Auto Workers? The last time I checked, that was a union. They said in a letter to her and to me:

> The legislation still contains serious defects that would undermine the environmental benefits while posing a threat to economic growth and jobs. Accordingly, the UAW opposes this bill in its current form. We urge you to insist that the legislation must be modified to correct for these defects.

That is the UAW.

Again, the last thing the distinguished Senator said is we need to get to final passage, we need to pass this thing. I only hope that the Democratic majority of the Senate will let us vote on amendments and let us vote on final passage. If we take this bill down, I don't know who you want to point a finger at, but I am standing here right now begging with the leadership, let us debate the amendments and let us debate final passage, let us have public record votes on the amendments and votes on the bill so the light will shine brightly and everyone will know who is responsible if this bill goes down.

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

Mrs. BOXER. Madam President, I have a unanimous consent request that I may have printed in the RECORD a statement of Senator BARACK OBAMA which says if he were able to be present, he would vote to invoke cloture.

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

> Madam President, I will not be present for tomorrow's cloture vote on the substitute amendment to the climate change bill (S. 3036). However, were I able to be present, I would vote to invoke cloture. Thank you.

Mr. SPECTER. Madam President, I seek recognition to announce that due to my chemotherapy treatment in Philadelphia tomorrow, I will necessarily be absent from the expected cloture vote to end debate on the Boxer substitute to the Lieberman-Warner Climate Security Act, S. 3036. If I were present, it would be my intention to oppose cloture at this time.

As I stated earlier today on the Senate floor, I am sorry to see that the majority leader has filled the so-called amendment tree on the global warming bill, thereby blocking all amendments. This is the 12th time he has employed this legislative tactic in the 110th Congress. It is a sad state of affairs in the U.S. Senate when we take up legislation on such a pressing matter as global climate change and 4 or 5 days later find ourselves being asked to end debate when the debate hasn't even begun in earnest.

I was looking forward to really focusing my attention and that of my colleagues on the very crucial issues that are part of this extremely complex bill. As I have said repeatedly, I believe we

need to take action on global warming, and I have felt this way for many years. In 2001, Senator COLLINS and I wrote to President Bush recommending that he re-engage in the Kyoto process because the U.S. should lead on this issue and have a seat at the international table.

My commitment to fighting global warming is also evidenced in the work I have done with the chairman of the Senate Energy and Natural Resources Committee, Senator BINGAMAN. During the energy bill debate of 2005, we offered the Bingaman-Specter sense-of-the-Senate amendment that put the Senate on record for the first time supporting mandatory climate change legislation—a 54 to 43 vote. In the intervening years, we worked diligently to craft a bill that balanced the concerns so many of our colleagues have had on both sides of the aisle. Our Low Carbon Economy Act, S. 1766, would establish mandatory emissions caps while protecting the economy and encouraging international action. Whatever eventually passes Congress and is signed into law will have to meet these difficult tests.

We have spent this week debating whether to proceed to the Lieberman-Warner bill. Many Senators filed amendments starting Wednesday afternoon, which was the first opportunity to do so. I filed four substantive amendments today. However, despite the repeated urging of Senators, including me, the majority leader decided to fill the so-called amendment tree, which has the practical effect of blocking any amendments from being officially offered, debated, and voted on the Senate floor. This has set up a scenario where Senators are being asked to vote for cloture—to end debate—on the underlying Boxer substitute without ever having the opportunity to amend it. This begs the question of whether the Boxer substitute is so perfect that nothing in its 492 pages should be scrutinized—or whether more pages should be added.

This kind of process puts Senators in a difficult position. I have stated my desire to pass legislation combating global warming. I represent a State with 12 million people and a very diverse electorate and economy. There are many Pennsylvanians who would like me to vote for the Lieberman-Warner bill. There are also many who want me to oppose it. I have met with citizens, companies, faith leaders, sportsmen, conservationists, environmentalists, union officials, and others who have expressed a broad range of opinions. What I have tried to do is take all of these concerns and work with my colleagues such as Senator BINGAMAN to craft sound public policy that exerts U.S. leadership in tackling the very real environmental problems we are facing, but also recognizes the uncertainty with creating the Nation's first economywide cap-and-trade program.

On Monday, June 2, I presented a detailed floor statement on my past activities on climate change and on my concerns with the Lieberman-Warner bill. Some of the questions and concerns I raised included whether the Lieberman-Warner emissions caps are technologically attainable, whether the bill adequately protected the economy, whether the bill strongly adequately addressed the competitiveness of domestic manufacturers, and whether the bill fairly treats process gas emissions from steel production, to which there are no alternative methods. I filed four amendments dealing with these issues, but, again, none of my amendments nor any others will be permitted by the majority. Now, it is important to note that I am not set in stone on anything. I am open to rethinking my position on various elements of a climate change bill. I also think I deserve the opportunity to state my case and have my opinion and ideas considered.

Given the current legislative situation and lack of proper consideration of this incredibly important legislation, I do not support the effort to invoke cloture on the substitute at this time. I commit to continuing to work with my colleagues to find a solution to the very serious issue of climate change. We should be acting with the speed and deliberation that this massive yet essential undertaking deserves.

Mr. CONRAD. Madam President, I would like to briefly discuss the Climate Security Act and indicate how I would vote if I were going to be present for tomorrow's cloture vote.

There can be no question that climate change is real. The scientific consensus is clear. Human activity is increasing the concentration of greenhouse gasses in the atmosphere, warming the planet, melting the polar ice caps, and causing severe weather events across the globe. The effects that we have seen to date are small in comparison to what scientists say are the likely consequences of continued warming. These developments have very serious implications for this country, and for the world.

We need only to look to the droughts in my part of the country over the last few years or the increased frequency and ferocity of severe weather events across the country to see the very real effects of global climate change.

We have an obligation to current and future generations to take meaningful action to reduce our emissions of greenhouse gasses, and I very much appreciate the efforts of Senator LIEBERMAN, Senator WARNER, and Senator BOXER to address this issue.

However, this is a very complicated piece of legislation that will have far-reaching effects on our economy, our competitiveness, and the economic security of the people I represent. It is critically important that we understand these effects and ensure that we have minimized the economic costs of the bill.

Our economy depends on affordable, reliable, and abundant sources of energy. Whether that means renewable sources of power like wind, solar, and biomass, or power derived from natural gas, petroleum, or coal, we have a responsibility to ensure that our businesses, manufacturers, and households have access to energy sources at reasonable costs. We rely on energy in almost everything we do in the course of a day, from turning on the light in the morning, to driving our cars to work, to cooking our dinner at the end of the day. During my time in the Senate, I have remained committed to keeping energy costs affordable for all North Dakotans and all Americans.

The bill before us could reduce the affordability of these sources of energy. Over time, it will require companies that produce and use natural gas, petroleum, and coal to acquire credits for each ton of greenhouse gas emissions for which they are responsible. According to estimates from the Department of Energy's Energy Information Agency, the cost of allowances will range from approximately $20 in 2012 to between $60 and $80 in 2030 for each ton of emissions. I am very concerned about what these costs will mean for consumers in my state, where over 90 percent of our electricity comes from coal.

I am also concerned about the effects of these cost increases on our international competitiveness. In the absence of a binding international agreement, other nations that are leading emitters of greenhouse gasses will not be subject to strict emissions controls. We would risk putting U.S. manufacturing—which relies on affordable energy—at a significant competitive disadvantage with the rest of the world. We have already witnessed the loss of jobs to manufacturers in Mexico and China. I recognize and appreciate that the authors of this bill have sought to address competitiveness concerns. But we must do more.

Unfortunately, the tactics of some of our colleagues have made it impossible to have a full debate on these issues. There will be no opportunity to offer amendments that would address these concerns and improve the bill. I will be necessarily absent tomorrow for a long-planned and critically important meeting with senior Air Force leadership at Minot Air Force Base in my state. However, if I were here, I would have no choice but to oppose cloture.

This legislation will not be the final word in the Senate on this subject. As this debate resumes, we need to continue working for a solution that carefully balances the need for action with the concerns about the impact on our economy and our competitiveness. We need to carefully consider impacts on States with energy dependent economies, such as North Dakota. We need to carefully consider the impact on different types of energy and make sure we do not put some forms of energy—such as lignite coal, which is the leading source of power in my State—at an unfair disadvantage. We need to carefully weigh the impacts that any plan

will have on energy consumers. And we need to make sure this legislation is part of a global effort, so that countries such as China do not derive an unfair competitive advantage from our action. I very much hope to be a part of finding innovative and creative solutions that achieve this necessary balance.

Getting climate change legislation right will require an enormous amount of additional, careful work. I look forward to working with Senators BOXER, LIEBERMAN, and others to address this very real problem.

Mrs. FEINSTEIN. Madam President, I would like to explain the purposes of the amendment I have filed today with Senators KLOBUCHAR and SNOWE to the greenhouse gas registry provisions of the Climate Security Act.

This amendment attempts to clarify the relationship between the greenhouse gas registry provisions in the Climate Security Act, and existing law requiring greenhouse gas reporting. The existing law is a provision that I included in the fiscal year 2008 omnibus appropriations legislation, Public Law 101–161.

The fiscal year 2008 omnibus appropriations legislation requires the Administrator of EPA to do the following:

publish a draft rule not later than 9 months after the date of enactment of this act, September 26, 2008, and a final rule not later than 18 months after the date of enactment of this act, June 26, 2009, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.

Thus, under existing law, by June 2009, EPA must publish a final rule requiring mandatory reporting of greenhouse gas emissions.

Sections 101 and 102 of the Climate Security Act build on these provisions in existing law. The Administrator of EPA must complete a new rulemaking within 2 years of enactment of the Climate Security Act.

As clarified in my amendment, this new rulemaking shall establish a Federal greenhouse gas registry that ''builds upon the regulations completed pursuant to [existing law].''

The new regulations will make ''changes necessary to achieve the purposes described in section 101,'' which includes the substantive requirements for the new registry set forth in section 102(c).

Finally, the new regulations will ''require emission reporting to begin no later than calendar year 2011.'' This final provision acknowledges that emission reporting will likely begin in 2010 under existing law, given that the Administrator must complete regulations by June 2009 requiring mandatory emission reporting. Emission reporting that is fully consistent with the provisions of the Climate Security Act will then begin no later than 2011.

I would like to thank Senators KLOBUCHAR and SNOWE for their dedicated leadership in support of the greenhouse gas registry provisions in this bill. It is a pleasure to work with them on this issue.

Mr. ROCKEFELLER. Madam President, I wish to take a few moments to discuss an amendment I have filed to the underlying Boxer substitute amendment to the Lieberman-Warner climate change bill.

I feel very strongly that, in any responsible attempt to address the very real threat of global climate change, one of the very first orders of business must be to ensure that our economy comes out of the process as strong or stronger after the enactment of carbon constraints as beforehand. Our economy, as I have said many times since coming to the U.S. Senate, is inextricably tied to coal. Some may not appreciate it still, or may let it slip to the back of their minds until another tragedy in the coalfields, but the fact is, coal provides about half of all of our electricity. Some months a little more, and some months a little less. But in almost every scientific or economic analysis I have seen, our dependence on coal to keep our economy functioning is going to continue to increase—and this is true even under the aggressive approach of the climate change bill before us.

That projected growth in the use of coal probably is a function of long-term economic growth and the relative difficulty and high cost of building generation alternatives. Coal can provide us with many decades—some experts say many centuries—of cheap, reliable, domestic energy. But as this country moves to address climate change, as I fervently believe we must, the future for coal—and I reiterate, the health of the American economy—depends on the ability of our electric utilities to use coal in a cleaner way than ever before, which includes capturing and permanently storing carbon emissions.

This is why I am proposing an amendment that will dramatically increase in the size and the scope of the carbon capture and storage, CCS, programs already underway in the Department of Energy. It is my goal with this provision—which will authorize $650 million for CCS research, development, and deployment through the end of fiscal year 2014—that a program already underway, but plagued by much-lower funding that is really required, can move beyond the baby steps currently being taken, and move us closer to a day when coal can deliver on the promise those of us in West Virginia and other coal states have always understood it to have.

But my CCS amendment neither begins nor ends with merely increasing funding of current R&D programs. In fact, while I have no doubts about the quality of the work being done by fossil fuel researchers at West Virginia's National Energy Technology Laboratory and their scientific collaborators at West Virginia University, Marshall University, and other fine schools around the country, I am not convinced the bureaucratic nature of DOE is the right or only environment in which to make the best use of the science to bring about the cost-effective, commercial-scale CCS, technologies we know we need. I believe that the men and women working in our National Labs can produce great results, but my grave concern is that government tends to move slowly and simply cannot afford to wait the several decades that are anticipated by the current technology roadmap. That is why I am proposing an additional—and I believe, transformational—means at arriving at commercial-scale CCS much more rapidly.

The cornerstone of this amendment is the creation of a nearly $20 billion quasigovernmental corporation, which I am calling the Future Fuels Corporation. The Future Fuels Corporation is intended to push the environmentally responsible use of coal for electricity and the production of carbon products—transportation fuels and industrial inputs—in a process called ''polygeneration,'' while also moving us further and faster toward a time when commercially viable CCS technologies make using coal, our most abundant domestic fuel source, no more environmentally worrying than deriving electricity from the wind or the sun.

What separates the Future Fuels Corporation from other CCS research and demonstration projects, those underway or new programs being proposed as part or in reaction to the underlying bill, is that when the corporation comes into being it will be funded by the Federal Government, but run by an independent board of directors, each of whom is an energy expert in his or her own right. These experts will be nominated by the President, confirmed by the Senate, but responsible to the taxpayers for realizing the goals of the Future Fuels Corporation without the heavy hand and bureaucratic meddling that can be the unfortunate byproduct of the program administration of any government agency. The Future Fuels Corporation will have to deliver results. The scientists and researchers brought onboard the Future Fuels Corporation will carry out their activities with a ''do it right, but do it fast'' business mindset, and not the measured academic pace of traditional R&D programs that could keep important CCS developments from being realized as fast as we need to have them up and running.

I am firm in my belief that the United States must do something significant to slow and ultimately reverse the carbon-induced climate change that an unimpeachable scientific consensus shows us is already happening. We must not hesitate to engage internationally, and when we do, the effort cannot be allowed to let off the hook developing nations that are fast becoming significant sources of atmospheric carbon. Our action must be scientifically justified, but must always acknowledge the economic implications

for workers in carbon-intensive industries, and for the poor and middle class families who will find it even harder to pay their bills when carbon constraints raise energy prices. Similarly, we cannot exacerbate the competitive advantage enjoyed by manufacturers in foreign countries. We must aggressively enforce our own trade laws, and address the fact that many of our trade competitors do not regulate carbon.

I have serious reservations about the underlying bill. The President quickly issued a veto threat. For myself, I will continue to support procedural votes to keep this debate moving forward, but let me be clear—I cannot support the bill in its current form. My amendment will improve the bill, but I believe the need for major, urgent, front-loaded CCS research, development, and deployment transcends the bill before us. I intend to bring it back on other legislation moving in the future, and we should not hesitate to act on CCS as soon as possible, regardless of the outcome of this debate.

Mr. GRAHAM. Madam President, over the past 5 years there has been a sea-change in the way we talk about climate change. I was hoping that this debate would serve as an opportunity to constructively discuss the issue. Unfortunately, we are unable to offer amendments or probe into the contents of this legislation. That is a real missed opportunity and I will be forced to oppose cloture.

Make no mistake about it; the Senate needs to discuss climate change. We need an in-depth debate about climate change legislation which will have profound environmental and economic impacts. Senators must be able to offer amendments in order to improve the legislation. That last time the Senate considered legislation with as broad an environmental scope, the Clean Air Act, we spent a total of 5 weeks debating the bill and took close to 180 votes. With this legislation, we are taking less than a week and voting on zero amendments.

I applaud the work that Senators WARNER and LIEBERMAN have done on this issue. The bill certainly advances the climate issue and they deserve our appreciation. This legislation marks a truly comprehensive effort to address this issue.

Despite their best intentions, the Boxer substitute amendment that is on the floor right now has some provisions that are troubling and omits important solutions to climate change that need debate.

Of particular concern to me was the inclusion of a provision in the legislation that limited the number of credits rural electric co-ops were eligible to receive. These credits were further narrowed by a pilot program that diverted 15 percent of the remaining credits to co-ops in Virginia and Montana. Co-ops and municipal power generators must be treated equitably with investor owned utilities, IOUs. In 2005, we passed an energy bill that left out co-ops and municipals from seeing the benefit of a nuclear production tax credit and federal loan guarantees. We need to be sure climate legislation does not do the same.

Additionally, the legislation that we are debating has no references to nuclear power. I had planned to address this through the amendment process but unfortunately, we were unable to advance the debate on this bill. However, make no mistake, if we are to seriously address climate change, nuclear must be part of the solution. The founder of Greenpeace, Dr. Patrick Moore, said it best:

> Nuclear energy is the only large-scale, cost-effective energy source that can reduce these emissions while continuing to satisfy a growing demand for power. And these days it can do so safely.

When it comes to climate change legislation, I am not a scientist and I don't pretend to be. So instead of focusing on the science of the issue, I would like to focus on what I know. And that is: we have an obligation to limit what we emit into the atmosphere.

Additionally, there is growing alarm over the national security implications of climate change. From scarcity of food to increasing energy dependence, the imperative to address this issue is growing. We need to use climate change legislation as a driver for the new technologies that will enable us to break free from dependency on foreign energy sources.

There is a lot of concern over the economic impact of climate change legislation. This is an important debate. We have to be honest; addressing this issue will have a significant cost and significant benefits associated with it. However, I do believe that we can craft legislation that can achieve our goals in a manner that benefits both our environment and our economy.

Manufacturers of components for nuclear power plants, windmills, and solar power are looking to Washington to ascertain what the market will be for their products. Climate change legislation can send the signals to the market that will foster innovation and drive technology development; especially in the area of nuclear power.

Ultimately the Senate will come together in the next few years to thoughtfully address this issue. I look forward to being a part of that debate, and a part of the solution.

● Mrs. CLINTON. Madam President, the scientific consensus is clear: strong and swift action to reduce greenhouse gas emissions is needed to prevent catastrophic effects of climate change. That is why the debate this week in the Senate about the cap-and-trade bill crafted by Senators BOXER, LIEBERMAN and WARNER is so important. This bill makes steep reductions in emissions, encourages the development and deployment of clean energy technology, provides assistance for American families, training for workers that the clean energy industry will demand. I congratulate Chairman BOXER for moving this bill to the floor. It is a first step toward Congress enacting a cap-and-trade bill as part of a broad, comprehensive effort to combat global warming and reduce our dependence on foreign oil, including aggressive steps to improve energy efficiency and deploy renewable energy that will benefit our economy and help create millions of new jobs. I believe that we can and should make this bill even stronger, and I hope that we can do that as we continue to consider the bill. For now, we need to move forward on this important legislation. That is why I would vote for cloture on this legislation if I were able to be present in the Senate for the vote. The time is now to move forward and deal with global warming, and I urge my colleagues to vote for cloture.●

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. What is the present business before the Senate?

FOOD, CONSERVATION, AND ENERGY ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 6124, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 6124) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

Mr. CHAMBLISS. Madam President, I believe under the unanimous consent, Senator HARKIN and I have 10 minutes equally divided, Senator COBURN has 20 minutes, Senator DEMINT has 30 minutes; is that correct?

The PRESIDING OFFICER. I believe the Senator is correct.

Mr. CHAMBLISS. At this time I believe Senator COBURN requests the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I appreciate the cooperation of Senator HARKIN and Senator CHAMBLISS on allowing us to have some discussion on the farm bill. The attempt was made to pass this by unanimous consent. Unanimous consent means that every Senator in the body agrees with the bill, agrees it should be passed, agrees it should not be amended, and should not be debated.

I will offer no amendments in working with Senator CHAMBLISS and Senator HARKIN. However, I think it is very important, especially in light of

the recent WTO ruling which allows Brazil to administer approximately $5 billion in punitive penalties on American products going to Brazil because we are WTO noncompliant. I come from a farm State and I want to tell you I think this bill is not good for my farmers. As a matter of fact, I know it is not good for my farmers, especially when we think out in the distance.

Input costs have more than doubled for production agriculture in this country and the assumption—not implicitly, but nevertheless in this bill is the assumption of good prices in the future. Anybody who has been around farm community for any period of time recognizes that farm prices are erratic. My thoughts are what do we have in the farm bill when corn prices are back at $3 a bushel, when wheat prices are back at $2.50 or $3 a bushel, and when soybeans are back down at $5 a bushel with input costs doubled? What we have done is we have cut $3.5 billion from the commodity title in this program.

The one thing that WTO says is compliant is direct payments. We have cut them by $313 million. I don't want farmers to get anything if they don't need it, but food is important to us and I do not disagree that we will use agriculture to help us in our energy needs. But I think in the long run we have not done what we need to do for the American farmer.

More importantly, and this is not to degrade the very hard work that was done by the Agriculture Committee and the conference committee, is that we have missed an opportunity to be good stewards with Americans' money. How can that be so? One is the bill extends ethanol provisions as livestock producers and consumers are struggling to pay for higher feed costs. It takes 2 pounds of feed to gain a pound of weight in a chicken. It takes 4 pounds of feed to gain a pound in a hog. So the input costs on food have risen dramatically.

We didn't eliminate the import duty on ethanol. If we think ethanol is an important aspect of our freedom in terms of energy independence, why do we have an import duty on ethanol coming into this country? Why did we not fix the dollar blending for biofuels, biodiesel? Now large quantities are coming into this country. A small quantity of diesel is being blended to it, they are collecting $1 from the Federal Government and shipping the biodiesel fuel to Europe where they can get more money for it. What in fact we did not eliminate is the subsidy to European biodiesel in this bill.

This is basically a food bill, it is not an agricultural bill. Madam President, 73 percent of this bill goes for food and there are absolutely no metrics on what we are doing in terms of our food programs. There is no measurement, there are no performance indicators, there are no qualifications as to are we meeting the needs? Is the money we are spending accomplishing our goal? We have no metrics in that. There are none.

The bill steals money, much to the chagrin of the leaders in the Senate, for true agricultural programs and puts it into things that are not agricultural at all. We took $250 million in an earmark in this bill for the Nature Conservancy to buy land in Montana for one person. We are constructing a Chinese water garden in Washington, DC, in the Arboretum, from a gift from the Chinese—but now we are going to pay for it. We are spending $3.7 million in a noncompetitive grant for the University of the District of Columbia to upgrade agriculture and food science facilities. Granted, it is a land grant college. Why should not it have to compete? How do we know that is the best place to spend the $3.75 million?

We are spending money, at a time we are going to come close to a $1 trillion deficit, on historic barn preservation? We are going to preserve falling-down barns at the time we add $3,000 per man, woman, and child in this country to their debt? We create a farm and ranch stress assistance network. After this bill they are going to need it. They are going to need it—especially if crop prices fall. The safety net is gone.

We have the highest prices historically we have ever had for asparagus and yet we put $15 million for asparagus prices from 3 years ago in this bill.

We have $50 million for the Sheep Industry Improvement Center that has two employees in Washington, DC. It halts a previous law that was going to privatize the center.

We also have a wonderful study to study methane release from livestock operations. I would like for us to know, in the natural physiologic condition of cattle, how we are going to eliminate flatulence? How we are going to spend money? We know it is there. We know how much is there based on how many head of cattle there is. We are going to spend money to study it.

More importantly, this bill offends one of the most cherished beliefs of farmers and ranchers, and that is property rights—a guaranteed right in this country is put at risk under this bill. In addition to the $250 million for the Nature Conservancy to buy more land, this bill authorizes the Community Enforced and Open Space Conservation Program, which will give grants to local governments—Federal money; we don't have it but we are going to give grants—and tribes, to buy up private forest land and put it into the hands of the Government. We are not going to have an option. We are going to let the Government agency give grants and we are going to take land away from private landowners. That is what we are going to do. That is ultimately what will happen.

We added 100 million acres in Government land in the last 5 years in this country. We added 100 million acres. What was the purpose for this? The guise of protecting water supply, hunting opportunities and, in the bill itself, preventing obesity. We are going to prevent obesity by buying land.

Finally, the bill fails to rein in the USDA. It is the fifth largest corporation in the world. It has 115,000 employees—11,000 here in DC. We are still going to have a top-heavy bureaucracy and we are going to spend money on the bureaucracy instead of on the production of food, efficiency in the farm, and guaranteeing that Americans will have a safe and secure food supply.

This is not to denigrate my colleagues. Most of this they didn't agree with. They had to trade to keep a halfway commonsense bill, so I don't want Senator HARKIN or Senator CHAMBLISS to think—and I know through my conversations with them that this is stuff they had to swallow, coming out of a conference committee. This bill was never going to be easy. Yet after nearly 2 years of debate, Congress is going to pass a bill that fails to prioritize agricultural spending in any meaningful way and what I believe, and it is my opinion, that what in the future will be is life very much more difficult for the American farmer and rancher.

Mr. DEMINT. Madam President, in a few minutes the Senate will once again vote on a farm bill that expands the Federal Government's management of farm and food programs while spending over $600 billion during the next 10 years. I do not want to diminish in any way all the hard work of my Republican and Democratic colleagues and their very capable staff, but I rise today to ask my fellow Senators to stop and think about what we are doing to our country—not go just with this bill but what we have done as a Congress and as a Federal Government over the last few decades.

The farm bill is a symptom of a bigger problem. We are often so focused on specific problems and issues and legislation that we fail to see the cumulative effect of our work over many years. We can start with what we have done to our culture and the character of our people. For several decades, this Congress and our courts have turned right and wrong upside down and encouraged all kinds of costly and destructive behavior. Our welfare programs have encouraged an epidemic of unwed births that cost our country over $150 billion a year and is the major contributor to child abuse, crime, poverty, and school dropouts.

Our courts have ruled that pornography, abortion, and gay marriage are constitutional rights. The Federal Government has expanded casino gambling by legalizing it on Indian reservations, even in States where gambling is illegal. All these decisions and policies have proved destructive and costly to our country.

The Federal Government's attempts to manage America's institutional services and economy have been equally devastating. Over the past 10 years, while I have been in the House and the

Senate, I have seen this Congress attempt to manage many aspects of our lives and our economy.

I will start with education. The quality of American education has declined since the 1970s, when the Federal Department of Education was established. By the year 2000, when President Bush took office, our Government-run education system was clearly not preparing our children to compete in the global economy.

No Child Left Behind expanded the Federal role and Federal spending even more. But there has been little discernible progress. We see some progress in charter schools and specialty schools and other types of schools that break away from the Federal mold.

But this Congress continues to restrict the flexibility of States and the freedom of parents to choose a school that works for their children.

We should also talk about what this Congress and the Federal Government has done to our health care system. Medicare and the Government fixed-rate system control virtually all the health care in America today. A few years ago, this Congress decided to add prescription drug coverage to Medicare, even though the program was already going broke.

Now, the program is hopelessly underfunded, and we continue to cut what Medicare pays doctors and hospitals to see our senior citizens. The problem is fewer and fewer doctors want to see Medicare patients because they lose money when they treat them. So they charge their patients with private insurance more so fewer Americans can afford private insurance.

And fewer and fewer students are going into medicine because it is clear they are not going to be paid enough to make a decent living. So we now expect and predict a physician shortage crisis as millions of baby boomers are retiring. The solution for us is to make sure every American has an insurance plan they can afford and keep, not to try to manage health care from Washington.

Social Security is another example of Government mismanagement. Instead of saving the taxes we take from workers for Social Security, Congress has spent every dime, trillions of dollars. Now, in less than 10 years, Social Security taxes will not be enough to pay benefits to seniors. Congress refuses to even talk about it.

Let's not forget what the Federal Government has done to our energy situation in this country. Congressional attempts to manage America's energy industry have been disastrous. To supposedly protect the environment, the Democrats shut down the development of new nuclear powerplants back in the 1970s. So America burns a lot more coal, while other countries expanded nuclear and reduced their coal consumption.

Now, the Democrats want to add huge taxes on coal to protect the environment, while still stalling development of nuclear generation. Go figure. Two years ago, in the name of the environment, this Congress mandated a massive increase in the use of ethanol and gasoline. Since then, the price of gasoline has nearly doubled and food prices have increased dramatically around the world.

Why do I mention all these things that do not appear to relate to the farm bill? I do it to remind my colleagues and all Americans that this Congress cannot manage any aspect of our country, and it is not intended to. Our job is to create a framework of law where freedom can prevail.

Instead, we attempt to manage where we cannot, and there is no evidence we have ever created any program that effectively or efficiently managed any aspect of the American economy or any aspect of our lives. Why do we continue to produce these massive Government programs and spend trillions of dollars with the pretense that they will actually work and make America better?

This Congress reminds me of Steve Urkel from the 1990 sitcom series ''Family Matters.'' Steve and his clumsiness regularly created a disaster wherever he went. He would always turn around and look at the destruction he caused and ask innocently: Did I do that?

Well, colleagues, when you look at the price of gasoline, the condition of our economy and our culture, the answer is: Yes, you did do that.

America is the greatest Nation in the world. We have been blessed in ways other nations can only dream of. Yet our future is uncertain. We face deficits as far as the eye can see. We are staring down the barrel of a looming financial crisis that threatens to bankrupt our country. Yet we continue to spend money like there is no tomorrow.

If action is not taken soon, we will reach a tipping point in our two major entitlement programs, Social Security and Medicare, in which the programs will pay out more money than they take in.

Our national debt is over $9 trillion today. And still, Washington will spend over $25,000 per household this year. We are hopelessly addicted to spending. It is no wonder Congressional approval numbers continue on a downward spiral. Nobody trusts us anymore, and, frankly, we do not deserve the trust of the American people because we continue to blindly spend their hard-earned tax dollars while racking up hedge debts for our children and grandchildren that they will be forced to repay.

Now, here we are again, taking a brief break from the climate tax bill that would cost the American people trillions of dollars to reconsider another big-spending boondoggle. The farm bill which weighs in at over $600 billion over the next 10 years, is chockfull of pork and excessive subsidies for favored and special interests groups.

The bill has numerous wasteful spending provisions. I will name a few: New programs for Kentucky horse breeders, Pacific Coast salmon fishermen, and spending to help finance the dairy industry's ''Got Milk?'' campaign, so we should see more commercials soon.

It increases the price supports for the sugar industry and guarantees 85 percent of the domestic sugar market at these guaranteed prices. There is a $257 million tax earmark for the Plum Creek Timber Company, which is the Nation's largest private landowner, and a multibillion dollar company with a market capitalization in excess of $7 billion. They are better off than we are as a government.

The language requires the U.S. Forest Service to sell portions of the Green Mountain National Forest exclusively to the Bromley Ski Resort. There is $1 million for the National Sheep and Goat Industry Improvement Center; politically targeted research earmarks for agricultural policy research centers at specific universities instead of allowing all universities and colleges to fairly compete for funding based on merit.

According to Citizens Against Government Waste, this farm bill includes $5.2 billion annually in direct payments to individuals, many of whom are no longer farming, without any regard to prices or income, 60 percent of which go to the wealthiest 10 percent of recipients.

From where I stand, this bill looks like another big-spending Washington, DC, giveaway to special interests. Do we not understand the mess we are in?

Total Government spending has now reached more than one- third of America's economy. U.S. tax rates keep getting more burdensome. Our top corporate tax rate and income tax rate is 35 percent, while Europeans are undercutting American companies by lowering their rates significantly.

Recently, a front-page article in USA Today found that American taxpayers are on the hook for a record $57.3 trillion in Federal liabilities to cover the lifetime benefits of everyone eligible for Medicare, Social Security, and other Government programs.

USA Today's analysis went on to point out that this is nearly $500,000, $½ million, for every American household. When obligations of State and local governments are added, the total rises to $61.7 trillion, or $531,000 per household. That is more than four times what Americans owe in personal debt such as mortgages.

While we are spending and taxing our way to reelection, many of our global competitors are lowering their tax rates and streamlining their economies. Countries such as Ireland are lowering their tax rates and encouraging economic growth within their borders.

As a result, they are growing their economies and creating jobs. And we wonder why we are falling behind? We are falling behind because of political mismanagement. This is what happens

when politicians think more about their next election than they do about the next generation. When this happens, it becomes all about us and not about the American people.

This big-spending farm bill is a perfect example of this kind of political mismanagement. The leadership of this Congress was in such a hurry to pass a big-spending giveaway to special interests that they actually violated the Constitution to do it. Even a schoolchild knows the Constitution requires the House and the Senate to pass the same bill and then present it to the President for his signature.

But, apparently, the Constitution is not as important to some as passing a $600 billion spending bill. The farm bill that was presented to the President for his signature or veto was not the bill passed by the House of Representatives and the Senate.

The bill Congress voted on differed materially from the version that was presented to the President. It contained a whole additional title, spanning 35 pages, dealing with international aid shipments and foreign trade. Quite simply, what the President vetoed and what the House and the Senate held a veto override vote on was not the bill Congress passed. It, therefore, failed the requirements of the Constitution and could not be treated as law. That is why we have this new bill on the floor today.

Regardless of the reasons for this constitutional, I will not say crisis, but mess, the fact is an officer of the House and an officer of the Senate usurped the will of the two bodies and materially changed the content of legislation.

Even worse, by holding a veto override, Congress attempted to make a bill it never passed the law of the land. This is why I voted ''present'' on the farm bill. Once we were aware of the mistake, we should have stopped and passed a temporary extension. This abuse of power or sloppiness may only be the consequence of incompetence, but if we do not draw the line in the sand and demand that our bills meet constitutional requirements, what will stop even greater, and possibly even more malicious, abuses of power?

The Senate needs to reject this bill, pass a year-long extension of the farm bill, and go back to the drawing board so the policy and the process are something we can be proud of and that will truly strengthen our Nation.

We must come to grips with the fact that our actions are hurting the American people. We cannot continue to spend and spend and expect our economy to remain strong and free. Already our spending is catching up to us. I hope we will think long and hard about our actions. What we are doing will hurt future generations.

I urge my colleagues to vote against the bill. I ask unanimous consent to have printed in the RECORD some information regarding enrollment and the problems we have been having with getting our bills sent to the President in the correct order.

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

To: House Republican Members.
Fr: Roy Blunt.
Dt: May 22, 2008.
Re: The Democrat Majority's Farm Bill Foul Up.

We all know that mistakes happen, but it is how you respond to a mistake once you are aware of it that matters. The attached memo outlines some of the most disturbing aspects of how the Democrat Leadership is handling the enrollment errors surrounding the Farm Bill.

What Did They Know, When Did They Know It, and What Did They Do About It?:

It appears the Democrat Leadership was informed by the Office of the Law Revision Counsel and the Committee on Agriculture that the bill sent to and vetoed by the President was erroneous PRIOR to consideration of the veto override.

Despite this knowledge and despite requests from staff from the Republican Leader's office, the Democrat Leadership proceeded with the veto override of a bill they knew was not the bill passed by both Houses of Congress.

Importantly, there were opportunities to correct the enrollment error consistent with past practice and in a constitutionally sound manner if the Democrat Leadership had not rushed ahead with the veto override. Once they moved forward, however, they foreclosed those opportunities.

When confronted on the House Floor by the Republican Leader, Whip, and Rules Ranking Member, the Majority Leader defended the Leadership's actions and professed a constitutional theory that so long as both the House and Senate had passed the same language, it didn't matter whether or not the Speaker sent the whole bill passed by the House and Senate or simply parts of it to the President.

The Dangers of the Democrats' New Theory:

Under the theory espoused by the Majority Leader, the Speaker of the House can simply pick and choose (either overtly or as a result of a mistake made by an enrolling clerk) which parts of final bills to send to the President. If she is uncomfortable with a provision that was included as part of a compromise, she could in theory exclude it from the bill when she sends it to the President.

Importantly, the Speaker's decision to omit language if challenged by Members of the House through a question of privilege, can simply be tabled by the majority.

Who Pressured the Enrolling Clerk to Quickly Complete the Enrollment:

In a memo prepared by the House Clerk on May 21, 2008, the Clerk asserts that part of the mistake was a result of a ten-year-old flawed enrolling process, yet she goes on to state that ''During a review of this process, Enrolling Division staff expressed a concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process.'' Who pressured the enrolling staff?

To: Hon. Nancy Pelosi, Speaker;
Hon. John Boehner, Republican Leader;
Hon. Steny Hoyer, Majority Leader.
Form: Lorraine C. Miller, Clerk.
Re: Farm Bill Omission.
Date: May 21, 2008.

Today's issue with H.R. 2419, Food Conservation and Energy Act of 2008, was the result of a ten year old flawed enrolling process. The process did not validate the parchment copy of the bill against the Committee Conference Report.

Normally when a bill is received by the Enrolling Division in multiple sections from a Committee, it is assembled, printed on regular white paper and proofed against the original Committee Conference Report. Once the bill has been reviewed it goes through an electronic conversion process and is printed on parchment paper but not compared to the Committee Conference Report again. We believe that Title III was dropped during the conversion process.

The current process of proofing the white paper copy was adopted ten years ago as a cost saving measure due to the high cost of parchment paper. That process has been rescinded effective immediately. We are instituting a new process whereby we will proofread the parchment copy of the bill against the Committee Conference Report instead of the white paper copy. This procedure will eliminate potential issues with the document conversion process. We have begun a review of the electronic conversion process to insure that problems are identified early.

During a review of this process, Enrolling Division staff expressed a concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process. In order to effectively move the enrolling process of bills, we strongly urge that all communication is funneled through the Speaker's Office, thus allowing the Enrolling Division to have an orderly process.

We are working diligently to make sure it will not happen again.

[From Roll Call, June 5, 2008]

FARM BILL GLITCH STALLS HOUSE

(By Steven T. Dennis)

Two days before the Memorial Day recess, the House devolved into chaos Wednesday night over a technical error in the way the farm bill was sent to President Bush, who vetoed it on Wednesday morning.

According to House Majority Leader Steny Hoyer (D–Md.), the enrolling clerk inadvertently omitted the entire Title III section of the bill after the House and Senate had both passed it, but before it was sent to the president.

The mistake was not noticed by lawmakers or President Bush until after he had vetoed it. The House proceeded to override Bush's veto, 316–108, late on Wednesday.

But House GOP leaders quickly objected, raising constitutional issues and harkening back to Democratic protests over a $2 billion enrolling error in the Deficit Reduction Act signed by Bush in 2006. That action resulted in a slew of lawsuits.

House Agriculture Chairman Collin Peterson (D-Minn.) said he hoped his bill would avoid that fate.

''There better not be any damn lawsuits. I'm tired of it,'' he said of the bill.

But Republicans were not so sanguine, with House Minority Leader John Boehner (Ohio) saying he might even make a motion to vacate the override vote.

''What's happened here raises serious constitutional questions,'' Boehner said. ''I don't know how we can proceed with the override as it occurred.''

''Nor do I think we should proceed with some attempt to fix it until such time as we understand what happened, what are the precedents of the House and how do we move forward,'' Boehner said.

Hoyer suggested that leadership from both sides of the aisle meet to hammer out a compromise with the current farm bill expiring on Thursday and a one-week recess set to start Friday night.

Noting that Title III was not controversial, Hoyer suggested that the House take it up under suspension of the rules on Thursday and then send it on to the president. He did not see any constitutional issues at first glance, the Democrat noted, because both

the House and Senate passed an identical farm measure.

But House Minority Whip Roy Blunt (R-Miss.) contended that a president could not selectively veto portions of a bill, and said such a move raised all kinds of constitutional questions.

''The concept that we can start sending bills over piecemeal . . . is a flawed concept,'' Blunt said.

Blunt later told reporters that the House and Senate should redo the farm bill in its entirety to avoid legal problems.

''I'd like to see a farm bill pass that no judge can say is not the farm bill,'' Blunt said.

Boehner conceded that mistakes happen, but said that the House should not have moved forward with an override vote once the mistake became clear.

''In deference to all Members, we could have waited before consideration of the override so all Members could understand what they're dealing with,'' Boehner said.

Peterson learned of the glitch late Wednesday, after President Bush vetoed the bill.

''For some reason, the machine didn't print it out and nobody noticed it,'' Peterson said. Peterson said he was told the president's staff noticed the error after he vetoed it.

Title III of the farm bill, dealing with trade and foreign aid provisions, was omitted as a result.

Peterson said that they had asked the Parliamentarians if they could simply re-enroll the bill and send it to the president, but the Parliamentarians objected.

''After all I've been through, I thought, 'What can happen today?' Peterson said.

Peterson predicted that the provision on its own would still have enough support to override a veto, although he held out hope that Bush might sign it.

Mr. DEMINT. Mr. President, the Constitution requires Congress to observe certain processes to make statutory law. Contrary to the apparent assumption of some in this body, Congress does not possess the power to intentionally ignore requirements provided in the Constitution's text. Article I, Section 7, prescribes a bicameral requirement to present a bill to the President. H.R. 2419, as enrolled, did not pass both chambers of Congress.

The House and Senate passed Farm Bill included Title III. A clerical error omitted the entirety of Title III in the enrolled bill presented to the President. The bill sent to the President, no matter the significance of the error, did not receive the consent of both chambers of Congress, and therefore fails to fulfill the necessary predicate to presentment contained in the Presentment Clauses of Article I. In fact, the measure sent to the President does not qualify as a ''bill'' at all under Article I, Section 7. I implore the President to disregard H.R. 2419 as an unconstitutional measure, without the status of law.

Despite the dubious status of the Farm Bill, the Majority Leader assured the Senate that:

> We have a good legal precedent going back to a case . . . in 1892, when something like this happened before. It is totally constitutional to do what we are planning to do. So no one should be concerned about that.

The Majority Leader alluded to Marshall Field & Co. v. Clark, in which the Supreme Court announced the ''enrolled bill rule,'' to assuage any constitutional consternation held by Senators. However the Senator from Nevada mischaracterizes the Supreme Court's ruling in Marshall Field, as the decision relates only to the:

> . . . nature of evidence upon which a court may act when the issue is made as to whether a bill, originating in the house of representatives or the senate, and asserted to have become a law, was or was not passed by congress.

The Marshall Field Court did not adjudicate the constitutionality of an improperly enrolled bill, but rather only reached the question of justiciability. The Court did not find the issue of constitutionality justiciable. Marshall Field merely expressed the Supreme Court's deference to a ''coequal and independent'' department's internal authentication processes. A bill signed by the Speaker of the House and the President of the Senate, ''in open session . . . is an official attestation by the two houses'' that a bill received the consent of both chambers for the purpose of justiciability.

Marshall Field received renewed attention in recent years as courts grappled with circumstances similar to those presented by the Farm Bill. The Deficit Reduction Act of 2005 generated litigation that challenged the Act's constitutionality because ''it did not pass the House in the form in which it was passed by the Senate, signed by the President, and enrolled as a Public Law.'' The litigation did not provide any ruling on the merits; the ''enrolled bill rule'' promulgated in Marshall Field precluded the district courts from any examination of ''congressional documents . . . to ascertain whether the language in the enrolled bill comport[ed] with versions that appear in legislative sources which precede[d] enrollment.'' The ''claim of unconstitutionality for a violation of Article I, Section 7, 'is not legally cognizable where an enrolled bill has been signed by the presiding officers of the House and Senate as well as the President.' ''

The judiciary's reluctance to entertain the merits of claims under Article I, Section 7 does not bar members of the House and Senate from consideration thereof. President Jackson explicated the authority of each branch to interpret the Constitution independently:

> The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution . . . It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both.

Upon election and in cases of subsequent reelection, every Member of Congress swears allegiance to the Constitution of the United States in an Oath. Members ''solemnly swear . . . [to] support and defend the Constitution . . . [to] bear true faith and allegiance to the same . . . and . . . [to] well and faithfully discharge the duties of the office'' to which elected. The Oath of Office imposes an obligation on Members of Congress to interpret the Constitution and act within its framework.

The Presentment Clauses of the Constitution require the assent of both chambers for each bill presented to the President. Article I, Section 7, Clause 2 provides:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated . . .

Article I, Section 7, Clause 3 elaborates:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States . . .

The two clauses stipulate ''the exclusive method for passing federal statutes.'' Bills enrolled and presented to the President must have received the assent of both the House and Senate, irrespective of authentication by the Speaker of the House and the President of the Senate.

So we've had bicameralism without presentment for the engrossed bill. And we've had presentment without bicameralism for the enrolled bill. Neither is sufficient. Contrary to the position of the Speaker of the House and the Senate Majority Leader, authentication of an invalid bill does not displace the bill's nugatory status; the signatures of the Speaker of the House and President of the Senate do not represent the will of the House and Senate and fall short of the bicameral requirement in the Presentment Clause. Congress may not jettison or suspend disagreeable parts of the Constitution. The Bill, as presented to the President, did not receive the consent of both chambers. As such, the bill is null and void, for it does not meet the requirements set forth in the Constitution. Shall this Congress crucify the Constitution on the cross of agribusiness?

Mr. DURBIN. Mr. President, for consideration of this version of the farm bill, I reference and reiterate the statements I made for the RECORD regarding the farm bill's nutrition assistance title when the Senate overrode the President's veto.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I am sorry we have to be back on the floor again with the farm bill. I was hoping we might have a voice vote, since we have all voted on this twice before; I am sure no votes would change.

But I did wish to at least explain for the RECORD and for Senators why we are here. Now, the Senator from South Carolina talked about the missing title, and how it rendered the veto override process unconstitutional.

Well, I am as upset about it as anyone else. I know Senator CHAMBLISS is too. We are all upset about this. But let me try to put it in perspective as to what happened. The House passed a bill, we passed a bill. We got to conference. We worked it all out.

It went to the enrolling clerk in the House. How this happened I don't know. But somehow the enrolling clerk, in enrolling it, dropped title III. There are 15 titles to this bill. One title was left out. For some reason no one caught it. So the bill was held by the enrolling clerk for 3 or 4 days. The President was overseas. He came back on Monday night, on May 19th I believe, and the enrolling clerk then sent the bill down to the White House the next day. The White House didn't catch it either. The President vetoed the bill, sent it back down to the Hill. It was only then, before it came up for a veto override in the House, that it was realized that one title was missing. I don't believe there was any maliciousness to this. Nothing was materially changed. When the Senator from South Carolina spoke about this problem, it sounded as if there was some underhanded effort to materially change the bill. That was not the case. It was simply a mistake the enrolling clerk made. Again, why that happened and how, there has been a lot of talk about that. I don't know. I am fairly convinced that it was an inadvertent clerical error.

Secondly, I want to correct one other misstatement by the Senator from South Carolina. When we overrode the President's veto on 14 of the 15 titles, the Parliamentarian basically told us that those titles did become law. They are the law of the land. So 14 of the 15 titles are law. What is not law is title III that was left out. It was decided that rather than only taking up title III and passing it, we would take the whole bill back, include title III in it, as it was before, and send it back to the President. That is what we have before us. We have before us basically exactly what we voted on before, no changes. It is exactly what we voted on before in the conference report on May 15. I wanted to make that clear, that nothing has been changed. It is the same exact bill on which we had 81 votes in the Senate; 81 Members voted for the conference report that is exactly what we have before us today.

I wanted to take a couple minutes to underscore the critical importance of doing this and enacting the missing title. The other titles are law. It is critical that we enact title III which covers trade and international food aid programs. These provisions not only reauthorize but they reform a lot of our programs. As we speak, an emergency summit on the consequences of high food prices organized by the Food and Agricultural Organization of the United Nations is wrapping up in Rome. The specific food aid programs authorized in this title are the title II Food for Peace program; the Food for Progress program; the McGovern-Dole Food for Education Program; and the holding of food stocks for emergency purposes under the Bill Emerson Humanitarian Trust.

Although authority for most of these programs expired on May 23, a short-term lapse, as I have talked with the U.S. Agency for International Development, does not cause serious problems. A longer lapse, however, would impede our ability to provide food aid. The new trade title needs to be enacted for these programs to be operational again. Right now, according to the USAID administrator, we cannot enter into any new agreements for assistance under the title II program. USAID has identified need for emergency assistance in Ethiopia and Somalia, and recently finalized a deal with North Korea for proper oversight of food aid provided to that country. None of these activities can move forward until we enact the trade title into law. USAID wants to provide additional food aid under title II to the people of Burma in the aftermath of the cyclone, but they can't do that until we enact this title. Were an event, God forbid, of the magnitude of the 2004 East Asian tsunami to occur or an earthquake or some other natural disaster, the United States Government would not be able to respond immediately with food aid unless we pass this title. That is why it is so important that we do this.

I might also add that the Government Accountability Office had given us numerous recommendations for reforming our food aid programs. I won't go through all of those, but there were three basic recommendations needing statutory changes. All three of those are addressed in the trade title. All in all, the provisions of this title are noncontroversial and needed to ensure the continuity of U.S. food aid and trade promotion programs.

I hope we can complete this debate and get this title enacted into law as soon as possible.

I thank so much my colleague and friend from Georgia, Senator CHAMBLISS, for all his hard work on this bill. It has been a long grind, but we have a good bill. We have a farm bill that is supported by every major farm organization in the country, a bill that is supported by emergency food groups, the food banks, the religious groups. This was a broadly supported bill. It is a good bill. It is good for our States. It is good for our farmers and ranchers. It is good for the people of America. I thank Senator CHAMBLISS for all his hard work in bringing this bill to fruition.

To all Senators, I apologize that we have to be back here again. As I said, this was a mistake made by the clerk in the House, not by the Senate. Therefore, we have to be here again.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Georgia.

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

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. CHAMBLISS. I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator CHAMBLISS for this minute. I thank the chairman of the committee as well for his leadership in bringing this bill back because of the unfortunate clerical error made in the House that necessitates it. I wanted to report briefly to our colleagues on the budget circumstances, because we have seen misreporting in the press, and it needs to be made abundantly clear the budget circumstance we face.

The conference report on the Food, Conservation, and Energy Act that was overwhelmingly supported on a bipartisan basis in both the House and Senate is fully paid for over both the 5- and 10-year periods. That is not my determination; that is the determination of the Congressional Budget Office. They say over the first 5 years, it saves $67 million; over 10 years, it saves $110 million. The farm bill is fully pay-go compliant. It is fully paid for. It does not add a dime to the debt. The bill is identical to the conference report already passed and scored by CBO. The spending contained in the original bill has already been assumed. Therefore, this legislation has no additional cost.

I urge my colleagues to support this legislation. We have passed it overwhelmingly before. I wanted to make certain that this is in the RECORD so it is understood that this bill is fully paid for. It adds nothing to the debt.

Again, I thank our colleagues: the chairman of the committee, for his vision and leadership; and to our very able ranking member, the Senator from Georgia, who has been such a rock as we have gone through this process. We appreciate so much what they have done. This is good for the country.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, here we are, as Senator HARKIN said, back again for one more vote on the farm bill. As I told my colleagues at lunch today, I wish I thought this would be the last one. We may have one more, if the President vetoes this bill. We may be back here again. But what a great opportunity it has been to work with Chairman HARKIN and Senator CONRAD, who is my dear friend. We became much closer friends during this process because we spent a lot more time together than we did with our spouses as we got through final negotiation. What great assets they have been for American agriculture.

I appreciate my colleague from South Carolina and my colleague from

Oklahoma. I told them to come down and talk about anything they wanted to. They talked about the same things we have talked about over the last three debates on this bill. Is this a perfect bill? It absolutely is not. Farm bills are always massive pieces of legislation. It is a 5-year bill. It spends $600 billion over 10 years. I had my staff check, though, and while I appreciate the comments of the Senator from South Carolina, the 2002 farm bill spent $800 billion over 10 years. So we are $200 billion below the 2002 farm bill on a 10-year basis.

Again, it is not perfect. But what it does do is provide a school lunch program to needy kids as well as kids who can afford to pay. We are providing food stamps to people in this country who would go hungry otherwise. We are providing a food bank supplement to our food banks around the country that provide such great, valuable services to hungry people in America. We are providing the right kind of tax incentives in the form of reforming the Endangered Species Act in a positive way. We have been trying to reform the Endangered Species Act in all of my 14 years in Congress. This is the first time we have been able to do it. We did it with 250 organizations supporting it. We have good tax provisions that allow the perpetuation of land so it can't be developed forever. My children and my grandchildren will have the ability to enjoy farmland in my part of Georgia that they might otherwise not have the opportunity to enjoy.

So is it a perfect bill? No. Do we provide a safety net for farmers? You bet we do. Prices are not always going to be high. We depend today on foreign imports of oil for 62 percent of our needs. We can never, ever afford to depend on importing food into this country in the same percentage that we import oil today.

While it is not a perfect bill, while there are things that, if I had to write it by myself, I might not have written it this way, overall it is a very good piece of legislation. It covers a broad swath of America, from farming to hunger to conservation to measures involving good tax policy.

With that, I ask for passage of this bill. On behalf of Senator DEMINT, who is not here—and I know a lot of my folks would like to have a voice vote, but because I know Senator DEMINT wants the yeas and nays, unfortunately, I will have to ask for the yeas and nays on behalf of Senator DEMINT and ask for a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. INHOFE. Mr. President, first of all, let me just speak as a conservative as we address the farm bill. First of all, I have been ranked as the most conservative Member, so I don't think I should have to prove my credentials.

Here is one of the things that people should understand: They should understand that the vote today on the farm bill was not a vote on this farm bill or another farm bill; it was a vote on this farm bill or reauthorizing the 2002 farm bill.

A couple of things that are in here that people should know in a conservative way are, No. 1, under the previous farm bill that would have been reauthorized, a farmer could be making up to $2.5 million and still get subsidies. This takes it down to a half million.

Secondly, the three-entity rule is out in this farm bill. Previously, someone could be claiming these benefits under three different farms; now they can't do that. So there are many reasons to vote for this bill other than those things that people have been talking about during the debate. I believe that is a conservative vote.

I yield the floor.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 6124) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massacusetts (Mr. KENNEDY), the Senator from Illinois (Mr. OBAMA), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 77, nays 15, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—77

Akaka	Crapo	Lincoln
Alexander	Dodd	Martinez
Allard	Dole	McCaskill
Barrasso	Dorgan	McConnell
Baucus	Durbin	Menendez
Bayh	Enzi	Mikulski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Graham	Nelson (NE)
Brown	Grassley	Pryor
Brownback	Harkin	Reid
Bunning	Hutchison	Roberts
Burr	Inhofe	Rockefeller
Cantwell	Inouye	Salazar
Cardin	Isakson	Sanders
Carper	Johnson	Schumer
Casey	Kerry	Sessions
Chambliss	Klobuchar	Shelby
Cochran	Kohl	Smith
Coleman	Landrieu	Snowe
Conrad	Lautenberg	Specter
Corker	Leahy	Stabenow
Cornyn	Levin	Stevens
Craig	Lieberman	Tester
Thune	Vitter	Wicker
	Warner	Wyden

NAYS—15

Bennett	Ensign	Murkowski
Coburn	Hagel	Reed
Collins	Hatch	Sununu
DeMint	Kyl	Voinovich
Domenici	Lugar	Whitehouse

NOT VOTING—8

Biden	Gregg	Obama
Byrd	Kennedy	Webb
Clinton	McCain	

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

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

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. REID. Mr. President, it appears at this time, for the knowledge of all Senators, we are going to try to have a vote as early in the morning as possible on cloture on the global warming bill. Unless someone has some real concerns, we will probably try to do it around 9 o'clock in the morning so people can leave at a relatively early time tomorrow. That should be the only vote we are going to have. We were going to try to do a judge, but the committee's meeting was objected to today, so I didn't believe that was appropriate.

So we are going to do the vote in the morning, and we will have a couple of votes Tuesday morning. Monday is a no-vote day. Hopefully, tomorrow we won't be in too late, but we will be here as late as anyone wants to be here to talk about anything they want.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

CLIMATE SECURITY ACT

Ms. MURKOWSKI. Mr. President, I stand this evening to speak about the Boxer substitute to the Warner-Lieberman carbon cap-and-trade bill. I have had an opportunity for several days now to hear discussion from both sides. I think coming from a State such as Alaska where we can see the effects of climate change on the ground in my home State, it is a very important issue for me, and so I feel compelled to share with my colleagues some of my thoughts about what we are seeing up north.

We appreciate that there is not quite a consensus in Alaska about what is causing the change we are seeing. Most Alaskans, however, do seem to agree that something is happening. We are seeing a change in the north, and we have been seeing it for a period of decades. The results are having a significant impact on the lifestyle of Alaskans.

One of the things we are seeing in a northern State, an arctic State such as Alaska is that our winters are warmer. We are seeing breakup come earlier in the spring, although this spring it has been actually extra snowy, so it is tough to say that it is always that way, but we are seeing breakup coming earlier. Our summers seem to be hotter. The storms we are seeing, particularly along the coastline, are stronger. We are seeing a migration. We are seeing wildlife habitation and migration patterns that are different. The oceans, the lakes, the river ice—we are seeing this form later in the year. We are also seeing that it forms and it is weaker than we have seen. It is melting sooner in the spring. We are seeing permafrost thawing in some places. All of this has an impact on hunting, on fishing, on the roads as we travel, certainly, on the construction that is underway in the State, and sometimes on our very way of life.

Last week, the National Science and Technology Council released its latest assessment of what has been happening due to climate change. While this report has already been mentioned by several on this floor already, I wish to concentrate on its findings for Alaska. In that report, it finds that temperatures in the State of Alaska have increased 3 to 5 degrees Fahrenheit on average, and in the winters, what we are seeing is that the winters are 7 to 10 degrees warmer over the past 50 years. That warming has a number of impacts.

Mr. President, these are important for all Members to hear. When we talk about the ice in the Arctic sea icepack, the pack ice up north has shrunk by an area which is twice the size of Texas. This reduction in the ice has occurred since 1979. So within this time period, about 30 years, we have seen an area shrunk that is twice the size of Texas. Between the years 2005 and 2007, 23 percent more of the ice has melted. More important, what we are seeing is that the thick, multiyear ice has been steadily thinning, having reduced by about 3 feet from 1987 to 1997, which means more of the Beaufort Sea is open by late summer, which increases the danger of the coastal erosion from the storms. More troubling, it helps to warm the water and thus the environment even more.

We have nearly a dozen coastal villages in the State of Alaska that need major assistance. In some cases, it is more than assistance in shoring up an eroding coastline, it is relocation of whole villages to higher ground. This is at a cost of hundreds of millions of dollars per village. Ask the residents of villages such as Shishmaref, Kivalina, Unalakleet, and Newtok—to name four—about the changes they have witnessed in the climate over the past two decades. We are seeing that on the coastline.

The report says the permafrost base in Alaska has been thawing at a rate of up to 1.6 inches a year since 1992. This thawing of the permafrost impacts the base for roads, pipelines, houses, sewer lines, and other surface features. We also know our lakes are drying up. This is probably because the permafrost that holds their water is melting.

We know the Alaskan tree line is creeping northward, moving about 6 miles over several decades. The Federal report, while it predicts more summer precipitation in Alaska, also predicts more summer heat. That is increasing the threat of Alaska wildfires, increasing the threat of high stream temperatures that could harm our salmon, and increasing the threat of new types of diseases entering Alaska.

Scientists who have worked on the U.N. Intergovernmental Panel on Climate Change believe the ultimate cause is an increase in manmade carbon dioxide and other so-called greenhouse gases added to the atmosphere since the dawn of the industrial revolution.

Yet there is also a great deal of natural variation—Mother Nature at play here—which affects the Earth's climate. In April, the Journal of Nature printed a study suggesting that rising atmospheric temperatures are slowly, and perhaps have already stopped, rising—at least temporarily—and may remain that way for up to 7 more years as the natural variation cycle toward colder weather masks the heat.

It may seem counterintuitive to be arguing that climate change is intensifying after a very cold and snowy winter in Alaska. But I look at climate change legislation as an insurance policy, as a policy to take action to cut carbon emissions where we can, without harmful costs to our economy and way of life.

The fact that I am a cosponsor of the Bingaman-Specter carbon cap-and-trade bill is proof that I am willing to take action but not necessarily action at any price. I am not afraid of a cap-and-trade system, but let's make sure we have it right.

I do support the cap-and-trade concept because I believe it offers the opportunity to reduce carbon, at the least cost to society. The signal about future prices sent to electric power-plant operators will hopefully stimulate spending on low- and zero-carbon renewable energy plants now.

A price signal will make gasification technology more attractive as a means of producing petrochemicals for the future. It will spur research and new technology to allow for the commercial-scale plants needed to capture and store carbon underground. I believe a price signal will also generate new technology and new jobs—hopefully, more than will be lost in fossil industries and from an overall slowdown in the economy caused by the potentially high cost of industry buying carbon emissions at auctions and passing the costs on to each one of us.

When you listen to all the suggestions and ideas out there, you may think: What is it I am looking for in a perfect carbon bill? I guess my perfect bill would set a price signal only high enough to encourage technological change but without driving the poor and lower to middle-income Americans into a state where they cannot afford to get to work or they have to make choices between paying the heating bill or setting food on the table.

My perfect carbon bill would ''front-load'' the research and technology costs, with the Federal Government picking up a large share of that initial tab, until we perfect that new technology that permits the new energy sources to come on line at only slightly higher costs—prices high enough to encourage energy efficiency and conservation but not so high as to fundamentally alter American society.

My perfect carbon bill would set up clear procedures to help finance that new technology and development. Senator DOMENICI has proposed a clean energy bank concept. This is not included in this measure, but it helps to set up those procedures that can allow us to move this technology forward.

It would encourage all low- and zero-carbon technology, especially nuclear power, which is the only technology we have today at scale that can provide baseload power economically without carbon.

A perfect carbon bill, for me, would set the guidelines for carbon reductions but only standards that we have the technology to meet. It would not set unreasonable, early guidelines simply to punish the carbon emitters. It would have a workable ''safety valve'' to ease the regulations, if technology cannot come through quickly enough with means for our society to meet the lower carbon standards at a reasonable price. This is where—when you look at the Bingaman-Specter bill and the safety valve they have incorporated in that legislation—it provides for a level of assurance in terms of how bad is the situation going to be in terms of the cost and the impact to the industry. You kind of want to know how bad the bad is going to be so you have a level of certainty.

My perfect bill would generate enough revenue to help States and local governments deal with the costs of adaptation. If the scientists are right on this, the carbon that we have and are going to continue to release into the atmosphere until the new technology can come on line is going to continue to increase for a number of years. There will be costs that come with that.

In Alaska, the University of Alaska's Institute of Social and Economic Research has estimated that Alaska's governmental infrastructure—the roads, villages, ports, runways, and the schools—are already facing about $3 billion of damage due to coastal erosion and melting permafrost. They anticipate that tally, that cost, will rise to $80 billion by 2080, just for the governmental structures. Only the Federal Government has the resources to meet those types of costs.

I believe the substitute we have before us is making a major mistake in cutting the funding for the Low-Income Home Energy Assistance Program and in cutting funding for the State-Federal weatherization programs that promote energy conservation. When you look at the current substitute—and I have issues in many areas—these two are ones I am not able to reconcile why, as we are trying to help people around the country deal with high energy costs, we would remove funding for LIHEAP and the weatherization programs.

I am also concerned that the substitute's cost-containment mechanisms are not flexible enough to keep companies from having to bid up the price of auction allowances. That will hurt average Americans who cannot afford the current price of energy, much less the future price of energy.

People around the country are hurting when they go to the pump, when they heat their homes, when they have to fill up with home heating fuel. We don't need to be adding more to their costs unnecessarily.

Regardless, for any climate bill we enact to make a difference, it is going to require that China, which has overtaken America as the world's leading carbon emitter, and India, along with the developing world, participate too. If they are not participating and working with us, the U.S. economy is going to become less competitive, and we will have spent money without any necessary benefits to the global environment. So we have to be in partnership on this initiative.

Already on the floor, we have heard about the varying computer models. They are all over the board. They say the average American will pay either $446, $739 or $1,957 more per household for energy in 2020 or $1,257, $4,377 or $6,750 more come 2030 or 2050. You look at it, and you are almost embarrassed to tell your constituent the range is somewhere between $446 per household by 2020 or close to $2,000 per household. We don't know. We simply don't know. My constituents say: LISA, you have to do better than that. You have to give me some idea because, right now, in Aniak, that village's people are paying $5.53 for their gasoline. It went up this week because the spring barge came in. I am going to say to them we have this legislation that will help reduce emissions in this country, we think, if other nations participate, but I don't know how much it will cost you or how high gas is going to go in Aniak. Right now, you are paying $6.50 for diesel. I have to be able to provide more to my constituents than that.

What is important is for the Senate to take its time to understand what the Boxer substitute would do and, perhaps, think more about what would work at the least cost and would actually make a difference in the world's climate. The more I look at it, the more I think the original Bingaman-Specter bill, with changes, is worthy of renewed consideration.

I said in a speech last week at home in Alaska that never before have Members of Congress been asked to take action on a bill that could have such a profound effect on our country, with so much difference of opinion about how much this bill is going to cost, and whether it will actually be worth the amount the American consumer will pay because of it. We have to be able to demonstrate that these are the ranges and this is the benefit so Americans can understand what we are doing.

How much this bill will cost Americans is purely dependent upon the forecasts, and the Congressional Research Service said in testimony before the Energy Committee a couple weeks ago that all these forecasts should be viewed with ''attentive skepticism,'' especially in the outyears. That is an interesting way to put it. But whether this bill will cost $3.3 trillion until 2050, as the bill's sponsor said last week, or more than twice that amount that other models predict, we know this bill will be the most expensive and complex measure ever before considered by any government on the planet.

I do know that, even though my constituents want us to do something in Congress, they are going to want it to be something that works. I don't want to support a bill until I am convinced that measure offers the best possible chance of protecting against climate change impacts but at the least possible cost, while still stimulating new technology—which will make the difference—that is the ultimate solution to carbon emission reductions.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am glad the Senator from Alaska came to speak because she is at ground zero, and she explained that what is happening in her State is very serious. She knows it. She is close to it. Where I simply don't agree with her is she says our bill is going to lead to higher gas prices. We are back to that same old-same old stuff. The fact is—I will reiterate it; I have said it so much, it is probably extremely boring to those who have listened to me, but I will say it again—President Bush sent down a veto promise on this bill, and in it he said gas prices are going to go up 50 cents over the 20-year period. That is 2 cents a year. That is 12 percent over 20 years. What he didn't say is that because we passed fuel economy standards, all that is offset for our people because the fuel economy standards are going to mean you actually can go farther on a gallon of gas. So there is no increase in gas prices.

As a matter of fact, what is going to happen is, we are going to get the alternatives we need. Senator MURKOWSKI's people, my people, Senator WARNER's people, Senator REID's people, and Senator SCHUMER's people at the end of the day are going to say: Thank goodness, we are finally off foreign oil; we don't have to be dependent on a President—this one or the next one—going to Saudi Arabia and begging. That is the whole point of the bill.

The whole point of the bill is to get those technologies, and the bill essentially does this. We say to the people who are emitting carbon: You have to buy permits to pollute. We take half that money—more than half of it goes back to consumers through a tax cut or through the utility companies that give you credit right on your bill.

This is a good bill. This is a bill that will create jobs. This is a bill that will create the technologies.

Senator WARNER got into this whole issue because his legacy is national security. Our leaders tell us we have to act now. To have people come to this floor with a bogus argument that makes no sense is unfortunate. If we vote cloture on this bill, we will be able to amend it and move forward.

I wish to show how many people are supporting us and the groups that are supporting us. We hear a lot of my Republican friends say: We are going to lose jobs. Yes, the miners came out with a statement. They said the bill needed work. So did the UAW, the bill needed work. And we are open to that. Senator WARNER and I, Senator LIEBERMAN, and Senator KERRY said we are ready to meet with our colleagues and fix the bill. But oh, no, all they want to do really is drive this bill off the floor.

I have a list of working people who endorse this bill. So don't come here, I say to my colleagues—Senator MURKOWSKI didn't do this, but others have done it—and say, oh, we are going to lose jobs. You tell that to the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers. Tell that to the insulators and the allied workers. Tell that to the shipbuilders. Tell that to the bricklayers. Tell that to the elevator constructors. Tell that to the painters. Tell that to the plasterers. Tell that to the journeymen. Tell that to the sheet metal workers, the teamsters, the operating engineers, and the building and construction trades. They all see what this bill will mean. It means building a new infrastructure for a new day with new energy.

The faith communities are supporting us. I am so grateful to them. It is as if I prayed for help and they came forward—the Evangelical Environmental Network and the Evangelical Climate Initiative, U.S. Conference of Catholic Bishops, National Council of Churches, Religious Action Center of Reform Judaism, Jewish Council of Public Affairs, the Interfaith Power and Light Campaign. Why? Because they feel so strongly that the planet is threatened and God's creation is threatened.

We cannot wait forever. We do not have a perfect bill. We want to get it started, and we cannot. It is a very sad state of affairs.

I will be happy to yield to my friend.

Mr. WARNER. Mr. President, I thank the Senator.

I would just like to say to my distinguished colleague from Alaska, we had a number of conversations in the course of the deliberation on this bill. I first want to say this colleague worked very hard and very conscientiously. There are honest differences of opinion on this subject. Her State, which she is so proud to represent, is quite unique. It has been severely affected by what I believe are some manifestations of climate change that are somewhat unique and without precedent. But I think in this instance, I say on behalf of my colleague, this is a decision where people of good intentions can have different views.

All I know is this colleague worked very hard to deliberate through her thinking process. I will be gone, but I will have to leave it to her, being in a leadership position next year one way or another, hopefully one of the most powerful Senate committees. I know she will apply the same amount of careful thought and consideration when that committee—I believe it is Energy; am I not correct? I am certain it will have a major role and voice in collaborating with the Committee on Environment and Public Works.

I yield the floor. I wanted to make that observation.

Mrs. BOXER. Mr. President, I reclaim my time. I thank my colleague. Yes, I have had wonderful conversations with the Senator from Alaska. The reason there is a bit of frustration in my voice is because I don't think we have much time to waste. I am very worried about delaying. I look forward to working with my colleague from Alaska.

I want to put into the RECORD also the businesses that support our bill just as it is: Alcoa, Avista, Calpine, Constellation Energy, E2, Entergy Corporation, Exelon Corporation, Florida Power and Light, General Electric, National Grid, NRG Energy, PG&E, Public Service Enterprise Group.

We have broad support of governments: the U.S. Conference of Mayors; the National Association of Clean Air Agencies; Climate Communities, which is a national coalition of cities, towns, counties, and other communities.

The people in the cities, the counties, and the States, I want to send them a message today: Don't lose heart if we don't win this vote tomorrow. We are building support. We are building support in the community, we are building support in the Senate, and the next President of the United States, regardless of whether it is Senator MCCAIN or Senator OBAMA, supports global warming legislation.

So my friends on the other side of the aisle can say no, no, no, status quo, status quo, and they may win the day. But at the end of the day, they will not win because 89 percent of the people of America want us to tackle this problem.

Let's take a look at what the scientists are telling us. Eleven national academies of science, including the U.S. National Academies of Science, concluded that climate change is real. It is likely that most of the warming in recent decades can be attributed to human activities. The Nobel Prize-winning IPCC concluded in 2007 that global warming is unequivocal; there is a 90-percent certainty that humans have caused it.

Today, Senator WARNER, Senator LIEBERMAN, and I had an amazing press conference with a former general and a former admiral. It was really something to hear them. They said some chilling things in this global warming debate. When they ended it, they said: When we are out on the battlefield, we cannot wait for 100 percent certainty. The scientists have given us 90 percent certainty. You wait, you are going to face danger, trouble, horrible things can happen. They look at it as a campaign to stop something quite dangerous.

Let's look at the human health impacts, I thank my friend, Senator NELSON, who is in the chair, for all the work he has done on this issue. His magnificent State is another place which is ground zero. I flew with my friend—first of all, we went to the Everglades. It was an extraordinary experience and one which I shall never forget. We went with my spouse and Senator NELSON's spouse. We went through this gift from God, which is what the Everglades is. It is impossible to describe. It is like a river of grass. That is what it is called, a river of grass. A remarkable place. When we went up in our helicopter and flew over the State, I held my breath. This magnificent State. But if those sea levels rise? There cannot be enough protection. We couldn't do it. So we have to stop the problem, and that is what the Boxer-Lieberman-Warner bill does.

Look at the human health impacts of global warming in North America: increase in the frequency and duration of heat waves and heat-related illness; increase in waterborne disease from degraded water quality. Why? Because certain amoebas and bacteria can live in warmer waters. As a result, these are new kinds of creatures. We had a child in Lake Havasu get an infection in one of these warmer waters. The infection went to the brain. This is the kind of thing the Bush administration health officials are telling us.

Dr. Julie Gerberding came before our committee. It was mind boggling what she was telling us we can expect. By the way, unfortunately, a lot of her statement was redacted. Even though it was redacted, it was powerful. She basically was saying to us: Please act now.

Increased respiratory disease, including asthma and other lung diseases from increased ozone and smog, and the children and the elderly are especially vulnerable. I say to my brothers and sisters, men and women of the Senate, children and the elderly are vulnerable. This is America. We take care of the most vulnerable. They cannot do this.

We all believe in our great economic system, the free-enterprise system. There are certain things our Government has to do, which is to make sure people can have healthy lives. Part of it is that the planet be healthy. We have to act now.

I will conclude my remarks in the next 2 minutes and then will yield to my colleague for 2 minutes to do a quick Executive Calendar.

I want to talk about job growth because, again, we heard all along: Oh my goodness, this bill is going to kill job growth. In California, we have a law like this. It has done wonders. For example, we have 450 new solar energy companies. As we see a decline in the housing area—and I know my friend in the chair has seen this in Florida—a lot of the workers who would have been laid off are being grabbed up and going to work in these solar energy companies. We are so fortunate we had that, in a way, a safety net. People are so excited.

If you come to California, if you go to the Silicon Valley, the entrepreneurs there want to invest in new technologies. They will not do it until there are laws in place because they need certainty.

I will close with this: A study of the impacts of my State's law says there will be 89,000 new jobs created by 2020. There are more than 450 solar companies—I mentioned that—hiring electricians, carpenters, and plumbers. And the top manufacturing States for solar are Ohio, Michigan, California, Tennessee, and Massachusetts. That is interesting because we are seeing these new manufacturing jobs being created across America.

In closing, I will show my favorite chart of all and the one I want to end with. Let's say yes for once around this place. Let's say yes to something good, to a clean energy future, to clean green jobs, to science, to clean air, to saving the planet, to consumer protection, to a big tax cut, to a strong economy, and to the Boxer-Lieberman-Warner bill.

I thank you so much, Mr. President, and I really do thank you for your leadership in Florida and here as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the distinguished presiding officer.

Mr. President, I, once again, recognize the strong leadership given by the distinguished Senator from California on this legislation. It comes from the heart and a strong conviction that she thinks we are doing the right thing, and I am pleased to be a part of the team that helped engineer getting this bill prepared and to the committee and to the Senate floor.

And I don't fear the consequences of the vote tomorrow. No one can predict what it will be, but I think both of us

will walk out with a sense of satisfaction we did our best. It may well be we will go on next week. Time will tell, subject to this vote tomorrow. As we say in the Navy: Well done, sir.

EXECUTIVE SESSION

NOMINATION OF STANLEY A. MCCHRYSTAL TO BE LIEUTENANT GENERAL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 599; that the nomination be confirmed, the motion to reconsider be laid upon the table, no other motions in order, that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nomination considered and confirmed is as follows:

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

Lt. Gen. Stanley A. McChrystal

Mr. WARNER. I thank the distinguished Presiding Officer, a member of the Senate Armed Services Committee. This nomination is for General McChrystal. General McChrystal is well-known to many of us in the Senate. I recall very vividly the period when our Nation was building its force structure to go into the situation in Iraq. And putting aside all of the honest debate on that decision to go in, I think the professional soldiers like McChrystal did their job.

McChrystal used to come every morning that the Senate was in session, at 8 o'clock, and brief Senators in S. 407. I know the Presiding Officer was there on a number of occasions. He was accompanied by COL Bill Caniano, who is currently on my staff, and they answered the questions, kept the Senate informed as to the buildup of that operation as our forces built up tempo and moved into the Iraq situation. A very fine officer.

He has been in Iraq now—well, I don't think you add up the number of tours because he has basically been there almost constantly over 2½ years; one of the longest serving members, whether it is a general officer or a private, in the Iraq theater. He has distinguished himself particularly on his initiatives to take on al-Qaida at any place, at any time of day or night, and to do the very best to eliminate that threat to not only the U.S. forces, Iraqi forces, but the Iraqi people who were brutally treated by that organization. And to the extent that we have reduced that situation of al-Qaida's capabilities in Iraq today, and also Afghanistan—this officer goes back and forth between those two theaters—then it is, I would say, with a sense of humility he would say: I think I have done my best.

I am very pleased the President recognized his outstanding career, that he has been nominated now to become the chief of staff for the Chairman of the Joint Chiefs of Staff in operating that very essential part of the defense complex in the Department of Defense.

I thank the Senators, I thank the leadership, the Democratic leadership, particularly Senator DURBIN, who worked on it, and Senator LEVIN; and on this side, the Senator from Alabama, Mr. SESSIONS, and others who worked with me on this nomination during the course of last night's deliberations on a variety of matters on the Senate floor.

I thank the Presiding Officer, and I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that we now proceed to a period of morning business in which Senators may speak for up to 10 minutes each.

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

The Senator from Iowa is recognized.

IOWA TORNADO

Mr. GRASSLEY. Mr. President, I probably will not be more than 10 minutes, but I appreciate the will of the Senate if I need a few more minutes.

Today, I pay tribute to the victims of the devastating tornado that ripped through northeast Iowa a week ago Sunday. This would have been Memorial Day weekend. That is a weekend that traditionally offers a thank-you to veterans who have given their lives. It is a time of backyard barbecues, and in the Midwest it is when swimming pools open for business. But late afternoon on May 25, 2008, Mother Nature unleashed a tragic beginning to a summer vacation. It was a kind of natural disaster that makes people realize the perils of pettiness and appreciate what really matters the most.

A history-making twister produced winds in excess of 200 miles per hour. It tore across Butler County—that is my home county—Black Hawk County, Delaware County, and Buchanan County. It paved a 43-mile path of destruction. The severe storm system virtually ripped the town of Parkersburg in half. It destroyed 22 businesses, leveled 222 homes, and damaged 408 others in a community of only 2,000. The storm system injured 70 individuals. The fatalities attributed to the tornado have now risen to eight Iowans.

But the statistics don't do justice to the heartbreak and to the hurt. Natural disasters have wrought havoc on humanity since the beginning of time. In recent years, the 2004 tsunami in Southeast Asia claimed more than 100,000 lives and displaced millions of victims from their homes. In September 2005, a category 5 hurricane ravaged the American gulf coast, causing $11.3 billion in damages. Last year, in Greensburg, KS, a tornado leveled the entire community of 1,400, causing an estimated $267 million in damage. The financial estimate of damage from the May 25 tornado in my home area from storms and flooding hasn't been calculated yet, but the pricetag will not do justice to the heartbreak and to the hurt.

Whether it is an earthquake, a hurricane, or a tornado, a natural disaster leaves behind massive debris and destruction. The physical and financial tolls shouldered by the victims arguably pale compared to the emotional scars and personal losses left in the aftermath of a killer natural disaster.

This tornado was what they call an F–5 tornado, the worst they get. It struck terror into the hearts and minds of northeast Iowans over Memorial Day weekend, and it also hit close to home as well. From the lawn on my farm near New Hartford, I watched what I thought was nothing but a dark storm cloud blackening the sky as the tornado made its way across Butler County from Parkersburg—population, as I said, about 2,000—to my hometown of New Hartford, population 600.

It was the first F–5 tornado to strike Iowa since 1976, so tornadoes like this don't happen every day in our State. Maybe they do in Oklahoma, but they do not every day in my State. And it happened to be the deadliest tornado in the State since the 1968 tornado in Charles City, IA. I believe that tornado claimed about 13 lives compared to the 8 so far here.

In some ways, the storm may serve as a wake-up call to those of us who have become somewhat complacent about severe weather warnings. The day after the storm, I visited with residents of Parkersburg and New Hartford and toured the damage, along with Senator HARKIN and Governor Culver, and Congressman BRALEY was there. It was an unimaginable scene.

In Parkersburg, the tornado ripped apart the Aplington-Parkersburg High School. This is a picture of that devastating damage. It will cost $14 million to rebuild. Thank God they were well insured, I have been told. I haven't heard that directly but indirectly.

It destroyed the Parkersburg City Hall, crushed the town's only gas station, and crumbled the grocery store. If you watched CNN yesterday, you were able to find some pictures from the cameras that guard the bank during the night and over the weekend, and you saw, before they went blank, sucking everything up. And you know where a lot of those bank papers landed, and a lot of pictures from various homes? In Prairie Du Chien, WI, 100

miles away. And those people in Prairie Du Chien, we are told by television, are collecting all those valuables and are someday going to bring them back to Parkersburg, IA.

In the afternoon of this tragedy, seven people sought refuge and survived by going to a produce cooler in one of the restaurants there. That is just one example of what people do. So more life could have been taken. I have been told by some people that as the Weather Bureau or the government agencies that measure this stuff and tracked the storm, that this damage to 220 homes in Parkersburg, IA, could have been done in just a few seconds, like 20, 30 seconds. Some people on the scene said it had to be less than 45 seconds. But in just a few minutes or a few seconds, whatever you want to say, a mile-wide tornado wiped away a lifetime of treasured belongings, furniture, and family memorabilia. There are no parts of homes sitting around. There is only sticks sitting around, and a lot of that landed in farm fields miles away. There are uprooted trees. There is not a tree with a leaf, maybe a limb or two. The trunk maybe still stands, or maybe the trunk is down. We have mangled vehicles. Some people didn't know where their vehicle ended up. Maybe today they do, but they didn't a week after the storm, they told me. It killed a lot of livestock in the rural areas, ripped away roofs and walls, mowed down neighborhoods, shredded solidly built homes like toothpicks, and knocked out the city's infrastructure.

I saw this debris. I am told that there were 60,000 tons in Parkersburg alone left behind in the wake of the tornado. I suppose that is a rough guesstimate, but the people who know about the tragedy know how to estimate some of this stuff. This picture of the high school, once again, probably isn't the best picture I could produce about how much of a wilderness the southern half of this small town is, and I don't think this captures the wreckage, but it is a small glimpse. It is nearly inconceivable to understand the awesome force of Mother Nature.

Thankfully, the resiliency and the compassion of human nature also has proven that it can withstand floods and droughts and famines, and so it shall be in my home State. After seeing the devastation firsthand, it still made me wonder that the fatalities have thus far been kept in single digits considering that 70 people were hospitalized. And I commend the emergency preparedness plans put into action by city and county authorities and during the storm. The civil defense people came from the adjoining counties without hardly even being called to come. They knew we needed help. And thanks to the warning systems, countless lives were saved.

In fact, rising above the call of duty, volunteer firefighters in my hometown of New Hartford raced up and down the streets after the power had gone out alerting people with their vehicle sirens, just to show their commitment to letting everybody know that just a few minutes away was a terrible weapon of destruction.

Exactly 1 week after the storm blazed its trail through the region, I returned to Parkersburg. I am pleased to report relief and recovery efforts underway. I saw fire departments coming up to serve the community and the surrounding communities from 100 miles away—the suburbs of Des Moines, IA, is an example.

I hope you know there is a great deal of resilience in the people of Parkersburg and New Hartford. Like a beacon of hope, I want to show you where people were, what they were doing 6 days after this tornado hit through. This doesn't give justice to all the debris that still has not been picked up, but there were people constructing new buildings right away. Except for a generation of trees being gone—because 25 years from now you will be able to go down this 43 miles and you are going to know where this tornado went—except for that, Parkersburg and these other communities will be back in a few months. I give this as evidence of the resilience of the people, only 6 days after this damage took place.

The cleanup operation, of course, will take a long time. Bulky machinery will do the heaviest lifting. That is after people have an opportunity to paw through all of the strewn things that are there, so they can take out some of their valuables in the sense of remembrances—pictures, photographs, maybe some important documents they might find. There may be some of those important documents up in Prairie Duchene.

The scoreboard for this high school ended up 70 miles in Decorah, IA, as an example. Maybe it was part of the scoreboard, but this tells you how it is.

It is going to take countless hours of manpower to orchestrate this massive undertaking to get the job done. The seemingly impossible task is being made possible, thanks to the tireless commitments of Butler County's first responders, administrators, emergency crews, and legions of volunteers, but in addition to my county, counties around it. You can't believe the number of trucks that came in Sunday to haul away debris, as an example.

We have had the donation of food, water, clothing, and other supplies poured into the tornado-ravaged region. I wish to mention a few notable examples of neighbors and strangers lending a hand during the recovery week. There is no count of construction crews and heavy equipment volunteers coming in from as far as Tennessee. I have thanked Senator CORKER I have not thanked Senator ALEXANDER yet, for people coming all way from Tennessee with very heavy equipment. People who were cleaning up from tornadoes in Oklahoma the night before spent the night on the road to come up and help people in Parkersburg, IA.

Separately, we had a group of traveling volunteers known as the Massage Emergency Response Team from California—people who are physical therapists who came in to rub the backs of people working day and night. They offer assistance to those who need stress and tension relief from their recovery work.

We had a group of 90 high school students, mostly football players from the Catholic high school, Dowling, in Des Moines, traveling 100 miles to help with the recovery work at the Aplington-Parkersburg High School athletic fields. If you want to know how this little town of 200 is proud of its football team, this little town has four NFL players, right now—I mean not right now today playing football, but still signed up. These Dowling High School people pitched in to rake up glass and debris.

The Salvation Army has set up mobile canteens serving 1,000 hot meals each day to the Parkersburg residents and relief residents, and in New Hartford as well. And the Red Cross, as you would expect because of their good reputation, was immediately on the job and is still present.

The tornado, storm, and flood damage over Memorial Day weekend in Iowa has received Federal declaration of disaster assistance, and people have come in from FEMA, from Sacramento, CA; from Pennsylvania and from New Jersey; maybe from a lot of other places that I had a chance to meet on that Sunday afternoon. So the Federal people are working well, as they should.

Residents in these communities will need help rebuilding and I know Iowans appreciate that help. So I am here to say thank you to everybody.

I listed only a few people. If I knew everybody who was helping out, there wouldn't be any help there. You can't keep on top of everybody who is stressing out. When I was in church in Cedar Falls, IA, one Sunday we had people there from North Carolina—Franklin Graham. We had people there from the Billy Graham organization in Minneapolis.

Looking out across the countryside near my home, our corner of the world looks turned upside down. Utility polls, shingles, siding, insulation, uprooted trees are strewn across the farm fields. The cleanup will take time, but I know Iowans are in this for the long haul. I and other Grassleys were fortunate in this damage, because I live 1½ miles south of where the tornado went through on a farm. My son and grandson farm with me. They live a mile and a half north of where the tornado went through. I thank God for that.

We lost friends. A person named Norman who worked at the New Hartford grain elevator will not be there because he was killed in this tornado. So Norman, who always greeted us when we would go to the elevator to unload our grain in the fall—his friendly face will be missed.

The outpouring of support from neighbors, friends, and strangers from near and far has given a jump-start to the necessary healing process. It underscores the decency of human nature rising above catastrophic forces of Mother Nature. The selfless sacrifice by literally scores of heroes will help mend the immeasurable heartbreak and hurts that I saw during my visits to these communities.

I say with gladness in my own heart, the F5 tornado did not extinguish the hope and pride of residents of the midwestern communities who call Parkersburg, New Hartford, Hazleton, and Dunkerton home.

I suppose maybe it is a little bit ambitious on my part to take the floor of the Senate to acknowledge this and to praise the Lord for what can be done now, and the people who have not been hurt. I suppose every one of my colleagues, particularly in the tornado channel that I most often hear about, of Kansas, Oklahoma, Arkansas, Kentucky, Tennessee, and I guess yesterday damage around here as well—maybe every Senator could tell the story I tell. But, frankly, tornadoes are not as common in my State as they are in these other States and there is a lesson to be learned from this. There is an appreciation to be learned from it. We all ought to remember how lucky—and then we need to remember how unlucky—some people and families are, in our daily life.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I too ask unanimous consent that I might be allowed to speak for as much time as I might consume.

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

THE AMERICAN SPIRIT

Mr. ENZI. Mr. President, I will want to sympathize with the Senator from Iowa, Senator GRASSLEY. Two weeks before Hurricane Katrina, a tornado came through the town of Wright, WY, which is 30 miles south of the town I live in. It happened to be during a recess so I got to go out there and see what had happened and see what kind of response there was and see what the Government is supposed to do and what they do do. What I was most impressed with is the spirit of community, the way the people got right after it and started cleaning up and helping each other out. People poured in from towns and other States to help.

It is a great country we live in, where people will do that and help out where it isn't any concern of theirs. But they recognize that is what we do in America. I think that is a difference from many other countries, too. I appreciate your sharing that with us.

CLIMATE CHANGE

Mr. ENZI. Mr. President, I rise to discuss the legislation we have been debating and that we are going to be precluded from debating, should cloture happen tomorrow. The reason I say precluded from debating is we are not being allowed to do any amendments. The whole stage has been set: One amendment so far; it is a take-it-or-leave-it amendment. My experience in the 11½ years I have been around here is that bills that come to us that way do not pass.

That is what the whole Senate was designed for, to see that take-it-or-leave-it stuff doesn't make it through here, that the opinions of 100 people get to be reflected in legislation. The longer we are here, the quicker we think we ought to be able to get bills done. The longer we are here, the more complicated the issues. This is a very complicated issue. There are things people are doing. There are things people need to be doing. But to make it very prescriptive and to not allow the opinions of 100 people who could point out some of the flaws and some ways it could be better is wrong.

The majority leader and a number of Members on the other side have called climate change the ''greatest environmental threat facing our world.'' I am not hearing big arguments against that. But if that is the case, we should put our heads together and come up with a plan to protect us from this massive threat. We should spend time amending it, ironing out any problems, and determining what we will have to pay.

There is a huge disconnect in America, thinking that we can solve this problem and it will not cost the consumer anything. We are actually promulgating that myth here, now. I heard the fuel economy we are going to get is going to offset any of the costs. I know a few guys out there who are getting ahold of me on a regular basis because they drive trucks. They do contract work. I am pretty sure they didn't put a little clause in there that gave them a fuel escalation break. Some of the big companies might have thought of that. The little companies didn't. So far as I can tell, they are not planning on trading that truck in for a more fuel-efficient truck because they can't afford to do that. New trucks cost more money. They have a contract that limits what they can do. So the offset is not going to pay to the person who is paying the bill. It may go to somebody else.

We do need to encourage better mileage. We need to encourage less travel—although somebody the other day pointed out to me that if we have less travel—for instance, if I rode my bike back and forth from home to work, although I usually walk, that consumes calories. And to replace those calories, I have to eat food. And that food probably is transported in somehow, so I am still adding to the climate problem. It is not solving it just by doing some alternatives. I hadn't thought about that.

But what I am talking about tonight is that the debate has been shut down; the amendment tree has been filled. That means a little parliamentary procedure around here has already put some amendments, with relatively insignificant changes in them, so nobody else can bring up an amendment and have it voted on. It is getting to be a very common thing around here.

Now, I understand partly why it is being done. The majority has had two people out on the Presidential campaign trail, and now Senator KENNEDY is not able to be with us. That is the loss of three votes. It is a 51-to-49 Senate. So I sympathize with the leader in trying to control votes when some of the people are not here, because with our one Presidential candidate gone and three of their people gone, it winds up with a tie. I have noticed the Vice President usually votes with me.

But what we are trying to do, I think around here, is get bills done and get them done in a logical process and actually finish them. But I do not think that is what we are doing. The amendment tree got filled. The greatest threat of our time, the greatest deliberative body is not allowed to deliberate, to be deliberative. Something is wrong with that picture.

Now, I have some amendments that are important. I think they are important to anybody who might be listening, especially my colleagues. Do not think that not paying attention to or being interested in politics is going to shield anyone from the consequence of this bill if it were to pass. It could change our way of life. The bill is going to cost money, and you have a right to know how much it is going to cost you.

I filed an amendment that requires utilities to include on the bill they send you, the consumers, the amount it is costing to comply with this legislation.

I would like to take a look at a part of the bill that is very significant for Wyoming residents; that is the coal portion. Coal is our Nation's most important and abundant energy source. Wyoming's coal is the cleanest coal in the Nation. We ship to every State in the Nation.

They mix it with their coal to meet the clean air standards. I want the lights to stay on in Wyoming and the rest of the Nation. California relies heavily on electricity from Wyoming. Without coal, that is not going to happen.

Now, China understands energy. China understands that the future economy of the world depends on energy. They have already bought all the oil supply, they have bought up gas supplies, they are in the process of buying up coal supplies.

How do I know about that? They are buying coal in Campbell County, WY, and shipping it to China. Now, a lot of it is in the test burn stage, and I suspect they may be burning that in the powerplants right around Beijing, which will clean their air for the Olympics.

I do not know how long the contracts are, and I do not know how expensive it

will be. But I suspect that coal will be sold, and I know, by the way, because of rotation of the Earth, the direction the wind blows. The powerplants in Wyoming do not put anything in California, but the powerplants in China, of which they are building one a week, it takes longer, but they are opening one a week, that air will blow to California. China is not going to be part of this.

I have had an opportunity to sit down with some of the Chinese delegation who are at the global warming conferences. They do point out they are a developing nation. I have asked them, as a developing nation, is there any point in the future at which they would do something to cut down their pollution? They have assured me they will always be a developing nation and will always come under those provisions. So do not count on China to help out in this.

Now, I filed another amendment with my colleagues from Missouri, Ohio, and Oklahoma that is an approach to making cleaner coal. I have also cosponsored another amendment with my fellow Senator from Wyoming, an amendment, that was filed by Senator DORGAN from North Dakota taking another approach to greening up coal so we can more efficiently harness its power while minimizing its impact on the environment.

I have cosponsored multiple approaches because it is vital we improve the bill by improving the way we use coal. Half our electricity comes from coal. There is no short-term substitute for coal. We need to come together and come up with a real solution, hopefully one that does place a little bit of confidence in the ingenuity of the American people.

If there is a problem, they can solve it; not always immediately and not always without some kind of incentive. There are a number of ways of providing that incentive. We have not gotten to discuss those, and the majority is not going to let us do that today. I cannot even call up my amendments to let other Members debate them because the majority leader has used a parliamentary tactic to prevent us from offering changes to this bill.

The majority leader has decided we cannot fully debate what he calls the greatest environmental threat facing the world. Is he serious? Well, I am. But apparently the proponents of this bill are not. If they were, they would be working to come up with a solution to this problem rather than playing another inning of ''gotcha'' politics.

This is a complex piece of legislation. I am not sure anybody knows exactly how it works. The bill we originally talked about came through committee. The substitute we are doing now did not come through committee, so it hasn't had the same look everything else had.

Anytime we go to a bill that hasn't been through committee and we invoke cloture so amendments cannot be done, the bills do not make it here. I appreciate my colleagues' approach on that. I have seen it happen, though, regardless of who was in the majority. That is the way it works. People get upset when they cannot do amendments.

Now, I do know people who buy coal from my State say this bill will be a real punch in the gut. I do know the vast majority of studies say this bill will take money out of your pocket because you will have to pay higher energy prices. These are issues that need to be addressed. But we are not being allowed to address them. There is this sudden urgency that if it does not pass this week, the world will not exist next week. I think that is a lit bit of an exaggeration.

I have a list of people who were supporting this legislation apparently as it is. I think they were generally supporting the concept of cleaning up the environment. But I did notice the list of supporters included those who have figured out a way to make some money off this. That is how it works in America. But it does leave out those who are currently having a job in these areas.

Now, it is baffling to me that we are being precluded, that it is being cut off early. I hope my Senate colleagues will not do that. When the Senate considered the Clean Air Act amendments in 1990, and it was very important for them to consider that, because prior to that time we had a one-size-fits-all approach in the United States. It needed to be corrected.

Those clean air amendments of 1990 passed, and they made corrections to it. They made a system that worked, or at least worked better. There is no such thing as perfect legislation. We spent 5 weeks on the bill. There were 180 amendments that were considered, and 130 were processed.

Usually, we are asked if we cannot get our amendments down to two or three or five. No, you cannot. The reason you cannot is that if you have a series of amendments that deal with the smaller topics, people understand them better.

You will have one section 3 people will object to, another one 11 people will object to, another one 4 people will object to, and pretty quickly you are at 51. It is a pretty good philosophy if you do not want an amendment to pass, you cram them all together, so you can generate enough animosity over each of the parts so it adds up to 51 votes against and it never makes it.

On the other hand, if you are serious about making changes, then you do it such as we did with—I was not here at that time—the Clean Air Act of 1990, where there were 180 amendments and 130 were processed.

We have been debating this bill for less than a week at this stage, with lots of interruptions. We have considered exactly one amendment, and that is the substitute amendment from the Democratic chair of the committee that dramatically changes the bill from what came out of committee.

That is not the way to conduct business in the Senate. It is not the way to get anything done. But, then again, that is probably apparent that if there was a real desire to get something done, this bill would be debated in the regular order.

When the Senate was less polarized, it was because there was more debating in the regular order. The bill we were debating had gone through committee, S. 2191; but the bill S. 3036 did not. I do not know anyone who believes this bill is going to be signed into law. I am not even sure anybody wants it signed into law considering the process it is going through.

I think it is an effort by the majority saying: Oh, woe is us. We need to have 60 on our side of the aisle so we can cram these ideas down the other side's throat. That is not the Senate. The majority, in fact, is saying, until we have 60 votes on our side, we are not going to let anything pass. They take this approach, even though the energy crisis is the main concern of the American people.

Oh, but that is right, this bill is not going to do anything for energy prices, particularly in the short run. I am disappointed with the situation the majority leader has put the Senate in today that will actually happen tomorrow morning—it is happening at 9 o'clock—which means there is going to be debate before the vote, it will be rather limited, probably between the two leaders.

I do not think this bill is ready for debate, so I voted against proceeding to this bill. However, now that we are on the bill, we do have to consider its merits. That is what I have done on all this. That is why I filed two amendments to it. Unfortunately, we are not truly debating the bill because the parliamentary procedure, the parliamentary tactics are going to cut off all the amendments.

Oh, there will be some conversation about how there will be 30 hours to do things after cloture is done. I follow the proceedings around here. Now, you can stall through 30 hours and make sure not a single vote happens. So anybody who votes for cloture means voting to preclude amendments, and anybody who says: Oh, there will be an open debate on it and an opportunity for amendments, ought to check the history on this and see if they have actually talked to anybody who would allow that to happen because it will be a new one on me.

So the whole purpose right now is to do ''gotcha'' politics, avoid the committee to bring it to the floor, have a motion to proceed introduced on Friday, we vote on Monday followed by 30 hours, while we are waiting for people to show up to vote during the week because they are out on the campaign trial, and then filing a final cloture motion to make it be a one-size-fits-all, take-it-or-leave-it bill.

I think it is very unfortunate that we have come to this point. I will oppose

further tactics designed to shut Senators out in the cold while the proponents are inside making their own global warming plan.

The ''take it or leave it'' has never been a successful approach around here. I am willing to bet it will not be a successful approach tomorrow.

I yield the floor.

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

Mrs. BOXER. Mr. President, I listened to my friend from Wyoming, and I will tell anyone who was listening, first, he says the bill is not ready for debate. Now he wants to debate.

You know, my friend voted not to go to the bill in the first place. He does not want a global warming bill, neither do most of the people on that side of the aisle, with some exceptions.

Their answer is: No, no, no, no, status quo. That is why they keep losing seats all around the country. Now, 89 percent of the people want us to take up this legislation. Now, you can say you are against this for technical reasons and procedural reasons. I wish to talk about that, I do, because our leader went to the Republican side and said: We are ready to come up with a good plan to move forward on this bill. And he said to the other side: Let's start off with doing two amendments a side.

No, that wasn't good enough.

OK. Let's make an agreement for 3 amendments, 10 amendments, germane amendments. No. It was obvious from the start. No. Well, we think it is time to say yes, to stand and tackle the problem of global warming. They do not think it is time.

I don't think they will ever think it is time.

What is really remarkable is that the States out there have started. The western Governors have gotten together. They have signed a western climate initiative. Why? The American West is heating up more rapidly than the rest of the world. That is where my friend comes from. I didn't hear him talk about global warming. I heard him talk a lot about China. I don't know what he was saying, whether he is so happy that China keeps building these dirty coal plants. I will tell him, the people of China can't breathe. There was a whole series about this. We want to have a clean coal future. That is why the Boxer-Lieberman-Warner bill invests heavily in clean coal. We understand there is 200 years worth of coal in America, and we want to make sure we get the technologies moving. That is why we want this bill, so we get to the day where we can have clean coal.

I want to tell my friend, he got up and criticized the way this bill was handled and the rest. I wish to speak about what we have done on our committee.

The Presiding Officer serves on that committee and is an active member who has supported even stronger legislation than this. We are getting attacked because they say it is too strong. The bottom line is—my friend will attest because he was part of this—we had 25 hearings, one of which I remember well which he chaired, since the day I took the gavel, inclusive. The bill was written in the subcommittee. The bill was worked on. It got to the full committee. I remember my friend in the chair was not happy with the bill in the subcommittee. He worked very hard. We changed it. Yes, we changed it, because that is what legislating is about. There isn't one person in this Chamber who has all the answers. I certainly don't. This has to be a collaborative approach.

Then a wonderful thing happened. Senator JOHN WARNER said: I am breaking the stalemate. I have kids. I have grandkids. I am a national security expert. The national security people are saying we need to do something about global warming. It is going to be one of the biggest causes of wars in the future. This is a big issue. Senator WARNER came and said he wanted to work with us. That meant we could get legislation out of the committee. Senator BAUCUS comes from a huge coal State. He took the lead in the coal provisions. We worked very hard.

When the bill came out of the full committee, we took it to our colleagues in the Senate. We did an unprecedented thing. We had open hearings for every Senator. I don't know if Senator ENZI came to any of those. Maybe he did. My staff is sitting here next to me. No, he didn't. I remember Senator BENNETT came. I remember many Senators came. They asked the experts the questions. We had the IPPC, the leading experts. We had the Bush administration come to talk about public health problems. We opened a transparent process to all. We asked Senators: Can I come to your office? I went to probably 30 offices. Senator LIEBERMAN did. Senator WARNER did. Anyone who wanted it did. Transparent. What do you need? What do you think? How can we do this better? How can this work? That is the way legislation ought to be done. That is what leadership is.

This is a tripartisan piece of legislation—a Democrat, a Republican, and an Independent. I will say this: When you say no to this and when you divert attention to gas prices, which have gone up 250 percent under George Bush—250 percent—and when you say this bill is going to make it worse, you don't really know what you are talking about because if you look at the modeling that was done—and George Bush confirmed this—the modeling says under a worst-case scenario, gas will go up 2 cents a gallon per year for 20 years. It is a 12-percent increase attributable to this bill which we know will be entirely offset by the fuel economy. In other words, that 2 cents will be offset by the fuel economy bill. So this bill will lead to lower gas prices. Why? Because it will spur technology. That is the point of the bill.

If we could look at the pie chart, what you see is that most of the money that is generated in this bill from the permits bought by the 2,100 biggest emitters of carbon goes to tax relief for our people, consumer relief for people, deficit reduction, more than half, and the rest goes to investments. A little bit goes to help the emitters in the early years. The rest goes to national security, and international agricultural resources and forestry, low-carbon technology efficiency, and local government action. We want to help local governments. That is why the U.S. Conference of Mayors has endorsed this bill.

I have to say, what amazes me about what I hear from the other side is there is nothing about the issue of global warming or climate change. You don't hear anything, very little except from the supporters of our bill. Senator SNOWE, Senator WARNER, yes, we hear from them. But for the most part, we have heard no words that let us understand where we can sit down and talk.

As far as China is concerned, to hold them up as some kind of model, if that is what my friend was doing, let me say that I don't want to be a party to it. I want to be a party to leading China, leading India, leading the world, not following countries where the people are so sick they can't even breathe. That is not what we want. We heard the same thing when we passed the Clean Air Act, Safe Drinking Water Act, the Clean Water Act, the Endangered Species Act—this is the end of the world. They made all kinds of excuses why we should not act.

Tomorrow, we have a chance. I hope we will get a good vote. I don't know what we will get. But I do want to put into the RECORD some very important letters from our colleagues.

First, I am very touched to tell my colleagues that we have a letter from Senator KENNEDY. I am so happy to say that. It reads:

DEAR CHAIRMAN BOXER: I commend you and Senator Lieberman and Senator Warner for your leadership on the Climate Security Act. At long last, significant legislation long needed to address this growing crisis is ready for Senate action, and I wish very much that I could be there for this landmark debate.

Regrettably, I'm unable to participate, but I hope my colleagues will support the Act by voting for cloture, as I would if I were able to do so.

With respect and appreciation and all great wishes,

Sincerely,

EDWARD M. KENNEDY.

TED, if you or your family is watching, we received this letter with such pride. We thank you so much, and we send you our heartfelt prayers and hopes for a speedy recovery. We miss you so much.

I ask unanimous consent to have printed in the RECORD a letter from Senator BIDEN:

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

U.S. SENATE,
Washington, DC, June 5, 2008.

Senator BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BOXER: As we discussed, I regret that a longstanding speaking commitment will cause me to be absent for the scheduled cloture vote on your substitute amendment to S. 3036, the Lieberman-Warner Climate Security Act.

I write to make it clear for the record that, had I been present, I would have cast my vote in support of cloture.

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.

Mrs. BOXER. We thank Senator BIDEN. I again thank Senator OBAMA. He sent a similar letter that he would, if he were here, vote for cloture. And a beautiful statement from Senator CLINTON from which I will read in part:

. . . I would vote for cloture on this legislation if I were able to be present in the Senate. . . .The time is now to move forward and deal with global warming, and I urge my colleagues to vote for cloture.

Continuing from her letter:

This bill makes steep reductions in emissions, encourages the development and deployment of clean energy technology, provides assistance for American families, training for workers whom the clean energy industry will demand.

I ask unanimous consent to have the letter printed in the RECORD.

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

M. President, the scientific consensus is clear: strong and swift action to reduce greenhouse gas emissions is needed to prevent catastrophic effects of climate change. That's why the debate this week in the Senate about the cap-and-trade bill crafted by Senators Boxer, Lieberman and Warner is so important. This bill makes steep reductions in emissions, encourages the development and deployment of clean energy technology, provides assistance for American families, training for workers that the clean energy industry will demand. I congratulate Chairman Boxer for moving this bill to the floor. It's a first step toward Congress enacting a cap-and-trade bill as part of a broad, comprehensive effort to combat global warming and reduce our dependence on foreign oil, including aggressive steps to improve energy efficiency and deploy renewable energy that will benefit our economy and help create millions of new jobs. I believe that we can and should make this bill even stronger, and I hope that we can do that as we continue to consider the bill. For now, we need to move forward on this important legislation. That's why I would vote for cloture on this legislation if I were able to be present in the Senate for the vote. The time is now to move forward and deal with global warming, and I urge my colleagues to vote for cloture.

Mrs. BOXER. She congratulates us on the bill. It is with great pride that I add these letters to Senator OBAMA's letter.

I do hope my colleagues will give us a ''yea'' vote. We know that under the rule, we can have amendments. Absolutely, we can. We hope we will get a good cloture vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I compliment the Senator from California for her leadership on the Environment Committee and on this important legislation. It is time to face up to it. One cannot find a more critical environmental issue facing this Senate, our country, or our world than fighting global warming. We need legislation that faces this problem head-on. Inaction here endangers our children, our grandchildren, and future generations who can never understand the opposition and unwillingness of the Senate to deal with this problem. Yet, as we stand here now, Senators on the other side of the aisle are filibustering this legislation. We are losing precious time. The patient is sick, and we have to start providing the meds. We have already lost over 7 years under a President who has ignored science and questioned the very existence of global warming. We have seen other Members of this body do the same thing, even calling global warming a hoax.

As we sit here and wait for leadership from our President and from this Congress, our world is literally paying the price. As temperatures rise, our world suffers. In the United States, the glaciers in Glacier National Park are shrinking. The park's largest glaciers are one-third of their 1850s grandeur. The oceans are being altered. Ocean levels are rising, threatening coastlines far across the globe and here at home, including, in my State, the New Jersey seashore, where the very survival of the State's residents is at stake. Defense experts see security risks from global warming. A Pentagon report says that large populated countries could become nearly uninhabitable because of rising seas. Megadroughts could affect the world's breadbaskets, such as America's Midwest, and future wars could be fought over the issue of mere survival in this new climate.

The American people sent us here to take real action and to confront these problems. We need to take some bold steps to reduce greenhouse gas emissions to match the research of the world's best scientists. This bill would be a critical step forward. It would reduce emissions by 15 percent by the year 2020 and by nearly 70 percent by the year 2050.

It will do so by placing a cap on our emissions and giving industry the flexibility it needs within a cap-and-trade system. We already know that a cap-and-trade system works. We used it in the 1990s to successfully combat acid rain, and we should be doing the same thing now to fight global warming.

I ask my colleagues, please join us in taking this landmark step forward, and do not let politics interfere with our obligation to protect our families.

As we move forward, we have to listen to those scientists who dedicate their lives to the pursuit of fact and truth, not raw politics. We have to make sure scientists in our country can freely do their work and tell the truth to the American people without having their research suppressed—suppressed—by a President and an administration with a political agenda.

President Bush, his administration, and many here in Congress have squandered precious years, ignoring the reality of global warming. Even worse, they hindered and outright suppressed, as I mentioned, the work of Government scientists who were sounding the alarm about global warming's effect on our planet and all of us who inhabit it.

The United States is expected to be a leader in the world. Yet, while the 2,500 scientists from 113 countries were collaborating on the most recent United Nations Intergovernmental Panel on Climate Change report on global warming, the President of the United States was still unwilling to hear the truth.

The Intergovernmental Panel on Climate Change report found that:

Warming of the climate system is unequivocal.

And human activity is to blame.

Beyond the importance of what the report said is the fact that the report relied on uncensored, unaltered science to say so. In contrast to the integrity and accuracy of the IPCC report, the Bush administration has censored the conclusions of the U.S. scientists to advance a political agenda. The administration has blocked or delayed the release of Government reports on global warming. It has deleted key words such as ''global warming'' from public documents. And it has denied scientists the ability to freely discuss their conclusions with the public.

Mr. Phil Cooney, the former Chief of Staff for the White House Council on Environmental Quality, was one of the architects of this campaign of scientific suppression.

Mr. Cooney—not a scientist—weakened or edited out scientific judgments from Federal climate change reports. These changes made the threat of global warming seem less serious. In the 2002 climate change report ''Our Changing Planet,'' the original text read, ''Earth is undergoing a period of relatively rapid change.'' Mr. Cooney changed that to, ''Earth may be undergoing a period of rapid change''—totally altering the significance of this statement. Mr. Cooney later left the administration to go to work for ExxonMobil.

In 2006, 13 other Senators joined me in asking the inspectors general of NOAA and NASA—both agencies—to investigate the Bush administration's suppression of science on global warming. The report from NASA just came out this week and found that political appointees in NASA's press shop had manipulated the work of scientists. The inspector general stated that political appointees at NASA had ''reduced, marginalized, or mischaracterized climate change science made available to the general public.''

It is incredible to believe. It is simply unacceptable for the greatest democracy in the world to stifle the findings of scientists for political and ideological reasons. It is common sense to listen to the best scientists in the world and to act on their research. And their research is telling us that global warming is getting worse and it is time for us to act.

It is disappointing beyond words that our colleagues on the other side of the aisle are preventing us from moving forward with this bill. In this place—the Senate—and at this time, some Members of the Senate are putting special interests and politics ahead of the safety and well-being of our people. We have to act now, and this bill is the right place to start. We dare not let this time pass without action.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

THANKING THE SENATE PAGES

Mr. REID. Mr. President, today is the last day of service for our current page class. On behalf of all Senators, I thank them for the job they do every day for us—running these documents all over the Capitol, rushing around here to make sure amendments are filed appropriately and, for me, often filing cloture motions. They do a lot. The glass of water I have here, as for every Senator, they know whether they want sparkling water, water with ice, cold water, warm water.

These are wonderful, intelligent young men and women. It would have been a wonderful experience to be a page when I was a boy. I hope my vision of the time they have had is appropriate in that they really do have the time I think they are having.

They have seen this body, the greatest deliberative body in the history of the world, debate some very difficult issues. They have seen us succeed at times, maybe not succeed at other times. But I hope they always believe we approach our job with sincerity, of having different views but always striving to make our country stronger.

It is lost on no one that more than a few of our Senators who have served here and served in the House have been pages. Chris Dodd from Connecticut was a Senate page. I talked to him about it today. That was the beginning of his career.

Mr. President, I have in my office right across the hall pictures of my two first grandchildren—two beautiful little girls, little babies. They could not sit up. They were so small, they were propped up against something. One of them was born in September and the other was born in November. Ryan and Mattie—beautiful little babies. But I have in front of that picture a picture of my two oldest grandchildren in their Senate page uniforms. They were Senate pages. Being Senate pages changed their lives, and I am not exaggerating. It was a wonderful experience for my two grandchildren.

I hope the experience for every one of these pages is half as good as for my granddaughters. When I say it changed their lives, I am not joking. Take Ryan as an example. She did not read newspapers. She was not really interested in what was going on in Government. But she now is. She reads, watches the news, and sees people come through the Senate whom she used to work with.

It does not hurt my feelings—and it should not hurt the other 98 Senators—to accept the proposition that their favorite Senator is ROBERT BYRD. Now, ROBERT BYRD is frail and not as strong and vigorous as he was when I first came to the Senate. But the pages, when my granddaughters were here, voted for which Senator they liked most, and it was ROBERT BYRD.

Well, I am confident that as a result of these young men and women being here, they will have a new enthusiasm for public service. I know the Presiding Officer and I believe in government. Government is good. When people are in trouble, where can you go for help? Mr. President, 9/11 said you can look to your God, whoever that might be, you can look to your family, and you can look to government. There are very few places to go other than that. And for government, we need good people, in appointive office and in elective office. I do not think there is a higher calling than public service. I personally feel so fortunate every day to be a public servant. Do we make all the money that people can make on the outside? No. But we make enough money. We make plenty of money. So I hope these young men and women find ways, big and small, to serve and honor the country that we love and they love.

I have the honor in the morning of being able to speak at the pages' graduation. I look forward to doing that. I am going to do that at 10 o'clock in the morning.

But, Mr. President, for today, I wish to enter the names of all of this semester's pages in the RECORD in honor of their service. The first two names I read off tonight are a couple Nevadans: Danae Moser, Sparks, NV; Andrew Solomon, Gardnerville, NV. Alyssa Abraham, Franklin, TN; Brittany Ashenfelter, Redfield, IA; Joanna Beletic, Arlington, VA; Genny Beltrone, Great Falls, MT; Andrew Carter, Madison, WI; Christopher Cary, Parkville, MO; Phoebe Chaffin-Busby, Little Rock, AR; Allie Dopp, Bountiful, UT; Ronson Fox, Waipahu, HI; Jennifer Goebel, Plano, TX; Adrienne Gosselin, Nashua, NH; Mary Margaret Johnson, Madison, MS; Taylor Johnson, Orrington, ME; Jocelynn Knudsen, Missoula, MT; Olivia Konig, Great Falls, VA; James Lee, Fairfax, VA; Ashley Lewis, Canton, MI; Mark Loose, Anderson, IN; Joshua Moscow, Lexington, KY; Danae Moser—again, I repeat in alphabetical order—Sparks, NV; Hamid Nasir, Anchorage, AK; Evan Nichols, Eaton Rapids, MI; Cody O'Hara, Florence, KY; Reed Phillips, Alexander City, AL; Augusta Rodgers, Winona, MN; Sarah Rosenberg, Chicago, IL; Brandon Skyles, Buckley, WA; Andrew Solomon—I repeat—Gardnerville, NV; Jacob Waalk, Monroe, LA; Ryan Wingate, Montpelier, VT.

I look forward to seeing these fine young men and women at 10 o'clock in the morning, Mr. President.

REMEMBERING SENATOR VANCE HARTKE

Mr. KERRY. Mr. President, it is a privilege today to submit to the RECORD an essay by Jan Hartke, my friend and the son of our late colleague, Senator Vance Hartke of Indiana.

William Butler Yeats famously wrote: ''my glory was I had such friends.'' To know Vance Hartke as a cherished friend, as an ally to all who are not just unashamed but actually proud to seek peace, as a fellow Navy man, and particularly as a mentor, protector, and champion for those of us who returned from Vietnam to oppose the war—really, that was all the glory or honor any of us ever really need or deserve.

Vance's passing hit me like a punch to the gut; I was driving in New Hampshire in July of that long hot summer of 2003, in the middle of a Presidential campaign, when the jarring news came to me—and brought back memories of my earliest years as an antiwar activist, and of a public servant who shared our cause and our concerns. Then and throughout his life, Vance was compelling in the absolute sincerity of his character. He was spurred to soul-searching by America's disastrous intervention in Vietnam. He found himself asking, as many now ask of Iraq, not just ''How do we end this war?'' but ''How do we learn from our mistakes and end the mindset that got us into war?''

It was a profound moral compass that led Senator Hartke to work with Senators Mark Hatfield, Jennings Randolph, Sam Nunn, and Spark Matsunaga on legislation to found the U.S. Institute of Peace, whose continued work studying conflict and building understanding has become a testament to the nobility of Vance's aspirations and the life he lived in support of them.

With the groundbreaking of a beautiful new building, the organization built to house Senator Hartke's ideas finally has a home worthy of its founder.

Here, for the Senate RECORD, is a powerful essay—which captures Vance's vision as only his son could—in honor of this historic event.

I ask unanimous consent to have the essay to which I referred printed in the RECORD.

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

NEW PEACE BUILDING ON NATION'S MALL

A new building dedicated to international peace will begin to rise in Washington, D.C. between the Lincoln Memorial and the Kennedy Center at the northwest corner of the

National Mall during a groundbreaking ceremony on June 5, 2008. President Bush and Speaker Pelosi will offer remarks.

The building will house the U.S. Institute of Peace (USIP), with its headquarters and public education center, an idea whose roots can be traced back to President George Washington and the framers of the U.S. Constitution.

The building will not be a monument to an individual or commemorate a significant event in our nation's history. Rather, it will be a place where the hard work of peace goes on, where globally recognized experts on conflict resolution will seek ways to prevent accidental and unnecessary wars, limit their scope and severity, and identify and facilitate exit strategies. The USIP building will symbolize America's most cherished ideal—enduring peace on earth.

The design of this historic building by world-renowned architect, Moshe Safdie, is in perfect harmony with its noble purpose. From its imaginative white roof shaped like the wings of a dove, to its open and transparent glass atrium, the USIP building seems infused with the hope and promise and work of peace.

The idea for the USIP arose during the Vietnam War, when Senator Vance Hartke tried to make the case to his friend, President Johnson, that the war was a terrible mistake, based on a misinterpretation of history, culture, and geopolitics. Unfortunately, President Johnson interpreted his dissent as disloyalty to him and his Administration. Nor did the other institutions make the case for peace. Even the State Department was for war.

At that point, Senator Hartke realized that something was missing from the Nation's decision-making apparatus on the great issues of war and peace. He saw the need for a non-partisan entity with analytical depth and institutional heft whose sole mandate was to advance the cause of peace. Joined by Senator Mark Hatfield, they introduced legislation that laid the cornerstone for the eventual creation of the USIP.

The legislation was moved forward through a commission headed by Senator Spark Matsunaga, whose members were appointed by President Carter. Public hearings were held across the country. The upshot was that experts from a wide variety of fields were offended by the notion that the search for peace was wishful thinking and futile. With a sweeping charter, the bi-partisan legislation was passed and signed into law by President Reagan in 1984.

''The somewhat radical notion underlying USIP's creation,'' Corine Hegland wrote in a perceptive article in the National Journal,'' was that the science of peace could be studied, refined, and taught in much the same manner as military skills and strategies had been consciously honed for centuries.''

''We got it wrong after 9/11,'' as USIP's Executive Vice-President Patricia Thomson sees it. ''We restructured our homeland-security institutions, but we should have restructured our foreign-policy institutions.'' The current work of the USIP still encompasses basic research but increasingly its storehouse of best peace practices has been used and applied in countries around the world, wherever hot spots flare. USIP's Chairman, Robinson West, and President, Richard Solomon, have mobilized their staff of 142 employees to rethink conflicts with a bold view toward preventing and ending them.

The body of work of USIP shows an evolving institution whose basic values lie at the heart of civilization, whether it is recruiting statesmen like Lee Hamilton and James Baker III to lead the Iraq Study Group, or the efforts to implement the Dayton Peace Accords led by former Chairman Chester Crocker.

Forty years after he envisioned the creation of USIP, Senator Hartke's challenging and prophetic words still ring true: ''I have the unshakable conviction that we have it within our power to end this war (Vietnam) and the syndrome of war itself. . . . For in the end, it is the dreamer who is the greatest realist.''

MILLENNIUM CHALLENGE CORPORATION FUNDING

Mr. GREGG. Mr. President, I had the fortunate opportunity to travel to Africa and South America over the Easter recess, and I want to take a moment to share some of my observations with my colleagues.

Mali receives significant U.S. foreign assistance totaling $45 million in fiscal year 2007, $55 million in fiscal year 2008—and $461 million in Millennium Challenge Corporation, MCC, funding.

While Mali appears headed in the right direction, I worry that the MCC is going down the wrong path, specifically by funding a $90 million renovation project for Bamako airport's runway and terminal. I understand that this project may have been formulated through a consultative process, but it seems to me that it should be funded through the African Development Bank or by private investment. I expect the MCC to justify to the State, Foreign Operations Subcommittee the necessity for U.S. taxpayers to fund the airport project, and to consult on the reprogramming of funds required by the derailed $90 million industrial park project.

The funding disparity and contrast between our traditional development agency—the U.S. Agency for International Development, USAID—and the MCC was glaring in Mali. Where USAID—could benefit from a slight increase in overall funding, the MCC was struggling to determine how best to reprogram $90 million. I am very concerned that MCC may not live up to its billing as a more effective aid delivery program, and its deep pockets may create unintended opportunities for corruption.

I had the opportunity to visit the U.S. Embassy and learned of the loss of air conditioning for a lengthy period of time which was a burden to American and local staff. This is not the first time I've heard of problems at our newly built embassies, and I encourage the State Department to make sure that no patterns exist at these facilities because of subpar contractors or equipment.

Like Mali, Nigeria receives significant U.S. assistance primarily through a new initiative, the President's Emergency Plan for AIDS Relief, PEPFAR. Assistance in fiscal year 2007 totaled $350 million and $491 million in fiscal year 2008, of which $282 million and $410 million are for HIV/AIDS activities, respectively.

On paper, Nigeria is wealthy country with significant oil reserves, and, we were told, an estimated $57 billion in an excess crude account. Corruption is unfortunately a cancer that stymies development and political progress in that country; Transparency International's Corruption Perception Index, 2007, ranks Nigeria 147th out of 179th.

Nigeria is a PEPFAR focus country, with a 3.9 percent prevalence rate among adults. Given Nigeria's significant natural resources, it is imperative that the AIDS Coordinator begin a process of transitioning from U.S. to Nigeria-funded programs. America can help the Government of Nigeria spend its health dollars, but I question the efficacy of U.S. funding for HIV/AIDS programs in that country. I will have more to say on this issue when the Senate considers the reauthorization of PEPFAR, perhaps later this year.

Namibia is also a PEPFAR focus country, and received $86.9 million in fiscal year 2007 and $103 million in fiscal year 2008 for HIV/AIDS programs. Unfortunately, other programs for Namibia, specifically support for democracy activities, has been in steady decline over the past few fiscal years and is being zeroed out. Given that the ruling SWAPO party is no longer a monolith, and splinter parties are forming, the Administration's reduction in assistance to Namibia may be ill timed and ill advised.

My staff and I are exploring ways to ensure that sufficient funding exists for non-HIV/AIDS programs for Namibia, including immediate support for domestic election monitoring activities in that country, and like Nigeria, I encourage PEPFAR personnel to explore sustainment strategies for U.S.-funded HIV/AIDS programs.

I am also concerned that the United States is not supporting enough exchange programs with countries in Africa. I intend to increase these programs in upcoming appropriations bills.

South Africa is also a PEPFAR focus country and received $398 million in fiscal year 2007 and $547 million in fiscal year 2008 HIV/AIDS funding. South Africa is running a budget surplus—in this case totaling $2.4 billion.

I am very pleased that our U.S. Ambassador understands the need for South Africa to assume greater financial responsibility for HIV/AIDS programs, and it is unfortunate that certain South Africa government officials have not been aggressive in addressing this issue. Any future support for HIV/AIDS programs in South Africa should be conditioned on the development and implementation of sustainment strategies to ensure that the Government of South Africa assume the care for its infected populations.

Crime remains a significant challenge to everyone in South Africa, and given the increased personnel requirements associated with PEPFAR, it may make sense to allow the use of PEPFAR funds for administrative and operational expenses at the U.S. Embassy, including for security purposes. New initiatives create increased desk

and office space needs, and I've asked my staff to take a closer look at this issue in anticipation of marking up the fiscal year 2009 State, Foreign Operations Appropriations bill.

I also intend to continue to work with Secretary of State Rice on resolving travel issues impacting members of the Africa National Congress, which is an unnecessary irritant in U.S.-South African relations.

Finally, although Argentina is not a major recipient of U.S. foreign assistance—some $2 million was provided in fiscal year 2008—relations between our countries have been historically good. I encourage my colleagues to continue to follow counterdrug and counterterrorism developments in that country—and region.

ILLEGAL LOGGING

Mr. BURR. Mr. President, the extension of the Lacey Act within this legislation to cover imported timber and wood products sends a strong signal that the U.S. Congress is serious about supporting the President's Initiative Against Illegal Logging.

The practice of illegal logging—both in the United States and abroad—is a deplorable act that poses environment threats as well as threats to legitimate businesses that operate within the rule of law.

It is crucial, that as this legislation is implemented, a clear distinction be drawn between ''innocent'' owners in the supply chain who in good faith trade in wood products that they believe to be legally harvested abroad, and those who knowingly traffic in illegal material.

It is the concern of Congress that this line be clearly drawn when prosecutions occur under this act.

Therefore, I support the provision included in this act that places the burden of proof in civil forfeiture cases on the government, as provided by the Civil Asset Forfeiture Reform Act.

ADDITIONAL STATEMENTS

TRIBUTE TO RALPH JACKMAN

● Mr. SANDERS. Mr. President, it gives me great pleasure to bring to the attention of the Nation, and my colleagues in this body, the remarkable career of Ralph Jackman of Vergennes, VT, who has served that small city as its volunteer fire chief for the past 54 years. While it is difficult to confirm this fact definitively, it is my understanding that Ralph Jackman is the longest serving fire chief in the history of this country. This historic longevity of service is deserving of celebration, as is the quality of leadership he has brought to his community, his State and this Nation.

In much of rural America, volunteer firefighters are not just first responders, but the heart of their communities, an essential part of the glue that holds those communities together.

Everywhere across America, young people hear, and for decades have heard, the call to serve their communities; everywhere across America, and most certainly in Vermont, they answer that call at an early age. Like so many volunteer firefighters, Ralph joined his department when he was in his early twenties.

In 1953, at the age of 30, Ralph Jackman was named chief of the Vergennes Fire Department. He has served in that capacity for over half a century, protecting the citizenry and their property in this city near Lake Champlain. In large part owing to Mr. Jackman's leadership, the department was able to successfully upgrade its fire station, recruit many new members and acquire the large array of vehicles, equipment, and apparatus that his fire department needed.

Testimony to his leadership are the positions he has held and the honors he has received: two-time past president of the Vermont State Firefighters Association, past president of the Addison County Firefighters Association, ACFA, the Robert B. King Fire Chief of the Year and as the Frances J. Shorkey Fire Chief of the Year.

Today, even though he is in his eighties, Ralph Jackman continues to serve as the active fire chief in Vergennes and manages all the day-to-day operations of the department.

Not content with his service as a firefighter, and desiring to serve further, in addition to his role as fire chief, Ralph Jackman answered his Nation's call: he is a World War II veteran, and served in the Army Reserves from 1946 to 1972. He is also a member of the American Legion Post 14, continues to serve as Vergennes fire warden, and has been a member of the Rotary Club for 55 years. He has also been an organizer for Meals-On-Wheels.

I am proud of the work that Chief Jackman has done for the city of Vergennes, the State of Vermont and for the spirit of public service and volunteerism in this country. Mr. Jackman's dedication to his family, to his fellow volunteer firefighters, the fire service, and to the people of his community is worthy of commendation, and today I commend him in the highest terms.●

A TRIBUTE IN MEMORY OF JIM McCRINDLE

● Mr. MARTINEZ. Mr. President, it gives me great pleasure to recognize a dedicated public servant and a patriotic American from my home State—Mr. James ''Jim'' McCrindle. Jim passed away on June 1, but his legacy lives on through all that he accomplished and all those he touched.

In 1961, Jim immigrated to America from Ayr, Scotland, to pursue an education and earn his piece of the American dream. He joined the U.S. Army in 1962 and attained the rank of specialist five.

Following his military service, Jim began serving our Nation in a different capacity through his involvement in the Department of Defense's Morale, Welfare & Recreation, MWR, services and programs. His work helped to enhance the lives of these employees by promoting fitness, good health, and camaraderie.

Jim went on to fulfill his goal of receiving an education by attaining a degree in hospitality management from Cornell University. He would use these skills to support the soldiers he greatly respected and admired.

Throughout his life, Jim strived to bring comfort to members of our armed services. Among his many accomplishments, he managed the Armed Forces Recreation Center—Europe, helped to plan and execute the Department of Defense's R&R program during Operations Desert Shield and Desert Storm, and was instrumental in the development of Shades of Green—a Walt Disney World Resort for members of our military.

Jim served as the hotel's manager and helped it to achieve great success. Since its opening in 1995, Shades of Green has routinely achieved one of the highest occupancy rates of any American hotel.

Jim managed Shades of Green up until his passing early this month. It was truly his pride and joy, and was one of his many contributions to our Nation. I applaud his steadfast commitment to improving the lives of others. On behalf of Florida and the people of the United States, I would like to honor this great American for reminding us all of what makes our Nation great.●

CONGRATULATING THE AMERICAN BUSINESS WOMEN'S ASSOCIATION

● Mr. BUNNING. Mr. President, I would like to congratulate the American Business Women's Association, ABWA, which will be holding their 2008 National Women's Leadership Conference in Covington, KY. For nearly 60 years the ABWA has identified and addressed the needs of working women. Local ABWA chapters continuously contribute to the professional development of their members through educational programs, along with charitable opportunities, networking, and scholarships. The national scholarships sponsored by ABWA have helped thousands of women meet their educational goals.

With several Kentucky and Ohio chapters and networks sponsoring this year's conference, over 1,000 women from around the country are expected to attend. In addition to meeting distinguished speakers, members will attend seminars and workshops on professional development, industry trends and techniques to improve their job skills.

By improving the lives of women for more than a half century, the American Business Women's Association has proven itself to be an exemplary professional development organization. I

congratulate the ABWA for its success in supporting the dreams of working women and welcome their national conference to Kentucky.●

CONGRATULATING CARRIE LIERL

● Mr. BUNNING. Mr. President, today I congratulate Ms. Carrie Lierl on placing first in Kentucky for the 21st annual National Peace Essay Contest State-level competition. Sponsored by the United States Institute of Peace, the National Peace Essay Contest asks American high school students to write an analytical essay on a topic chosen by the Institute's board of directors. This year's topic was on the relationship between natural resources and international conflict. An independent panel of experts judges each essay and a winner is chosen from every state, plus one from U.S. territories and one from among American students living abroad.

In addition to placing first in Kentucky, Carrie will receive a $1,000 college scholarship and is currently competing for national scholarship awards of up to $10,000. On June 22, 2008, Carrie will join fellow essay winners from around the country in an all-expense paid weeklong seminar in Washington, DC, to participate in embassy briefings, and conflict resolution simulations, while meeting with officials from Congress, Federal agencies, and experts and practitioners from various organizations.

Ms. Lierl has proven herself to be an exemplary student, representing the Commonwealth of Kentucky at the 2008 National Peace Essay Contest. I look forward to seeing all that she will accomplish in the future.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 3:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1343. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

H.R. 3712. An act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W.L. Ashley United States Courthouse''.

H.R. 5599. An act to designate the Federal building located at 4600 Silver Hill road in Suitland, Maryland, as the ''Thomas Jefferson Census Bureau Headquarters Building''.

H.R. 5669. An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

H.R. 5972. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

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

H. Con. Res. 311. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority.

At 5:01 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 joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 92. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

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

H.R. 1343. To amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3712. To designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W.L. Ashley United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 5599. An act to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the ''Thomas Jefferson Census Bureau Headquarters Building''; to the Committee on Environment and Public Works.

H.R. 5669. An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

H.R. 5972. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated; to the Committee on Rules and Administration.

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

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.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 92. A joint resolution increasing the statutory limit on the public debt.

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–6519. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Project Design and Cost Standards for the Section 202 and Section 811 Programs'' (RIN2502–AI48) received on June 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6520. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Wayne County Area'' (FRL No. 8576–4) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6521. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Virginia: Final Authorization of State Hazardous Waste Management Program Revision; Withdrawal of Immediate Final Rule'' (FRL No. 8574–7) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6522. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019'' (FRL No. 8575–4) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6523. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District'' (FRL No. 8567–4) received on June 3, 2008; to the Committee on Environment and Public Works.

EC–6524. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the feasibility study that was undertaken to evaluate hurricane and storm damage reduction alternatives for Port Monmouth, Middletown Township, Monmouth County, New Jersey; to the Committee on Environment and Public Works.

EC–6525. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization Program'' (RIN1651–AA72) received on June 3, 2008; to the Committee on Finance.

EC–6526. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''Final Report to Congress on the Evaluation of Medicare Disease Management Programs''; to the Committee on Finance.

EC–6527. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the Secretary's recommendation to continue a waiver of application of a section of the Trade Act of 1974 with respect to Belarus; to the Committee on Foreign Relations.

EC–6528. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Community Food and Nutrition Program for fiscal years 2004 and 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–6529. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Kellex/Pierpont facility in Jersey City, New Jersey, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6530. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Horizons, Inc. facility in Cleveland, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6531. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from SAM Laboratories to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6532. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Hanford Nuclear Reservation in Richland, Washington, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6533. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from Nuclear Materials and Equipment Corporation facility in Parks Township, Pennsylvania, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6534. A communication from the Assistant General Counsel for Regulatory Services, Office of Management, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Demands for Testimony or Records in Legal Proceedings'' (RIN1880–AA83) received on June 3, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6535. A communication from the Secretary of the Interior, 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–6536. A communication from the Chairman, Broadcasting Board of Governors, 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–6537. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–399, ''Pre-k Enhancement and Expansion Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6538. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–400, ''Dr. Vincent E. Reed Auditorium Designation Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6539. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–387, ''Supplemental Appropriations Release of Funds Temporary Amendment Act of 2008'' received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

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

POM–357. A resolution adopted by the Metropolitan King County Council of the State of Washington supporting the withdrawal of federal appropriation for the Airbus tanker; to the Committee on Armed Services.

POM–358. A joint resolution adopted by the House of Representatives of the Northern Marianas Commonwealth Legislature expressing its support for Resolution number 80 of the Legislature of Guam; to the Committee on Energy and Natural Resources.

POM–359. A letter from a private citizen relative to funding of the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

POM–360. A resolution adopted by the New Britain Common Council of the State of Connecticut opposing the continuation of the Iraq war; to the Committee on Foreign Relations.

POM–361. A resolution adopted by the Caribbean and North American Area Council of the World Alliance urging Congress to end the U.S. economic blockade of Cuba; to the Committee on Foreign Relations.

POM–362. A concurrent resolution adopted by the Senate of the State of Mississippi urging Congress to support the passage of the Secure Rural Schools and Community Self-Determination Act; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 556

Whereas, in December 2000, the Secure Rural Schools and Community Self-Determination Act, a Federal act, was signed into law; and

Whereas, the Secure Rural Schools and Community Self-Determination Act provides federal funds to counties and school districts with national forest lands located within the county boundaries; and

Whereas, 33 counties have substantial tracts of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas, these counties have United States National Forests within its boundaries and have received critical funds for roads and schools based on revenues generated from these forests; and

Whereas, the payments provided to these counties have been a consistent and necessary source of funding for the schools, teachers and students; and

Whereas, in December 2007, the United States Congress removed the reauthorization of the Secure Rural Schools and Community Self-Determination Act from the Energy Legislation to which it was attached. This legislation was subsequently passed and signed into law without reauthorization for the Secure Rural Schools and Community Self-Determination Act; and

Whereas, the funding provided through the Secure Rural Schools and Community Self-Determination Act will significantly contribute to the local economy of these counties by providing the necessary funds for schools and roads, which is vital for sustained economic development; and

Whereas, these counties depend on the funding from the Secure Rural Schools and Community Self-Determination Act and unless the funding is secured through legislation as deemed appropriate by the Mississippi congressional delegation, these counties will lose critical funding that it has received for decades:

Now, Therefore, be it

Resolved by the Senate of the State of Mississippi, the House of Representatives concurring therein, That we, the members of the Legislature of the State of Mississippi, respectfully request that the United States Congress pass the Secure Rural Schools and Community Self-Determination Act so that these Mississippi counties may continue to adequately maintain the roads and schools and sustain economic development in the state.

Be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to President George W. Bush, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Governor of the State of Mississippi, each member of the Mississippi congressional delegation, and that copies be made available to members of the Capitol Press Corps.

POM–363. A resolution adopted by the Senate of the State of Michigan urging Congress

to enact the Clean Boating Act of 2008; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 179

Whereas, in September 2006 the U.S. Northern District Court Court of California issued a ruling that required the Environmental Protection Agency (EPA) to regulate ballast water discharges. Ocean-going vessels moving from port to port are largely responsible for the spread of aquatic invasive species through the discharge of ballast water. Although intended to address only ballast water discharges from ocean-going vessels, the court ruling encompassed all discharges from all vessels, including recreational boats. Under the ruling, all vessels would be required to have a federal permit for discharges to the water beginning September 2008; and

Whereas, recreational boat discharges are already regulated under numerous federal and state laws. Non-polluting, incidental discharges such as weather deck runoff, grey water, uncontaminated bilge water, and engine coolant water should not require a federal permit. These discharges occur during the normal operation of a recreational vessel and are completely different from the discharges of a commercial ship that were intended to be affected by the District Court ruling; and

Whereas, with almost 1 million registered recreational boats, Michigan is one of the top boating states in the nation. With 40,000 square miles of Great Lakes waters and thousands of inland lake boating opportunities, boating is one of the largest outdoor recreational activities in which our residents take part. Requiring Michigan recreational boat owners to obtain the federal discharge permit will be a huge economical burden and inconvenience to Michigan boat owners; and

Whereas, Congress has before it the Clean Boating Act of 2008 (S. 2766), which will restore the 35-year-old EPA exemption for these non-polluting discharges from recreational vessels. Immediate action on S. 2766 will prevent owners of small, recreational boats from having to purchase the same, expensive discharge permits required of commercial vessels beginning in September, and

Whereas, it is critical that owners and operatores of recreational boats must continue to abide by Michigan Department of Natural Resources' recommendations for the proper treatment of their vessels, including voluntary practices such as a thorough washing of their vessels when moving from one body of water to another to minimize the risk of the spread of invasive species; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Clean Boating Act of 2008; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Environmental Protection Agency, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–364. A resolution adopted by the Legislature of the State of Utah urging U.S. withdrawal from the Security and Prosperity Partnership of North America; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 1

Whereas, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America with the nations of Mexico and Canada on March 23, 2005;

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the United States Constitution and the national independence of the United States and would imply an eventual end to national borders within North America;

Whereas, on March 31, 2006, a White House news release confirmed the continuing existence of the SPP and its ''ongoing process of cooperation'';

Whereas, Congressman Ron Paul has written that a key to the SPP plan is an extensive new North American Free Trade Agreement (NAFTA) superhighway: ''[U]nder this new 'partnership,' a massive highway is being planned to stretch from Canada into Mexico, through the state of Texas.'';

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the SPP and North American Union process, such as the ''open borders'' vision of the SPP, eminent domain takings of private property along the planned superhighways; and increased law enforcement problems along those same superhighways: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urges the United States Congress, and Utah's congressional delegation, to use all of their efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America. Be it further

Resolved, That the House of Representatives urges Congress to withdraw the United States from any other bilateral or multilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of North American Union as described in this resolution. Be it further

Resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all members of Congress by electronic means.

POM–365. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 68

Whereas, Louisiana suffers with one of the worst health environments in the country, including a high infant mortality rate, a high rate of low birth weight babies, and an incidence of stroke that is 1.3 times that of the rest of the country, outside of the ''stroke belt''; and

Whereas, despite the best efforts of medical education institutions in Louisiana, the deficit of primary care physicians continues; and

Whereas, in recent years, less than one-half of the graduates of medical education institutions in Louisiana selected a primary care specialty; and

Whereas, Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine, is a non-profit organization designed to address the shortage of primary care physicians in small towns, rural areas, and underserved areas; and

Whereas, the faculty and staff of the College of Primary Care Medicine are committed to a teaching program that addresses the shortage of primary care physicians both in Louisiana and nationwide; and

Whereas, throughout the educational experience at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the student will be exposed to a wide variety of primary health care settings; and

Whereas, through the program at the College of Primary Care Medicine of the Louisiana University of Medical Services, Inc., the traditional basic medical sciences will be thoroughly presented, and students will be given all the tools necessary to be successful on the United States Medical Licensing Examination. Now, therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to provide funding for the Louisiana University of Medical Services, Inc., College of Primary Care Medicine. Be it further

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

POM–366. A resolution adopted by the Senate of the State of Pennsylvania urging the federal government to take the steps necessary to provide needed short-term and long-term financial assistance to students so they may repay their student loans; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 289

Whereas, there is a student loan funding crisis that began with the recent sub-prime mortgage meltdown and subsequent turmoil in the capital markets; and

Whereas, these far-reaching economic problems have now given rise to a new bond market crisis, which is further compounding the funding problem for many lenders; and

Whereas, as a result, student loan providers throughout the national are exiting the $50 billion Federal Family Education Loan Program (FFELP), while others are being forced to curtail their activity, seriously jeopardizing the funding plans of millions of American students; and

Whereas, eighty percent of today's college students depend on FFELP to help them pay for school; and

Whereas, without access to sufficient funding, millions of students will not be able to pay for their college education; and

Whereas, the result could be devastating for students and families, with additional consequences for the higher education community and the Commonwealth of Pennsylvania's economy; and

Whereas, the Pennsylvania Higher Education Assistance Agency (PHEAA) has experienced ''failed auctions'' in the troubled bond market for the first time in its history, substantially increasing its cost of borrowing and putting its ability to fund additional student loans at risk; and

Whereas, the focus is first and foremost to protect the interests of families residing in this Commonwealth, but everyone must understand that this is a national problem that requires a national solution; and

Whereas, without decisive Federal intervention, the resulting financial stress placed on students and families could be disastrous; Therefore, be it

Resolved, That the General Assembly of the Commonwealth of Pennsylvania call for immediate action from the United States Secretary of the Treasury, the United States Secretary of Education, the chairman of the Federal Reserve Board and the president of the Federal Home Loan Bank of Pittsburgh to use all means and authorities available to them to provide needed short-term and long-

term financial assistance to assure the availability of student loans to students and families of this Commonwealth; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of the Treasury, the United States Secretary of Education, the chairman of the Federal Reserve Board and the president of the Federal Home Loan Bank of Pittsburgh and the presiding officer of each house of Congress and to each member of Congress from Pennsylvania.

POM–367. A resolution adopted by the House of Representatives of the State of Maine urging Congress to enact legislation to ensure health care for all. to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, every person in Maine and in the United States deserves access to affordable, quality health care: and

Whereas, there is a growing crisis in health care in the United States of America, manifested by rising health care costs, increased premiums, increased out-of-pocket spending, the decreased competitiveness of our businesses in the global economy and significant worker layoffs; and

Whereas, most health insurance access is provided through employment, and health insurance premiums have grown 4 times faster than worker earnings over the last 6 years; and

Whereas, Maine ranks 5th in the nation in access to health care and 2nd in quality and is committed to maintaining access to affordable, quality health care for all Maine people and all Americans; and

Whereas, forty-seven million Americans lack health insurance, with 129,000 people in Maine without health insurance; and

Whereas, even those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

Whereas, those without health insurance suffer higher rates of mortality and a decreased quality of life; and

Whereas, access to consistent, preventive health care saves lives and dollars; and

Whereas, one-half of all personal bankruptcies are due to illnesses or medical bills; and

Whereas, the complex, fragmented and bureaucratic system for financing and providing health insurance consumes approximately 30% of United States health care spending; and

Whereas, access to affordable health care will improve the competitiveness of businesses and the viability of our health care providers; now, therefore, be it

Resolved, That we, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully urge and request that the United States Congress enact legislation to ensure the availability of health care for all Americans that guarantees quality, affordable health care coverage for every American; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3179. A bill to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments (Rept. No. 110–344).

By Mr. ROCKEFELLER, from the Select Committee on Intelligence:

Special Report entitled ''Whether Public Statements Regarding Iraq by U.S. Government Officials were Substantiated by Intelligence Information'' (Rept. No. 110–345). Additional and Minority Views.

By Mr. ROCKEFELLER, from the Select Committee on Intelligence:

Special Report entitled ''Intelligence Activities Relating to Iraq Conducted by the Policy Counterterrorism Evaluation Group and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy'' (Rept. No. 110–346). Minority View.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 2355. A bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes (Rept. No. 110–347).

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 Mrs. BOXER (for herself and Mr. GREGG):

S. 3084. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a master's or higher degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, and Mr. CRAIG):

S. 3085. A bill to require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 3086. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 3087. A bill to amend title 38, United States Code, to make certain improvements in the home loan guaranty programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

S. 3088. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 3089. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON):

S. 3090. A bill to provide for adequate oversight and inspection by the Federal Aviation Administration of facilities outside the United States that perform maintenance and repair work on United States commercial aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COBURN (for himself, Mr. MARTINEZ, and Mr. CASEY):

S. 3091. A bill to amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Ms. MIKULSKI):

S. 3092. A bill to amend the Public Health Service Act to ensure sufficient resources and increase efforts for research at the National Institutes of Health relating to Alzheimer's disease, to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 3093. A bill to extend and improve the effectiveness of the employment eligibility confirmation program; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER):

S. 3094. A bill to amend the National Trails System Act to provide for a study of the Long Path Trail, a system of trails and potential trails running from Fort Lee, New Jersey, to the Adirondacks in New York, to determine whether to add the trail to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 3095. A bill to amend title XVIII of the Social Security Act to expand the Medicare Rural Hospital Flexibility Program to increase the delivery of mental health services and other health services to veterans of Operation Enduring Freedom and Operation Iraqi Freedom and to other residents of rural areas, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S.J. Res. 38. A joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of a Deputy United States Trade Representative; 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. DURBIN (for himself, Mr. LEVIN, Mr. OBAMA, Mr. REID, Ms. STABENOW, and Mr. BROWNBACK):

S. Res. 584. A resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. MENENDEZ, Mr. SHELBY, Mrs. DOLE, and Mr. HATCH):

S. Res. 585. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mr. MCCAIN):

S. Res. 586. A resolution congratulating the Arizona State University women's softball team for winning the 2008 National Collegiate Athletic Association Division I Softball Championship; considered and agreed to.

By Mr. DEMINT (for himself and Mr. HATCH):

S. Res. 587. A resolution declaring June 6, 2008, a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 771

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 911

At the request of Mr. REED, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1125

At the request of Mr. WICKER, his name was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1314

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1314, a bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes.

S. 1390

At the request of Mr. WICKER, his name was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. ROBERTS) 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 Kansas (Mr. ROBERTS) 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. 2123

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2347

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2760

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2812

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2812, a bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors 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. 3047

At the request of Mr. KERRY, his name was added as a cosponsor of S. 3047, a bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives.

S. 3063

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3063, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 3068

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3068, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Kansas (Mr. ROBERTS) 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 Illinois (Mr. DURBIN) 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.

AMENDMENT NO. 4823

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4823 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.

AMENDMENT NO. 4825

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. SNOWE), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maryland (Mr. CARDIN) and the Senator from

Maine (Ms. COLLINS) were added as cosponsors of amendment No. 4825 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.

AMENDMENT NO. 4833

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4833 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.

AMENDMENT NO. 4836

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4836 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.

AMENDMENT NO. 4838

At the request of Mr. SANDERS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 4838 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.

AMENDMENT NO. 4839

At the request of Mr. SANDERS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 4839 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.

AMENDMENT NO. 4844

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4844 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.

AMENDMENT NO. 4853

At the request of Mr. BARRASSO, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 4853 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.

AMENDMENT NO. 4855

At the request of Mr. BARRASSO, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 4855 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.

AMENDMENT NO. 4856

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 4856 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.

AMENDMENT NO. 4857

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4857 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.

At the request of Mr. DORGAN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Wyoming (Mr. ENZI), the Senator from Virginia (Mr. WEBB), the Senator from North Dakota (Mr. CONRAD), the Senator from Ohio (Mr. BROWN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 4857 intended to be proposed to S. 3036, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TESTER (for himself, Mr. CRAPO, Mr. BAUCUS, and Mr. CRAIG):

S. 3085. A bill to require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. TESTER. Mr. President, I rise today to introduce the Cooperative Watershed Act of 2008 with my colleagues Senators CRAPO, BAUCUS and CRAIG.

This is an important piece of legislation because it deals with being good caretakers of our water.

Water is life. It is as simple as that folks. If we do not manage what we have, well then people are going to be in trouble. In Montana, we are currently suffering through almost a decade of drought, and with growing demand, increased pollution, and a changing climate, our water resources will only become more stressed in the coming years.

Now folks in Montana are not the type to sit back and wait for someone else to come along and fix a problem for them. No, folks in Montana have long since started coming together to form local groups to ensure their water resources are properly managed. These groups consist of irrigators, farmers, environmental groups, scientists, and governmental officials all working together. Unfortunately, these groups often are limited by a lack of funding for projects and a full time administrator. These groups hold so much potential, but are being held back by the simple lack of funding. That is why I, along with Senators CRAPO, BAUCUS, and CRAIG, have introduced the Cooperative Watershed Act of 2008.

The Cooperative Watershed Act of 2008 sets up a granting program under the Department of the Interior to help local stakeholders come together and form or expand watershed-wide management groups that can cooperatively manage their local water resources. The funds in this bill will help these groups build the capacity to act as grassroots, nonregulatory entities to address local water availability and quality issues within a watershed.

By getting all the different stakeholders involved in the management process, these groups will help reduce the need for Federal regulation and litigation, and result in the best overall use of the available, and often limited, water supply. Make no mistake, in Montana we understand that local stakeholders are in the best position to manage their own resources, but Federal support must play a role in helping them establish the capacity to do so.

Now in granting funds, this bill takes into account that different strokes are needed for different folks. To accommodate the varying stages of development of different groups, the grant program is divided into three phases: an initial planning phase to help new groups form and begin to formulate ideas and project proposals, a pilot project phase to help semi-established groups gain the capacity to conduct projects and studies, and an implementation phase to help fully formed and functioning groups undertake large-scale, multi-year projects.

Montana has been a leader in implementing water resources planning on a watershed scale for years, and the funding provided in this bill will allow Montanans and other interested States to increase their capacity to effectively manage their vital water resources as we move into the future.

Mr. President, I ask by 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. 3085

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 ''Cooperative Watershed Management Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AFFECTED STAKEHOLDER.—The term ''affected stakeholder'' means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term ''grant recipient'' means an eligible management entity that the Secretary has selected to receive a grant under section 3(c)(2).

(3) MANAGEMENT GROUP.—The term ''management group'' means a self-sustaining, cooperative watershed-wide management group that—

(A) is comprised of each affected stakeholder of the watershed that is the subject of the management group;

(B) incorporates the perspectives of a diverse array of stakeholders;

(C) is designed to be carried out as a grassroots, nonregulatory entity to address local water availability and quality issues within the watershed that is the subject of the management group; and

(D) is capable of managing in a sustainable manner the water resources of the watershed that is the subject of the management group and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts.

(4) PROGRAM.—The term ''program'' means the cooperative watershed management program established by the Secretary under section 3(a).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, which shall be known as the ''cooperative watershed management program'', under which the Secretary shall provide grants to eligible management entities—

(1) to form a management group;

(2) to enlarge a management group, of which the eligible management entity is a member; or

(3) to conduct 1 or more projects in accordance with the goals of a management group, of which the eligible management entity is a member.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an eligible management entity shall be comprised of each affected stakeholder of the watershed that is the subject of the eligible management entity, including to the maximum extent practicable—

(1) representatives of private interests, including representatives of—

(A) hydroelectric production;

(B) livestock grazing;

(C) timber production;

(D) land development;

(E) recreation or tourism;

(F) irrigated agricultural production; and

(G) the environment;

(2) any Federal agency that has authority with respect to the watershed, including not less than 1 representative of—

(A) the Department of Agriculture;

(B) the Department of the Interior; and

(C) the National Oceanic and Atmospheric Administration;

(3) any State or local agency that has authority with respect to the watershed; and

(4) any member of an Indian tribe that owns land within the watershed or has land in the watershed held in trust.

(c) APPLICATION.—

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process under which each eligible management entity may apply for a grant under this section; and

(B) criteria for consideration of the application of each eligible management entity.

(2) APPLICATION PROCESS.—To be eligible to receive a grant under this section, an eligible management entity shall submit to the Secretary an application in accordance with the application process and criteria established by the Secretary under paragraph (1).

(d) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary shall comply with paragraph (2).

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—During the first phase of a grant established under this subparagraph, the Secretary may provide to a grant recipient a grant in an amount of not greater than $100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives funds through a grant during the first phase shall use the funds—

(I) to establish or enlarge a management group;

(II) to develop a mission statement for the management group; and

(III) to develop project concepts.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the first phase, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the year following the year during which the determination was made.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive grant funds during the second phase described in subparagraph (B) until the date on which the Secretary determines that the management group established by the grant recipient is—

(I) fully formed, including the drafting and approval of articles of incorporation and bylaws governing the organization; and

(II) fully functional, including holding regular meetings, having reached a consensus on the mission of the group, and having developed project concepts.

(B) SECOND PHASE.—

(i) IN GENERAL.—During the second phase of a grant established under this subparagraph, the Secretary may provide to a grant recipient a grant in an amount of not greater than $1,000,000 each year for a period of not more than 4 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives funds through a grant under the second phase shall use the funds to carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second phase, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the year following the year during which the determination was made.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive grant funds during the third phase described in subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement with respect to each year of the second phase; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), during the third phase of a grant established under this subparagraph, the Secretary may provide to a grant recipient a grant in an amount of not greater than $5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to achieve an appropriate increase in an economic, social, or environmental benefit that could not otherwise be achieved by the grant recipient through the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives funds through a grant under the third phase shall use the funds to carry out not less than 1 watershed management project of the grant recipient.

(3) PERMISSIVE USE OF FUNDS.—A grant recipient that receives funds through a grant under this section may use the funds—

(A) to pay for—

(i) the administrative costs of the management group of the grant recipient;

(ii) the salary of not more than 1 full-time employee of the management group of the grant recipient; and

(iii) any legal fees of the grant recipient arising from the establishment of the management group of the grant recipient;

(B) to fund—

(i) studies of the watershed that is managed by the management group of the grant recipient; and

(ii) any project—

(I) described in the mission statement of the management group of the grant recipient; and

(II) to be carried out by the management group of the grant recipient to achieve any goal of the management group;

(C) to carry out demonstration projects relating to water conservation or alternative water uses; and

(D) to expand a management group that is established by the grant recipient.

(4) REQUIREMENT OF CONSENSUS OF MEMBERS OF MANAGEMENT GROUP.—A management group of a grant recipient may not use grant funds for any initiative of the management group unless the group reaches a consensus decision.

(e) COST SHARE.—

(1) PLANNING.—The Federal share of the cost of any activity of a management group of a grant recipient relating to any use required under subsection (d)(2)(A)(ii) shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the costs of any activity of a management group of a grant recipient relating to a watershed management project described in subsection (d)(2)(B)(ii) shall not exceed 60 percent of the total costs of the watershed management project.

(B) LIMITATION.—To pay for any costs relating to administrative expenses incurred for a watershed management project described in subsection (d)(2)(B)(ii), a management group of a grant recipient may use grant funds in an amount not greater than the lesser of—

(i) $100,000; or

(ii) 20 percent of the total amount of the Federal share provided to the management group to carry out the watershed management project.

(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the costs of any activity of a management group of a grant recipient relating to a watershed management project described in subsection (d)(2)(C)(ii) shall not exceed 50 percent of the total costs of the watershed management project.

(B) LIMITATION.—To pay for any costs relating to administrative expenses with respect to a watershed management project described in subsection (d)(2)(C)(ii), a management group of a grant recipient may use grant funds in an amount not greater than the lesser of—

(i) $100,000; or

(ii) 20 percent of the total amount of the Federal share provided to the management group to carry out the watershed management project.

(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind contributions.

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which a management group of a grant recipient first receives funds through a grant under this section, and annually thereafter, in accordance with paragraph (2), the management group shall submit to the Secretary a report that describes, for the period covered by the report, the progress of the management group with respect to the duties of the management group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain a degree of detail that is sufficient to enable the Secretary to complete each report required under subsection (g), as determined by the Secretary.

(g) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) the manner by which the program enables the Secretary—

(A) to address water conflicts;

(B) to conserve water; and

(C) to improve water quality; and

(2) each benefit that is achieved through the administration of the program, including, to the maximum extent practicable, a quantitative analysis of each economic, social, and environmental benefit.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,000,000 for each of fiscal years 2008 and 2009;

(2) $5,000,000 for fiscal year 2010;

(3) $10,000,000 for fiscal year 2011; and

(4) $20,000,000 for each of fiscal years 2012 through 2020.

By Mr. DURBIN:

S. 3086. A bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Credit Card Fair Fee Act of 2008. This legislation will provide fairness and transparency in the setting of credit card interchange fees. This bill is companion legislation to a bipartisan bill introduced in the House of Representatives by Chairman JOHN CONYERS of the House Judiciary Committee and Representative CHRIS CANNON. The Conyers-Cannon bill currently has an additional 19 Democratic and 16 Republican cosponsors.

This legislation is supported by the Merchants Payments Coalition, a coalition of retailers, supermarkets, convenience stores, drug stores, fuel stations, on-line merchants and other businesses. The coalition's member associations collectively represent about 2.7 million stores with approximately 50 million employees.

Interchange fees may not be well known to most Americans, but they should be. Last year, U.S. retailers, and by extension their customers, paid approximately $42 billion in interchange fees to the banks that issue credit cards. The billions that are paid in interchange fees each year significantly cut into the profit margins of retailers and pinch the pocketbooks of consumers. And neither retailers nor consumers have a say in how these interchange fees are set within the Visa and MasterCard systems, which together account for over 70 percent of the credit and debit card market. The current lack of meaningful competition, negotiation and transparency in the setting of interchange fees represents a market failure, one that affects every American retailer and every American consumer.

My legislation takes a measured approach to address this market failure. My bill would identify credit and debit card payment systems that have significant market power, and would permit the retailers who use those systems to collectively negotiate with the providers of the systems over the fees for system access and use. If the retailers and providers are unable to agree voluntarily on a consensus set of fees, the bill would direct an impartial panel of judges to consider the two parties' fee proposals, and to select the proposal that most closely reflects what a hypothetical perfectly competitive market would produce. As I will discuss further below, this approach will protect retailers and consumers by preventing credit card companies from using their market power to charge unreasonable fees through an unfair process.

So what are interchange fees, and why do they pose a problem? Whenever a consumer uses a credit or debit card to make a purchase from a retailer, the banks and credit card companies involved in the transaction charge a number of fees that are passed on to the retailer and ultimately to the consumer. The interchange fee is one such fee. It is a fee charged by the card-issuing bank to the retailer's bank.

Here is an example of how an interchange fee is charged. When a consumer buys $100 in goods from a retailer using a Visa or MasterCard, the retailer first submits the transaction information to the retailer's bank (the ''acquiring bank''). The acquiring bank submits this information, via the Visa or MasterCard network, to the bank that issued the card to the consumer, the issuing bank. The issuing bank either authorizes or denies the transaction. If the transaction is authorized, the issuing bank sends to the acquiring bank, via the Visa or MasterCard network, the purchase amount minus an interchange fee that is retained by the issuing bank.

As a result of the interchange fee and other processing fees imposed upon the retailer by the acquiring bank, collectively, these fees are known as the ''merchant discount fee,'' the retailer typically only receives approximately $97.50 out of the $100 sale. In order to cover this cost and continue to make a profit, retailers typically raise the retail price of their goods, meaning that consumers must pay more regardless of whether they pay with cash or plastic.

Visa and MasterCard set the interchange fee rates for all the banks and all the retailers that participate in the Visa and MasterCard systems. Those interchange rates are frequently charged as a percentage of the sale amount plus a flat fee; for example, an interchange fee might equal 1.75 percent + 20 cents per transaction. The interchange fee rate varies for certain types of Visa and MasterCard cards and transaction categories, and is typically higher for cards that involve rewards programs for cardholders.

What is the rationale for assessing interchange fees? According to Visa, MasterCard, and the banks that issue them, these fees are used to pay for important functions within the credit and debit card systems. For example, interchange fees can be used to cover the costs of processing and authorizing credit card transactions, including the costs of ensuring data security and safeguarding against fraud. Interchange fees can also help protect an issuing bank from the risk that a consumer may not pay his or her credit card bill, which would leave the issuing bank on the hook for the amount that it gave to the acquiring bank at the time of a credit card transaction.

In addition to covering these costs and risks, interchange fees have been used to generate income for issuing banks. This income can be retained by the issuing banks as profit, or can be devoted to other uses such as consumer marketing campaigns or rewards programs for certain cardholders.

In addition to the benefits that interchange fees provide for issuing banks, Visa, MasterCard and their participating banks argue that interchange fees have also provided benefits to retailers and consumers by helping to make credit and debit card transactions more efficient and more prevalent. Visa, MasterCard and the banks claim that the growing use of credit and debit cards saves retailers from certain expenses involved with transacting business with cash or

checks. They also claim that their cards bring benefits to consumers, including extra convenience, the availability of short-term credit, and rewards programs that are offered to some cardholders.

It is clear that interchange fees do play an important part in the credit and debit card systems, and that overall these systems have created efficiencies and benefits for banks, merchants and consumers. However, it is also clear that those who must ultimately pay interchange fees—retailers and their consumers—have no say in negotiating how much the interchange fees should be. As a result, interchange fees are being set at rates that would not be agreed upon in a competitive market, and that may favor banks to the detriment of merchants and consumers.

Why are retailers unable to negotiate changes in Visa's and MasterCard's interchange fee rates? There are several reasons. First, because of Visa's and MasterCard's market power, the overwhelming majority of American retailers have no choice but to accept Visa and MasterCard as a method of payment. Credit and debit cards are currently used for over 40 percent of all transactions in the U.S., and that percentage is increasing, in part due to extensive marketing by the card companies and the banks. Visa and MasterCard control over 70 percent of the market for credit and debit cards. Most retailers simply cannot survive unless they agree to accept those cards.

Second, within an electronic payment system the only party with whom retailers are able to negotiate effectively is the retailer's acquiring bank, and interchange fees are not covered in those negotiations. In their efforts to obtain retailers' business, including the business of processing the retailers' credit card transactions, acquiring banks will negotiate and compete over many of the component fees that make up the merchant discount fee. However, the interchange fee is typically by far the largest component of the merchant discount fee, and acquiring banks do not negotiate with retailers on interchange rates nor do they compete to offer retailers lower interchange rates. Instead, interchange rates are set by Visa and MasterCard, who claim that their rates are set without the involvement of the banks. Accordingly, the acquiring banks tell their retailer customers that the interchange rate component cannot be negotiated or reduced below the level set by Visa and MasterCard.

The interchange fee thus serves as a de facto price floor for the overall merchant discount fee—a floor that is fixed in a nontransparent, nonnegotiable fashion by card companies with significant market power. Although I have asked the credit card companies on several occasions for information that would help me understand the cost components that contribute to their interchange rates, it is still unclear how much profit margin is built into that floor. The margin may be significant, and as long as issuers and acquirers are happy with it, there is no incentive for card companies to help merchants and consumers by reducing it. Additionally, it should be noted that many if not most acquiring banks also serve as issuing banks, and therefore have almost no incentive to compete to lower the interchange rates that they themselves receive. Because the acquirers and issuers are often the same banks, no one negotiates with issuers about interchange fees on the retailers' behalf, and the retailers are left to negotiate for themselves.

Third, while some retailers may try to negotiate directly with Visa or MasterCard to lower the interchange fee component of their merchant discount fees, most retailers have no leverage in these negotiations since at the end of the day they will likely have to agree to accept Visa and MasterCard in order to stay in business.

As a result of this vast disparity in negotiating power, Visa and MasterCard can essentially impose interchange rates upon retailers and those retailers have no choice but to accept them. Furthermore, Visa and MasterCard also frequently impose take-it-or-leave-it contractual terms and conditions on retailers, such as acceptance rules that require retailers to honor all cards issued by that credit card company, even if the card is a rewards card with a higher interchange rate.

Because there is no competition and no real retailer negotiation involved in the setting of interchange fees, it is not surprising that interchange fees are being charged at levels that would not be agreed upon in a fair and competitive market. This has been demonstrated in a number of ways.

For example, as economies of scale and advances in technology have brought down the cost of credit card transaction processing in recent years, normal market pressures would suggest that interchange rates would have similarly decreased. But as noted in a March 29, 2008 Wall Street Journal editorial, ''The Visa interchange fee has increased over the past decade to 1.76 percent from an average of 1.5 percent. Economies of scale should be driving fees down, as in most other service-fee industries.'' In March 2006, the American Banker reported that ''according to the credit card industry newsletter The Nilson Report, interchange rates for Visa and MasterCard International have risen steadily every year since 1997.''

Also, interchange fees continue to be charged as a percentage of the sale price, so even though the cost of processing a $1 credit card transaction is comparable to processing a $1,000 transaction, the interchange fee paid on that $1,000 sale is much higher and much more lucrative for the issuing bank.

Additionally, Americans are paying higher interchange fees than are consumers in other countries who use the same Visa and MasterCard cards. According to a report by the Federal Reserve Bank in Minneapolis, U.S. interchange fees average around 1.75 percent, while in other industrialized countries such as Britain interchange fees typically average around 0.7 percent.

In 2001, the total amount of interchange fees collected in the U.S. was $16.6 billion. By 2007, that amount grew to approximately $42 billion, an increase of over 150 percent since 2001. What are banks doing with the tens of billions of dollars they are collecting in interchange fees each year? There is a serious lack of transparency on this issue, but one study indicates that only around 13 percent of collected interchange fees are devoted to covering the cost of processing credit card transactions. According to this study, the majority of the collected fees went toward profits for the issuing banks, rewards programs that benefit mostly affluent cardholders, and marketing campaigns.

Visa and MasterCard and the banks that use them argue that their interchange fee rates are set at levels that best balance benefits and costs to card issuers and to merchants. If the card companies and the banks truly believe that interchange fee rates are already set at a level that is fair to merchants, it seems they should have no objection to formalizing a process for setting interchange rates that is fair and transparent and that gives merchants a legitimate voice in the process.

That is what the Credit Card Fair Fee Act would do. This legislation would apply to widely-used credit and debit card systems. Recognizing that these electronic payment systems have become nearly as important to our consumer economy as cash and that most retailers cannot stay in business without accepting them, the bill would ensure that retailers have access to these electronic payment systems at fair rates and terms.

Under the bill, if any electronic payment system has significant market power, i.e., 20 percent or more of the credit and debit card market, retailers would receive limited antitrust immunity to engage in collective negotiations with the providers of that electronic payment system over the fees and terms for access to the system.

The bill would establish a mandatory period for negotiations between the retailers and providers over fees and terms. If the negotiations between the retailers and providers do not result in an agreement, the matter would be brought before a panel of expert Electronic Payment System Judges, who would be appointed by the Department of Justice Antitrust Division and the Federal Trade Commission.

These Judges would conduct a period of discovery during which information about fees, terms, and market conditions for electronic payment systems

would be disclosed. At the end of the discovery period, the Judges would order a mandatory 21-day settlement conference to facilitate a settlement between the retailers and electronic payment system providers. If the settlement conference failed to result in an agreement, the Judges would conduct a hearing where each side would present their final offer of fees and terms. The Judges would then select the offer of fees and terms that most closely represented the fees and terms that would be negotiated in a hypothetical perfectly competitive market where neither party had market power.

After choosing between the two offers put forth by the parties, the Judges would enter an order providing that these fees and terms would govern access to the electronic payment system by the merchants for a period of 3 years, unless the parties supersede this agreement with a voluntarily negotiated agreement. Decisions by the Judges would be appealable to the D.C. Circuit Court of Appeals.

The Credit Card Fair Fee Act is modeled after the Copyright Royalty and Distribution Reform Act of 2004, which created a similar system for the use of copyrighted music works.

Credit card companies and banks may claim that this legislation involves government price setting, but this is not the case. This legislation does not permit the government to establish on its own accord what the fees and terms for retailer usage of credit card systems ought to be. Rather, it sets up a process whereby retailers would be able to make their case as to what fees and terms are fair, and if the retailers and credit card providers fail to agree voluntarily on those fees and terms, independent judges would evaluate the parties' offers and select the offer that most closely resembles what the result would be in a fair and competitive market. In contrast, currently Visa and MasterCard can use their overwhelming market power to establish non-negotiable interchange fees and terms, and retailers are forced to abide by these fees and terms or else be denied access to payment systems that account for a huge percentage of all U.S. transactions. This type of unaccountable fee-setting runs far more risk of harm for retailers and consumers.

Under my legislation, if the credit card companies and the banks are able to persuade the Judges that current interchange rates are justifiable, then the rates would remain as they are today. If, on the other hand, the retailers are persuasive in arguing that current interchange rates cannot be justified by competitive market dynamics, then the Judges would likely rule that alternative interchange rates would better represent the result of a perfectly competitive market. In either case, at a minimum the interests of retailers and consumers would be much better represented in this fundamentally important market.

My legislation represents a measured approach to addressing the current market failure with interchange fee-setting. Other countries have addressed the problem of unfair interchange fees through far more drastic solutions. For example, Australia has imposed a system of direct regulation of interchange fees through its central bank, and Mexico's central bank has negotiated rate reductions with the card companies. My legislation represents a middle ground between the current flawed system and these aggressive foreign regulatory frameworks.

In short, the Credit Card Fair Fee Act would address the market power imbalance between retailers and credit card companies in setting interchange fee rates. It would create a forum where these fees can be fairly negotiated by parties with equal bargaining power. It would ensure that interchange fees and terms are fair to both banks and retailers. And if retailers are able to negotiate interchange rates that reduce the transaction cost of doing business with plastic, it would be beneficial to consumers as well.

How do we know that retailers will not just pocket any savings they get through any reduction in interchange fees that they are able to negotiate? We know because unlike the credit card interchange rate-setting process, the retail industry is highly competitive, and that competition is largely based on price.

Also, sometimes we hear the banks and card companies argue that if interchange fees are reduced, they will have to raise fees and penalties on cardholders to make up for the revenue shortfall. If these companies stand by this argument, I would expect them to stand by its converse and reduce their cardholder fees and penalties whenever their interchange fee collections increase. However, interchange fee collections have increased 150 percent since 2001, and we have seen no corresponding decrease in fees and penalties imposed upon all cardholders. Unless you are one of the small percentage of cardholders with a current balance, no annual fees, and a lavish rewards program, your issuing bank is probably taking two bites at your wallet—one with interchange fees and one with the fees on your statement.

The Credit Card Fair Fee Act will protect consumers and retailers by preventing credit card companies from using their market power to charge unreasonable fees through an unfair process. This is important legislation, and I urge my colleagues to support its passage.

By Ms. SNOWE:

S. 3087. A bill to amend title 38, United States Code, to make certain improvements in the home loan guaranty programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would expand and strengthen the guaranteed home loan program administered by the Department of Veterans' Affairs. This action is particularly timely given the many readjustment challenges faced by our veterans and their families in this time of war, challenges that have been compounded for veterans by the current subprime mortgage market crisis and credit crunch. Mr. President, this legislation is intended to be the companion legislation to H.R. 4884, Helping Our Veterans Keep Their Homes Act of 2008, introduced in the House by Chairman FILNER of the House Veterans' Affairs Committee.

For some time, we have heard from many veterans that the current structure of the VA Home Loan guarantee program has not been responsive to the needs of veterans in today's market. For example, the current home loan limit is $417,000. Unfortunately, in many states with the largest population of veterans, reservists, and active duty personnel, the average home price is well above the national average and above the current loan ceiling. In contrast, the Federal Housing Authority home loan program constrains the loan dollar value by State and county. I strongly believe that veterans and service members should not be penalized for geographic differences in the housing market—particularly when, for many, where they live is not of their own choosing but directed by the military organization in which they are serving in the defense of the Nation.

We have also learned that for veterans and lenders, the VA loan process can be costly, both with respect to personal finance and time. The fees that are required for participation in the program impose costs on the veteran and family that reduce the financial attractiveness of the VA loan. In fact, it has been suggested that those fees, the bureaucratic red-tape, and the loan dollar value constraints that I previously noted, contributed to the conditions that resulted in far too many veterans being steered toward subprime loans in the first place.

Equally disturbing are reports that veterans and reservists did not have access to prime rate loans because of the tumult created in their lives due to repeated deployments to Iraq, Afghanistan, or both. Unbelievably, despite their wartime service, these patriots were assessed to have less than the desired level of personal financial stability sought by prime rate lenders and received low credit scores. With access to prime loans limited, subprimes became an option of necessity for many veterans.

What has become a point of frustration for veterans now trapped in the mortgage debacle is that the guaranteed home loan program is limited in its ability to provide relief for veterans who have fallen victim to unscrupulous lenders who prey on military families.

Given the sacrifices of our veterans and their families, and the disruption

in their lives created when they patriotically answer their Nation's call to service, we must do better by our veterans by providing a readjustment benefit that reflects the realities of today's housing market. The legislation that I am introducing today would provide for the following: (1) increase the maximum home loan guarantee amount to $729,750; (2) decrease the equity requirement to refinance a home loan; (3) require the VA Secretary to review and streamline the process of using a guaranteed home loan to purchase a condominium; (4) eliminate the home loan funding fees; (5) reduce the home loan refinance fees to one percent; (6) extend the adjustable rate mortgage demonstration project to 2018; (7) extend the hybrid adjustable rate mortgage demonstration project to 2012; (8) raise the maximum loan guarantee for refinancing a home to $729,750; and (9) authorize the VA to offer a 30 percent guaranty for loans made on homes determined by VA and HUD to be affordable housing.

Clearly, this is the right thing to do. I should note that this legislation is supported by the veterans' services organizations, including the Veterans of Foreign Wars and the American Legion. I sincerely hope that my colleagues will join me and offer their support for this important legislation.

By Mr. WYDEN:

S. 3088. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce two bills to protect two unique places in the high desert of Central and Eastern Oregon as wilderness. These areas both reflect the wild, rugged beauty that makes Oregon's terrain east of the Cascade Mountains so incomparable.

The first bill I am introducing, the Oregon Badlands Wilderness Act of 2008, S. 3088, would designate as wilderness almost 30,000 acres of the area known as the Badlands. The Badlands consists of high desert that is located just 15 miles east of Bend, Oregon, and straddles the Deschutes-Crook county border. The Badlands is made up of pockets of soft sand, lichen-covered lava flows and 1,000-year-old ancient junipers. It is home to pronghorn, deer, and elk.

The effort to protect the Badlands was led by a Bend schoolteacher, Alice Elshoff, in the 1980s. According to an article about Ms. Elshoff's efforts, ''Huge chunks of basalt rock jut out of the soft desert sand like blisters that burst from within the earth. Twisted juniper trees, some hundreds of years old, seem to desperately cling to the jagged rock formations. And beneath the trees and nearly hidden in narrow hideaways among the rocks are faint red drawings, messages left by prehistoric Indians who called this rugged part of the world home. This is the Badlands.''

In addition to its natural attributes, many Bend business leaders understand that an Oregon Badlands Wilderness adds to the area's national reputation as a hub for diverse outdoor recreation. In the Bend area, people can enjoy almost any outdoor activity—boating, biking, skiing, horseback riding, hunting, riding off-road vehicles and hiking. Within roughly an hour's drive of Bend, there are more than 400,000 acres of public lands available to motorized recreation—and I look forward to continuing to work with the Central Oregon off road and snowmobile communities. The region's diverse recreational options are a true example of multiple use. Into that mix we now add the peace and solitude of a wilderness recreation experience. These kinds of diverse recreational opportunities and scenic natural areas are part of what has attracted companies and new residents to the Bend area and, with them, booming economic development. According to the 2007 article in The Economist entitled ''Booming Bend,'' ''Fabulous scenery attracts people with fabulous amounts of money.'' To sum it up, people seek places to live and work with the kind of high quality of life the Bend area can offer. The natural beauty and recreational opportunities of an area like Bend propel this growth.

The Bend community has been talking about protecting the special place known as the Badlands for many years. Volunteers have been working with long-time Oregon ranchers, notably Bev and Ray Clarno, whose family has worked the land for generations, along with conservationists, irrigators, and more than 200 local businesses to gain protection for the Badlands as wilderness.

This designation is also a tribute to a remarkable young woman, Rachel Scdoris, who grew up driving and training her sled dog team through this area—and the bill provides that she may continue doing so for as long as she chooses. Ms. Scdoris is legally blind, and she recently completed in her third Iditarod sled dog race.

This wilderness designation has been a long time in coming; it has been over two decades since the BLM began reviewing which lands should be considered candidates for wilderness. From that time forward, BLM has repeatedly concluded that the Badlands should be protected as Wilderness. It is time to make it happen. This unique part of the Oregon high desert needs to be permanently protected for generations to come.

The second bill I am introducing is the Spring Basin Wilderness Act of 2008, S. 3089. This region is further east and even more remote than the Badlands. Spring Basin is one of Central Oregon's premier wild areas. Overlooking the John Day Wild and Scenic River, the rolling hills of Spring Basin burst with color during the spring wildflower bloom. It boasts canyons and diverse geology that offers recreational opportunities for hikers, horseback riders, hunters, botanists, and other outdoor enthusiasts. The area is important habitat for populations of Mule Deer and Rocky Mountain Elk, as well as many bird species. To preserve this natural treasure, my bill would designate approximately 8,600 acres as the Spring Basin Wilderness.

During the past several years, many community leaders and adjacent landowners have approached me advocating for Wilderness designation for this spectacular land that borders the Wild and Scenic John Day River and the nearby John Day Fossil Beds. The area is known across Oregon for its profusion of spring wildflowers. The Confederated Tribes of Warm Springs, local landowners, the County Commission and the Federal Bureau of Land Management all support Wilderness designation for Spring Basin. In fact, Spring Basin was recommended to Congress as a wilderness area by the Bureau of Land Management in 1989. Protecting this scenic jewel will add to Oregon's treasured wilderness and the unique recreational opportunities it provides.

I want to express my thanks to all the volunteers and supporters who have worked tirelessly to protect this area and reached out to diverse community groups to build support. I also want to thank the Confederated Tribes of the Warm Springs for their engagement and support. The Confederated Tribes of the Warm Springs own and manage approximately 30,000 acres of adjacent land that they manage to the north and east of Spring Basin. The Tribes manage these lands for the improvement of fish and wildlife habitat and I look forward to working with them to implement this legislation.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 3088

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 ''Oregon Badlands Wilderness Act of 2008''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) certain Bureau of Land Management land in central Oregon qualifies for addition to the National Wilderness Preservation System;

(2) 1 of the chief economic assets of the central Oregon region is the rich diversity of available recreation, with the region offering a wide variety of multiple-use areas for skiing, biking, hunting, off-highway vehicle use, boating, and other motorized recreation;

(3) there are over 400,000 acres of public land near Bend, Oregon, available for off-highway vehicles and other motorized recreation uses;

(4) motorized recreation users in central Oregon should continue to have access to an abundance of land managed, in part, for their use;

(5) the proposed Oregon Badlands Wilderness would increase the offerings in the region by making an additional 30,000 acres in

central Oregon available for wilderness recreation and solitude; and

(6) certain land exchanges that would consolidate Federal land holdings within or near to the proposed wilderness to enhance wilderness values and management are in the public interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to designate the Oregon Badlands Wilderness in the State of Oregon; and

(2) to authorize, direct, and facilitate several land exchanges to consolidate Federal land holdings within or near the Oregon Badlands Wilderness.

SEC. 3. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Central Oregon Irrigation District, which has offices in Redmond, Oregon.

(2) LANDOWNER.—The term ''Landowner'' means Ray Clarno, a resident of Redmond, Oregon.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Oregon.

(5) WILDERNESS.—The term ''Wilderness'' means the Oregon Badlands Wilderness designated by section 4(a).

(6) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Badlands Wilderness'' and dated June 4, 2008.

SEC. 4. OREGON BADLANDS WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 29,837 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, is designated as Wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Oregon Badlands Wilderness''.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(4) GRAZING.—The grazing of livestock in the Wilderness, if established before the date of enactment of this Act, and the maintenance of facilities in existence on the date of enactment of this Act relating to grazing, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(5) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of the Wilderness adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(6) TRIBAL RIGHTS.—Nothing in this Act—

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963); or

(ii) any other rights of an Indian tribe; or

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963)—

(i) within the boundaries of the Wilderness; or

(ii) on land acquired by the United States under this Act.

SEC. 5. SCDORIS CORRIDOR.

(a) EXISTING USE.—

(1) IN GENERAL.—Subject to subsection (b), the route depicted on the wilderness map shall be included in a corridor with a width of 25 feet to be excluded from the Wilderness to accommodate the existing use of the route for purposes relating to the training of sled dogs by Rachael Scdoris.

(2) INCLUSION IN WILDERNESS.—On final and total termination of the use of the route for the purposes described in paragraph (1), the corridor described in that paragraph shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(b) INTERIM MANAGEMENT.—Except as provided in subsection (a), the corridor shall otherwise be managed as wilderness.

(c) WITHDRAWAL.—Subject to valid existing rights, the corridor described in subsection (a)(1) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 6. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land identified as the Badlands wilderness study area has been adequately studied for wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this Act—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 7. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the Landowner offers to convey to the United States all right, title, and interest of the Landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 240 acres of non-Federal land identified on the wilderness map as ''Clarno to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 245 acres of Federal land identified on the wilderness map as ''Federal Government to Clarno''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 564 acres of non-Federal land identified on the wilderness map as ''COID to Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 686 acres of Federal land identified on the wilderness map as ''Federal Government to COID''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) the Secretary making a cash equalization payment to the owner of the non-Federal land;

(ii) the owner of the non-Federal land making a cash equalization payment to the Secretary; or

(iii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(ii) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(2) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, or other valid encumbrances in existence on the date of enactment of this Act.

(f) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 16 months after the date of enactment of this Act.

S. 3089

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 ''Spring Basin Wilderness Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FAMILY TRUST.—The term ''family trust'' means the Bowerman Family Trust, which is the owner of the land described in section 4(d)(2)(A).

(2) KEYS.—The term ''Keys'' means Bob Keys, a resident of Portland, Oregon.

(3) MCGREER.—The term ''McGreer'' means H. Kelly McGreer, a resident of Antelope, Oregon.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Oregon.

(6) TRIBES.—The term ''Tribes'' means the Confederated Tribes of the Warm Springs Indian Reservation, with offices in Warm Springs, Oregon.

(7) WILDERNESS MAP.—The term ''wilderness map'' means the map entitled ''Spring Basin Study Area with Exchange Proposals'' and dated May 22, 2008.

SEC. 3. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 8,661 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Spring Basin Wilderness''.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of domestic livestock in the Wilderness shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4));

(B) the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96–617); and

(C) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) ACCESS TO NON-FEDERAL LAND.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall provide reasonable access to non-Federal land within the boundaries of the Wilderness.

(5) STATE WATER LAWS.—Nothing in this section constitutes an exemption from State water laws (including regulations).

(6) TRIBAL RIGHTS.—Nothing in this section—

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963); or

(ii) any other rights of an Indian tribe; or

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty of June 25, 1855, between the United States and the Tribes and Bands of Middle Oregon (12 Stat. 963)—

(i) within the boundaries of the Wilderness; or

(ii) on land acquired by the United States under this Act.

SEC. 4. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS INDIAN RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 3,635 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from the CTWSIR to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 3,653 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to CTWSIR''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If McGreer offers to convey to the United States all right, title, and interest of McGreer in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to McGreer all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from McGreer to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 325 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to McGreer''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If Keys offers to convey to the United States all right, title, and interest of Keys in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Keys all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 181 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Keys to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 183 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Keys''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—If the family trust offers to convey to the United States all right, title, and interest of the family trust in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to the family trust all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 34 acres of non-Federal land identified on the wilderness map as ''Lands proposed for transfer from Bowerman to the Federal Government''.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as ''Lands proposed for transfer from the Federal Government to Bowerman''.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) the Secretary making a cash equalization payment to the owner of the non-Federal land;

(ii) the owner of the non-Federal land making a cash equalization payment to the Secretary; or

(iii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(ii) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—As a condition of the conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(2) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, or other valid encumbrances in existence on the date of enactment of this Act.

(h) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 16 months after the date of enactment of this Act.

By Mr. GRASSLEY:

S. 3093. A bill to extend and improve the effectiveness of the employment eligibility confirmation program; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today, I am introducing legislation to reauthorize and expand the E-verify program, a web based tool run by the Department of Homeland Security for employers across the country. Known as the Basic Pilot Program since its inception in 1996, E-verify provides employers with a process to verify the work eligibility of new hires. This program is set to expire in November of this year.

The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ aliens not eligible to work in the United States and required employers to examine the identity and work eligibility documents of all new employees.

Employers are required to participate in a paper-based employment eligibility verification system, commonly referred to as the I–9 system, in which they examine documents presented by new hires to verify identity and work eligibility, and complete and retain I–9 verification forms. Under current law, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met its document review obligation. However, the easy availability of counterfeit documents and fake identifications has made a mockery of the law.

In 1996, Congress authorized the Basic Pilot Program to help employers verify the eligibility of their workers. Participants in this program electronically verify new hires' employment authorization through the Social Security Administration and, if necessary, the Department of Homeland Security databases.

The Basic Pilot was authorized in 5 States until an expansion of the program was agreed to by Congress in 2003. Now, all States and all employers can take advantage of this voluntary and free program.

The bill I am introducing today isn't broad expansion of the current program, which I would like to see done. I attempted to revamp E-verify in 2006 and 2007 when the Senate debated a comprehensive immigration bill. During those debates, I offered amendments to require all businesses to use E-verify rather than maintaining it as a voluntary system. Over time, I would like to see this tool as a staple in the workforce. My legislation today doesn't go that far.

My amendment in 2006 and 2007 also would have changed the verification and appeal procedures, and would have improved the ability of the Federal Government to go after employers who knowingly hire illegal aliens.

While I hope that the Congress can one day address these issues, my priority this year is the reauthorization of the E-verify program. We must not let it expire. Employers rely on it, and we must not pull the rug from under them in their attempt to abide by the law.

My legislation would extend the program indefinitely. There's no reason that we should allow this to expire in 1, 5 or 10 years. It should only expire when Congress feels the need to terminate it. Right now, over 61,000 employers use the program. That number is likely to grow, and they need to be able to know that Congress isn't going to let this program die.

Another provision in my bill would require all contractors of the U.S. Government to use E-verify, even though they have the authority to do so today. Under the original statute in 1996, the Federal Government—including the Executive and Legislative Branches—must comply with the terms and conditions of E-verify. I added this provision because I don't like the progress I am seeing from the administration to require contractors to use the program.

In August of this year, Secretary Chertoff announced a series of reforms to address border security and immigration challenges that our country faces. One of the 26 proposed reforms was to require Federal contractors to use the basic pilot program.

Specifically, Secretary Chertoff said that ''the Administration will commence a rulemaking process to require all federal contractors and vendors to use E-Verify, the federal electronic employment verification system, to ensure that their employees are authorized to work in the United States.'' I firmly believe that the Federal Government ought to lead by example, and they shouldn't wait for my bill to become law.

My bill would also allow employers to check the status of all employees, not just new hires. Since the system is voluntary, businesses should be able to use E-verify to check the work eligibility of all their employees. They would alert the Department of Homeland Security of their desire to check all employees and be required to do the checks not later than 10 days after. If an employer wants to make sure his or her labor force is lawful, or legally allowed to work in the United States, he or she should be afforded that right. Also, the Department of Homeland Security should be able to require repeat offenders of immigration law to check the status of all employees, not just

new hires. My legislation would require certain employers to use E-verify if the Security has reasonable cause to believe that the employer has engaged in the hiring of undocumented workers. This provision will help us hold employers accountable.

My bill would require more information sharing between the agencies at the Department of Homeland Security. Citizenship and Immigration Service, the agency in charge of service and benefits for immigrants, runs the program. However, Immigration and Customs Enforcement has the duty to enforce immigration laws and conduct worksite enforcement. I fear that the two agencies don't communicate enough, especially when it comes to this program. While CIS will provide ICE information about employers who use E-verify upon request, this should be an automatic process. The enforcement agency is better equipped to go after those who hire illegal aliens, and they should have access to such information, including those businesses that receive final non-confirmations through the system. My bill would require CIS to report monthly to ICE.

Finally, as a Senator from a State with many rural communities, I have heard small businesses say they want a system that works and is easy to use. Many towns in Iowa and across the country want to be able to use E-verify but may not have access to computers or the Internet. The Citizenship and Immigration Service has made strides to help businesses learn the system and accommodate their lack of access. As we continue to ramp up the program and potentially make it a requirement for all employers, I would like to see the Federal Government reach out to rural areas and figure out a way to make this work. My bill would authorize the Director of U.S. CIS to establish a demonstration program that assists small businesses in verifying the employment eligibility of their newly hired employees.

In conclusion, I cannot stress enough the importance of making sure E-verify remains intact and operating for employers across the country. We need to reauthorize the program this year so that businesses can continue to abide by our immigration laws. I urge my colleagues to join me in this effort.

By Mr. BAUCUS:

S. 3095. A bill to amend title XVIII of the Social Security Act to expand the Medicare Rural Hospital Flexibility Program to increase the delivery of mental health services and other health services to veterans of Operation Enduring Freedom and Operation Iraqi Freedom and to other residents of rural areas, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, an Iraq veteran named Travis Williams told his story at a field hearing in Great Falls, Montana last summer. After graduating from Capitol High School in Helena in 2002, Travis quickly joined the Marine Corps. Travis was deployed to Iraq in 2005. He served in Al Anbar province.

Like thousands of other American men and women in uniform, Travis served nobly and with honor under the most difficult of circumstances. He experienced the horrors of combat. He lost numerous friends. And he saw unspeakable violence.

Travis testified that after months of combat, his emotions seemed to dull or shutdown. As he later learned, he was experiencing a normal reaction to a highly abnormal situation. His reaction was a defense mechanism that allowed him to continue to operate in a combat zone. His mind was finding a way to keep going. Thousands of marines, soldiers, airmen and seamen have experienced this phenomenon.

Travis testified that when he arrived home it seemed ''surreal.'' He felt more out of place in his own home than he did in Iraq. Travis isolated himself from his friends. He was frequently drunk and angry. Looking back, he understands that he was on what he called the ''path to destruction.''

One day, Travis received a phone call from Deb McBee. Deb is a veteran's service officer from the Military Order of the Purple Heart. Deb had heard about Travis' experiences in combat. She recommended that he visit the VA clinic to seek help. Travis took her advice. The VA referred Travis to a veteran's liaison for the Western Montana Mental Health Clinic.

Travis connected immediately with his mental health counselor. The counselor was also a veteran who understood the nightmare of combat and the loneliness of coming home. Over time, the counselor helped Travis to get back on track. Before long, Travis was enrolled in a pre-med program and had overcome many of the feelings of anger and loss he had felt before.

I begin with Travis' story because it offers hope. But it offers hope amid a very dark picture facing our veterans. A recent study by the RAND Corporation revealed that American veterans are facing a crisis of epic proportions. RAND estimates that around 300,000 service members suffer from post-traumatic stress disorder—also known as PTSD—or major depression. And 320,000 individuals reported experiencing probable traumatic brain injury during deployment.

The RAND study found that only 53 percent of service members with post-traumatic stress disorder or depression have seen a doctor or mental health provider in the past year. Of those who had a mental disorder and sought care, about half received only ''minimally adequate'' treatment.

Tragically, on any single day, on average, 18 veterans commit suicide. More than one out of five of those vets were patients undergoing treatment by the VA. Think of it: Today, 18 veterans are liable to commit suicide.

The VA has responded to this crisis with numerous initiatives that offer hope to thousands of veterans. This year, the VA will spend more than $3.5 billion for mental health services. Some of these funds will be invested in a new mental health inpatient ward in Helena, Montana. Over the last several years, the VA has opened up hundreds of new rural health clinics. Today, there are more than 700 of these clinics providing health care to our Nation's veterans. Montana has recently received two new rural health clinics in Lewistown and Cut Bank. The VA is making great strides.

But we need to do more. Thousands of veterans still remain out of reach.

The VA has undertaken an aggressive campaign to make mental health care services available to veterans living in rural areas. But thousands of Americans returning from Iraq and Afghanistan live hundreds of miles away from the health care that they need.

The Veteran's Affairs Office of Policy Analysis and Forecasting counts 118,685 registered highly-rural veterans in America. Of these, only 39,158 live within 2 hours of a VA medical center. Thousands of veterans returning from Iraq and Afghanistan often have to choose between a day-long trip to the VA or no care at all. In my home state of Montana 32,404 rural veterans are enrolled in the VA healthcare system. Over 10,000 of those veterans must drive more than an hour and a half to reach a VA hospital. And thousands of those veterans must drive over two hours both ways. In times of crisis, two hours is much too far to drive.

Research conducted by the Department of Veterans Affairs shows that veterans residing in rural areas are in poorer health than their urban counterparts. Nationwide, one out of every five veterans enrolled in VA health care lives in a rural area. Providing quality health care in a rural setting has proved to be a daunting challenge. Limited numbers of doctors and long highways make inadequate access to care all too common.

But let me return to Travis Williams' story. The key lesson of Travis' story is that getting the right care to veterans is all about teamwork. It wasn't just the VA that saved Travis. It wasn't just professional mental health counselors alone. It wasn't just veterans' service organizations. Travis' willpower alone was not sufficient to get him through the hard times. It was all of those things. All of those factors working together helped Travis to get away from a life of anger and despair, and back to a life full of meaning and purpose.

Teamwork is what the Relief for Rural Veterans Act is all about. The bill would enable small rural hospitals, mental health service providers, and other rural providers to work together to respond to the needs of veterans in crisis. States could apply for funding to increase their capacity to deliver mental health services by using state-of-the-art technology such as tele-health and tele-psychiatry.

More specifically, my bill will give the Secretary of Health and Human Services authority to award grants under the Medicare Rural Hospital Flexibility Program. The Medicare Flex Program has a successful 10-year history of strengthening the rural healthcare infrastructure. Under this new authority, States can apply for grants to increase the capacity of rural providers to provide mental health services to veterans and other rural residents. The bill would authorize an additional $100 million for this new authority for 2 years.

The Medicare Flex Program is a good way to improve health care services in rural America. It has provided grants to States to develop State rural health care plans. It supports conversion of eligible small rural hospital facilities to critical access status. It supports rural emergency medical services. And it fosters rural health care network development. It makes sense to expand this program to include mental health services needed by veterans in crisis.

Research conducted by the University of Maine found that small rural hospitals are playing a major role in providing emergency health care services to veterans. They are filling a critical gap in caring for veterans in crisis.

But the Federal Government has not thus far provided funds to help rural hospitals to perform this task. The grants authorized in my bill could support crisis intervention services and other health care services needed by Iraq and Afghanistan veterans. My bill will focus upon those veterans who live far from VA facilities. It could provide relief for veterans who have to drive hours to receive emergency mental health care.

An additional benefit of these grants is that all rural residents, regardless of whether they are veterans or not, would be able to take advantage of the increased capacity of their small rural hospitals to deliver improved healthcare services.

Iraq and Afghanistan Veterans of America and the National Alliance on Mental Health Care have endorsed this bill.

The RAND study I mentioned earlier concluded that we need a major national effort to improve the capacity of the mental health system to care for veterans. The report stated that the effort must include the military, veterans, and civilian healthcare systems.

This bill is one answer to that call. This bill is a way to approach the problems facing our veterans from a new perspective. The philosophy behind the bill is that all agencies that can lend a hand to our veterans should do so. The challenges facing our Nation's veterans are too large for the VA to handle on its own.

Researchers estimate that PTSD and depression among returning service members will cost the Nation as much as $6.2 billion in the 2 years following deployment. That's an amount that includes both direct medical care and costs for lost productivity and suicide. Investing in more high-quality treatment could save close to $2 billion within 2 years by substantially reducing those indirect costs.

Last month, Chairman BOB FILNER said this about the crisis facing our veterans: This is not a crisis that only concerns numbers. This is a matter of life and death for the veterans for whom we are responsible.

I urge the VA to continue its efforts to extend its reach into rural areas. I applaud the nation's thousands of volunteers who serve our Nations' veterans. And I offer this legislation as one way to begin a new approach to help those who have sacrificed so much in the name of duty, honor, and country.

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. 3095

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 ''Relief for Rural Veterans in Crisis Act of 2008''.

SEC. 2. EXPANSION AND EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

(a) IN GENERAL.—Section 1820(g) of the Social Security Act (42 U.S.C. 1395i–4(g)) is amended by adding at the end the following new paragraph:

''(6) PROVIDING MENTAL HEALTH SERVICES AND OTHER HEALTH SERVICES TO VETERANS AND OTHER RESIDENTS OF RURAL AREAS.—

''(A) GRANTS TO STATES.—The Secretary may award grants to States that have submitted applications in accordance with subparagraph (B) for increasing the delivery of mental health services or other health care services deemed necessary to meet the needs of veterans of Operation Iraqi Freedom and Operation Enduring Freedom living in rural areas (as defined for purposes of section 1886(d) and including areas that are rural census tracks, as defined by the Administrator of the Health Resources and Services Administration), including for the provision of crisis intervention services and the detection of post-traumatic stress disorder, traumatic brain injury, and other signature injuries of veterans of Operation Iraqi Freedom and Operation Enduring Freedom, and for referral of such veterans to medical facilities operated by the Department of Veterans Affairs, and for the delivery of such services to other residents of such rural areas.

''(B) APPLICATION.—

''(i) IN GENERAL.—An application is in accordance with this subparagraph if the State submits to the Secretary at such time and in such form as the Secretary may require an application containing the assurances described in subparagraphs (A)(ii) and (A)(iii) of subsection (b)(1).

''(ii) CONSIDERATION OF REGIONAL APPROACHES, NETWORKS, OR TECHNOLOGY.—The Secretary may, as appropriate in awarding grants to States under subparagraph (A), consider whether the application submitted by a State under this subparagraph includes 1 or more proposals that utilize regional approaches, networks, health information technology, telehealth, or telemedicine to deliver services described in subparagraph (A) to individuals described in that subparagraph. For purposes of this clause, a network may, as the Secretary determines appropriate, include Federally qualified health centers, rural health clinics, home health agencies, community mental health clinics and other providers of mental health services, pharmacists, local government, and other providers deemed necessary to meet the needs of veterans.

''(iii) COORDINATION AT LOCAL LEVEL.—The Secretary shall require, as appropriate, a State to demonstrate consultation with the hospital association of such State, rural hospitals located in such State, providers of mental health services, or other appropriate stakeholders for the provision of services under a grant awarded under this paragraph.

''(iv) SPECIAL CONSIDERATION OF CERTAIN APPLICATIONS.—In awarding grants to States under subparagraph (A), the Secretary shall give special consideration to applications submitted by States in which veterans make up a high percentage (as determined by the Secretary) of the total population of the State. Such consideration shall be given without regard to the number of veterans of Operation Iraqi Freedom and Operation Enduring Freedom living in the areas in which mental health services and other health care services would be delivered under the application.

''(C) COORDINATION WITH VA.—The Secretary shall, as appropriate, consult with the Director of the Office of Rural Health of the Department of Veterans Affairs in awarding grants to States under subparagraph (A).

''(D) USE OF FUNDS.—A State awarded a grant under this paragraph may, as appropriate, use the funds to reimburse providers of services described in subparagraph (A) to individuals described in that subparagraph.

''(E) LIMITATION ON USE OF GRANT FUNDS FOR ADMINISTRATIVE EXPENSES.—A State awarded a grant under this paragraph may not expend more than 15 percent of the amount of the grant for administrative expenses.

''(F) FINAL REPORT.—Not later than 1 year after the date on which the last grant is awarded to a State under subparagraph (A), the Secretary shall submit a report to Congress on the grants awarded under such subparagraph. Such report shall include an assessment of the impact of such grants on increasing the delivery of mental health services and other health services to veterans of the United States Armed Forces living in rural areas (as so defined and including such areas that are rural census tracks), with particular emphasis on the impact of such grants on the delivery of such services to veterans of Operation Enduring Freedom and Operation Iraqi Freedom, and to other individuals living in such rural areas.''.

(b) USE OF FUNDS FOR FEDERAL ADMINISTRATIVE EXPENSES.—Section 1820(g)(5) of the Social Security Act (42 U.S.C. 1395i–4(g)(5)) is amended—

(1) by striking ''beginning with fiscal year 2005'' and inserting ''for each of fiscal years 2005 through 2008''; and

(2) by inserting ''and, of the total amount appropriated for grants under paragraphs (1), (2), and (6) for a fiscal year (beginning with fiscal year 2009)'' after ''2005)''.

(c) EXTENSION OF AUTHORIZATION FOR FLEX GRANTS.—Section 1820(j) of the Social Security Act (42 U.S.C. 1395i–4(j)) is amended—

(1) by striking ''and for'' and inserting ''for''; and

(2) by inserting '', for making grants to all States under paragraphs (1) and (2) of subsection (g), $55,000,000 in each of fiscal years 2009 and 2010, and for making grants to all States under paragraph (6) of subsection (g), $50,000,000 in each of fiscal years 2009 and 2010, to remain available until expended'' before the period at the end.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 584—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY AND EXPRESSING THE SENSE OF THE SENATE THAT HISOTRY SHOULD BE REGARDED AS A MEANS FOR UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. DURBIN (for himself, Mr. LEVIN, Mr. OBAMA, Mr. REID, Ms. STABENOW, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 584

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Mr. DURBIN. Mr. President, today I am pleased to introduce with Senator LEVIN a resolution recognizing the historical significance of Juneteenth Independence. Day.

Two years after President Lincoln's Emancipation Proclamation and months after the end of the Civil War, many African-Americans were still being denied the freedom that had been won. Juneteenth commemorates June 19, 1865, the day Union soldiers arrived in Galveston, Texas, to announce that the Civil War had ended and ensure that the slaves were free. African-Americans who had been enslaved began celebrating June 19 the following year as the anniversary of their emancipation, the day their dreams of freedom became reality.

As Americans, we can't afford to forget the lessons learned from slavery and that terrible stain on our nation's history. Juneteenth reminds us to stay vigilant in our efforts to secure equal opportunity for all Americans to keep working for justice. Justice is true freedom and equality for all citizens, regardless of race, religion, or ethnic background.

I thank Senators OBAMA, REID, STABENOW, and BROWNBACK for joining Senator LEVIN and me in recognizing historic Juneteenth Independence Day. I encourage my colleagues to support this important resolution.

SENATE RESOLUTION 585—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO (for himself, Mr. MENENDEZ, Mr. SHELBY, Mrs. DOLE, and Mr. HATCH) submitted the following resolution, which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 585

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 54,000 in 2008, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 186,320 in 2008, and an estimated 28,660 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 9 through 15, 2008, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 586—CONGRATULATING THE ARIZONA STATE UNIVERSITY WOMEN'S SOFTBALL TEAM FOR WINNING THE 2008 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I SOFTBALL CHAMPIONSHIP

Mr. KYL (for himself and Mr. MCCAIN) submitted the following resolution; which was considered and agreed to:

S. RES. 586

Whereas, on June 3, 2008, the Arizona State University women's softball team (in this

preamble referred to as the ''ASU Sun Devils'') won the 2008 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the women's softball team of Texas A & M University by a score of 11 to 0;

Whereas that victory marks the first championship title for the ASU Sun Devils;

Whereas the ASU Sun Devils now hold the Women's College World Series record for the largest margin of victory in a championship game;

Whereas the ASU Sun Devils beat opponents by a combined score of 24 to 2 in 5 Women's College World Series wins and completed the season with 66 wins and 5 losses and a perfect 10 and 0 mark in the postseason; and

Whereas ASU Sun Devils pitcher Katie Burkhart finished with 5 wins and 53 strikeouts in the Women's College World Series and earned Most Valuable Player honors: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Arizona State University women's softball team for winning the 2008 National Collegiate Athletic Association Division I Women's Softball Championship; and

(2) recognizes the players, coaches, and support staff who were instrumental in that achievement.

SENATE RESOLUTION 587—DECLARING JUNE 6, 2008, A NATIONAL DAY OF PRAYER AND REDEDICATION FOR THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES AND THEIR MISSION

Mr. DEMINT (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 587

Whereas public prayer and national days of prayer are a long-standing American tradition to bolster national resolve and summon the national will for victory;

Whereas the Continental Congress asked the colonies to pray for wisdom in forming a nation in 1775;

Whereas Benjamin Franklin proposed that the Constitutional Convention begin each day with a prayer;

Whereas General George Washington, as he prepared his troops for battle with the British in May 1776, ordered them to pray for the campaign ahead, that it would please the Almighty to ''prosper the arms of the united colonies'' and ''establish the peace and freedom of America upon a solid and lasting foundation'';

Whereas President Abraham Lincoln, in declaring in the Gettysburg Address that ''this nation, under God, shall have a new birth of freedom'', rededicated the Nation to ensuring that ''government of the people, by the people, for the people, shall not perish from the earth'';

Whereas, as 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944 (D-Day), President Franklin Delano Roosevelt went on the national radio to lead the Nation in prayer for their success;

Whereas, in his D-Day radio prayer, President Roosevelt did not declare a single day of special prayer, but instead compelled all Americans to ''devote themselves in a continuance of prayer'';

Whereas the words of President Roosevelt calling on all Americans to ''devote themselves in a continuance of prayer'' for American soldiers, sailors, airmen, and Marines in harm's way are just as appropriate today as they were in June 1944;

Whereas, with our troops once again facing danger abroad and the Nation looking for support here at home, the time is ripe to once again heed the words and prayerful wisdom contained in the D-Day radio address of the 20th century's greatest Democrat president as he implored the Nation: ''as we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts'';

Whereas more than 300,000 men and women of the United States Armed Forces are deployed worldwide today;

Whereas about 200,000 of these troops are engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies;

Whereas more than 4,500 brave Americans have been killed, and over 42,000 have been wounded, while fighting the War on Terror;

Whereas, because the War on Terror will be long and hard, because success is not likely to come with rushing speed, and because the sacrifice will continue to be immeasurable in human terms, it is appropriate to make the anniversary of D-Day, June 6, a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

Whereas the D-Day radio address of President Roosevelt is the inspiration and model for this annual national day of prayer and rededication: Now, therefore, be it

Resolved, That—

(1) June 6, 2008, will be a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

(2) in encouraging our fellow Americans to join us in this national day of prayer and rededication for our troops and their mission, by reflecting on President Roosevelt's D-Day radio prayer, as follows:

''My Fellow Americans:

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest — until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them — help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.''.

Mr. DEMINT. Mr. President, I rise to speak on a resolution I have submitted today that declares June 6 a national day of prayer and rededication for the men and women of the U. S. Armed Forces and their mission.

As my colleagues know, when 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944, President Franklin Roosevelt went on national radio to lead the Nation in prayer for their success.

With over 300,000 men and women of the U.S. Armed Forces deployed worldwide today, and many of these troops directly engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies, President Roosevelt's words calling on all Americans to ''devote themselves to a continuance of prayer'' for American soldiers, sailors, airmen, and marines in harm's way are as appropriate today as they were in June of 1944.

It is appropriate to make every anniversary of D-day, June 6, a national day of prayer for the men and women of the U.S. Armed Forces.

Now I will read President Roosevelt's D-day radio prayer:

My Fellow Americans:

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home— fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

Mr. President, I hope the Senate will take up this resolution and make June 6 a national day of prayer for our Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4863. Mr. CORKER (for himself, Mr. SANDERS, Mrs. MCCASKILL, and Mr. STEVENS) 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.

SA 4864. Mr. CORKER (for himself, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4865. Mr. MENENDEZ (for himself, Ms. SNOWE, and 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 4866. Mrs. MURRAY (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4867. Mr. KERRY (for himself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, Ms. CANTWELL, Mr. CARPER, Mr. NELSON, of Florida, Mr. ROCKEFELLER, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4868. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4869. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4870. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. LIEBERMAN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4871. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4872. Mr. ALEXANDER (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4873. Mr. CHAMBLISS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4874. Mr. DOMENICI (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4875. Mr. DOMENICI (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4876. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4877. Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4878. Mr. ROBERTS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4879. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4880. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. CARPER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4882. Mr. SPECTER (for himself, Mr. BROWN, Mr. LEVIN, Ms. KLOBUCHAR, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4883. Mr. SPECTER (for himself, Mr. COLEMAN, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4884. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4885. Mr. ISAKSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4886. Mr. GRAHAM (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4887. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4888. Mr. INHOFE (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4889. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4890. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4891. 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 4892. 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 4893. 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 4894. 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 4895. 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 4896. 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 4897. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4898. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4899. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4900. Mr. SALAZAR (for himself, Mrs. DOLE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4901. Mr. SALAZAR (for himself, Mr. BARRASSO, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4902. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4903. Mr. WARNER (for himself, Mr. LIEBERMAN, Mrs. DOLE, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4904. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4905. Mr. CARPER (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4906. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4907. Mr. CARPER (for himself, Mr. GREGG, Mrs. FEINSTEIN, Ms. COLLINS, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4908. Mr. CARPER (for himself, Mr. ALEXANDER, Mrs. BOXER, Ms. COLLINS, Mr. BIDEN, Mr. GREGG, Mr. CARDIN, Mr. SUNUNU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4909. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4910. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4911. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4912. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4913. Mr. SMITH (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4914. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4915. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4916. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. JOHNSON, Mr. THUNE, Mr. SALAZAR, Mr. SMITH, Mr. BARRASSO, Mr. ENZI, Mrs. FEINSTEIN, Mr. CRAPO, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4917. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4918. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4919. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4920. Mr. REID (for Mr. BYRD (for himself, Mrs. MURRAY, Mr. DORGAN, Mr. LEAHY, Mr. DURBIN, Mrs. FEINSTEIN, and Ms. MIKULSKI)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4921. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4922. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4923. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4924. 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 4925. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4926. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4927. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4928. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4929. Mr. SMITH (for himself, Mr. WYDEN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4930. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4931. Mr. INHOFE (for himself, Mr. VITTER, Mr. CRAIG, Mr. DEMINT, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4932. Mr. CRAIG (for himself, Mr. DOMENICI, Mr. BARRASSO, Mr. ALLARD, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4933. Mr. CRAIG (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4934. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4935. Mr. CARDIN (for himself, Mr. ALEXANDER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4936. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4937. Mr. CARDIN (for himself, Mr. CARPER, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4938. Mr. CARDIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4939. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4940. Mr. SMITH (for himself, Mr. WYDEN, Ms. CANTWELL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4941. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4942. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4943. Mr. BOND (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4944. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4945. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4946. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4947. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4948. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4949. Ms. STABENOW (for herself, Mr. CRAPO, Mr. BROWNBACK, Mr. SALAZAR, Mrs. DOLE, Mr. JOHNSON, Mr. CONRAD, Ms. KLOBUCHAR, 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 4950. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. WYDEN, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4951. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4952. Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Ms. SNOWE, 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 4953. Mr. MCCONNELL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4954. Mr. JOHNSON (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4955. Mr. DORGAN (for himself, Mr. WARNER, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4956. Mr. ENZI (for himself, Mr. BOND, Mr. INHOFE , and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4957. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4958. Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4959. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4960. Mr. VITTER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4961. Mr. VITTER (for himself, Mr. CRAIG, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4962. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4963. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4964. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4965. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4966. Mr. BROWN (for himself, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4967. Mr. BROWN (for himself, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4968. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4969. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4970. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4971. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4972. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4974. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4975. Mrs. BOXER 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 4863. Mr. CORKER (for himself, Mr. SANDERS, Mrs. MCCASKILL, Mr. STEVENS) 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 25, lines 20 and 21, strike ''sections 1313(a) and 1314(b)'' and insert ''section 1313(a)''.

On page 78, lines 4 and 5, strike ''international allowances under section 322 and''.

Beginning on page 112, strike line 3 and all that follows through page 116, line 16.

On page 150, strike lines 15 through 23 and insert the following:

(3) Increase the quantity of offset allowances

Beginning on page 424, strike line 4 and all that follows through page 425, line 25, and insert the following:

SEC. 1311. SENSE OF SENATE REGARDING ENCOURAGEMENT OF INTERNATIONAL EFFORTS TO REDUCE GREENHOUSE GAS EMISSIONS FROM DEFORESTATION.

(a) FINDINGS.—The Senate finds that—

(1) tropical deforestation accounts for 20 percent of the global total of human-caused greenhouse gas emissions each year;

(2) efforts to greatly reduce global tropical deforestation are important to stabilizing global atmospheric greenhouse gases at levels that would avoid dangerous anthropogenic interference with the climate system;

(3) the Federal Government supports efforts to preserve and restore global forest ecosystems as part of a coordinated effort to respond to global warming;

(4) notwithstanding the desirability of reducing tropical deforestation as part of a global warming program, there remain a large number of unresolved issues surrounding the validity of international offsets as a means for ensuring actual reductions in emissions of greenhouse gases;

(5) the integrity of the emission reductions required under the domestic cap-and-trade program under this Act would be strengthened if international forestry projects were not pursued as offsets; and

(6) it is desirable to create a global funding stream sufficient to reduce global deforestation rates.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in recognition of the importance of international forest protection to stabilizing global climate, Congress should develop a mechanism to encourage international efforts to reduce greenhouse gas emissions from deforestation.

On page 426, line 10, strike ''sections 1313 and 1314'' and insert ''section 1313''.

Beginning on page 430, strike line 1 and all that follows through page 437, line 16.

SA 4864. Mr. CORKER (for himself, Mr. CRAIG, and Mr. CHAMBLISS) 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 19, between lines 16 and 17, insert the following:

(11) CLIMATE TAX REFUND FUND.—The term ''Climate Tax Refund Fund'' means the fund established by section 581.

On page 159, strike lines 3 through 18 and insert the following:

The Administrator shall deposit the proceeds from each cost-containment auction in the Climate Tax Refund Fund for use in accordance with section 584.

On page 161, lines 11 and 12, strike ''Change Worker Training and Assistance'' and insert ''Tax Refund''.

On page 161, line 16, strike ''Change Worker Training and Assistance'' and insert ''Tax Refund''.

On page 161, line 24, strike ''Change Worker Training and Assistance'' and insert ''Tax Refund''.

In the heading of the right column of the table contained on page 162, after line 17, strike ''Change Worker Training and Assistance'' and insert ''Tax Refund''.

In the left column of the table that appears on page 163, before line 1, strike ''2059'' and insert ''2050''.

On page 163, lines 4 and 5, strike ''Change Worker Training and Assistance'' and insert ''Tax Refund''.

Beginning on page 163, strike line 6 and all that follows through page 164, line 20.

Beginning on page 164, strike line 21 and all that follows through page 183, line 3.

On page 201, line 22, strike ''Change Consumer Assistance'' and insert ''Tax Refund''.

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 Climate Tax Refund Fund, for each of calendar

On page 202, line 11, strike ''Change Consumer Assistance'' and insert ''Tax Refund''.

In the heading of the right column of the table contained on page 203, after line 2, strike ''Change Consumer Assistance'' and insert ''Tax Refund''.

On page 204, lines 1 and 2, strike ''Change Consumer Assistance'' and insert ''Tax Refund''.

On page 204, strike lines 3 through 14 and insert the following:

SEC. 584. USE OF AMOUNTS IN CLIMATE TAX REFUND FUND.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED COUPLE.—The term ''qualified couple'' means a married couple the combined annual income of which does not exceed $300,000.

(2) QUALIFIED INDIVIDUAL.—The term ''qualified individual'' means an individual the annual income of whom does not exceed $150,000.

(b) REIMBURSEMENTS.—The Administrator shall establish, by regulation, a program under which, for each of calendar years 2012 through 2050, the Administrator, in consultation with the Secretary of the Treasury, shall use amounts deposited in the Climate Tax Refund Fund for the calendar year to provide to qualified couples and qualified individuals reimbursement in an amount described in subsection (c).

(c) AMOUNTS.—For each calendar year described in subsection (b), the amount of reimbursement paid to each qualified couple and each qualified individual shall be determined proportionately, based on the total amount in the Climate Tax Refund Fund for the calendar year.

Beginning on page 204, strike line 22 and all that follows through page 217, line 4, and insert the following:

SEC. 601. ASSISTING ENERGY CONSUMERS.

(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 Climate Tax Refund 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 Climate Tax Refund 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. MASS TRANSIT.

(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:

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 Climate Tax Refund 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 Climate Tax Refund 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 in the Climate Tax Refund Fund, for use in accordance with section 584.

On page 249, strike lines 13 through 24 and insert the following:

SEC. 621. AUCTION.

(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, insert ''auction to'' after ''Percentage for''.

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 Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 267, strike line 16 and all that follows through page 268, line 19, and insert the following:

SEC. 631. AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (b), 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 Climate Tax Refund 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) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a)(1), 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 268, after line 19, strike ''for Fund''.

Beginning on page 269, strike line 1 and all that follows through page 279, line 14, and insert the following:

(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 Climate Tax Refund 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.

(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 Climate Tax Refund 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.

(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.

(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.

(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.

(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 Climate Tax Refund 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.

(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.

(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 Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 304, strike line 11 and all that follows through page 307, line 9, and insert the following:

SEC. 1001. AUCTIONS.

(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 Climate Tax Refund 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.

(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 Climate Tax Refund 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, in accordance with subsection (b), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the 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) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund 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.

(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 Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 352, strike line 21 and all that follows through page 354, line 9, and insert the following:

SEC. 1201. AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—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.

(2) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

In the heading of the right column of the table contained on page 355, after line 2, strike ''for funds''.

Beginning on page 356, strike line 1 and all that follows through page 381, line 9.

Beginning on page 438, strike line 6 and all that follows through page 442, line 2, and insert the following:

SEC. 1321. AUCTIONS.

(a) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), 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.

(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 Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 442, strike line 7 and all that follows through page 443, line 16, and insert the following:

SEC. 1331. AUCTION.

(a) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (b), 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) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this subsection, immediately on receipt of those proceeds, in the Climate Tax Refund Fund, for use in accordance with section 584.

(b) PERCENTAGE FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (a) the percentage of emission allowances specified in the following table:

In the heading of the right column of the table contained on page 443, after line 16, strike ''for Fund''.

Beginning on page 444, strike line 1 and all that follows through page 456, line 23.

Beginning on page 457, strike line 1 and all that follows through page 458, line 5, and insert the following:

TITLE XIV—ADDITIONAL AUCTIONS FOR CLIMATE TAX REFUND FUND

SEC. 1401. ADDITIONAL 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 Climate Tax Refund 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:

In the heading of the right column of the table contained on page 458, after line 5, strike ''Deficit Reduction'' and insert ''Climate Tax Refund''.

On page 459, strike lines 1 through 7 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 Climate Tax Refund Fund, for use in accordance with section 584.

Beginning on page 478, strike line 19 and all that follows through page 481, line 3, and insert the following:

Subtitle A—Additional Auctions for Climate Tax Refund Fund

SEC. 1701. 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 Climate Tax Refund 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 Climate Tax Refund 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.

(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 Climate Tax Refund Fund, for use in accordance with section 584.

SA 4865. Mr. MENENDEZ (for himself, Ms. SNOWE, and 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 196, line 21, strike ''2 percent'' and insert ''1.5 percent''.

On page 198, between lines 16 and 17, insert the following:

(c) LIMITATION.—No emission allowance shall be distributed to an owner or operator of an entity described in section 561(a) under this subtitle if the owner or operator, or the parent company of the owner or operator, has total annual revenue that is equal to or greater than—

(1) in the case of calendar year 2012, $100,000,000,000; and

(2) in the case of each subsequent calendar year, $100,000,000,000, as adjusted to reflect the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index) since calendar year 2012.

On page 443, after line 16, strike the table and insert the following:

Calendar year	Percentage for auction for Fund
2012	1.5
2013	1.5
2014	1.75
2015	1.75
2016	1.75
2017	1.75
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.

SA 4866. Mrs. MURRAY (for herself and Ms. SNOWE) 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 161, between lines 8 and 9, insert the following:

PART I—CLIMATE CHANGE WORKER TRAINING AND ASSISTANCE

On page 181, line 14, insert ''and'' at the end.

On page 181, strike lines 17 through 19 and insert ''ties.''

On page 183, between lines 3 and 4, insert the following:

PART II—WORKFORCE EDUCATION

SEC. 538. CLIMATE CHANGE WORKFORCE EDUCATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Climate Change Workforce Education Fund''.

(b) AUCTIONS.—Annually over the course of at least 4 auctions spaced evenly over a period beginning 330 days before, and ending 60 days before, the beginning of each of calendar years 2012 through 2050, the Administrator shall, for the purpose of raising funds to deposit in the Climate Change Workforce Education Fund, auction a quantity of emission allowances established for that year pursuant to section 201(a) in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for Climate Change Workforce Education 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
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.

(c) DEPOSITS.—Immediately upon receipt of proceeds from auctions conducted under subsection (b), the Administrator shall deposit all of the proceeds into the Climate Change Workforce Education Fund.

(d) USE OF FUNDS.—

(1) DEFINITION OF CLIMATE CHANGE EDUCATION.—In this subsection, the term ''climate change education'' means formal and informal learning at all levels about the relevant relationships between dynamic environmental and human systems exemplified by climate change.

(2) USE OF FUNDS.—Subject to the availability of appropriations, funds made available annually under this section shall be allocated to relevant Federal agencies to implement climate change education and related grantmaking programs, with a priority on funding programs authorized by Congress at the maximum authorization.

Strike the table on page 458, following 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	5.25
2019	5
2020	6
2021	7.5
2022	6.75
2023	7.75
2024	8.75
2025	8.75
2026	10.75
2027	10.75
2028	9.75
2029	10.75
2030	10.75
2031	15.75
2032	13.75
2033	13.75
2034	12.75
2035	12.75

Calendar year	Percentage for auction for Deficit Reduction Fund
2036	12.75
2037	12.75
2038	12.75
2039	13.75
2040	13.75
2041	13.75
2042	13.75
2043	13.75
2044	13.75
2045	13.75
2046	13.75
2047	13.75
2048	13.75
2049	13.75
2050	13.75.

SA 4867. Mr. KERRY (for himself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, Ms. CANTWELL, Mr. CARPER, Mr. NELSON of Florida, Mr. ROCKEFELLER, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —CLIMATE CHANGE RESEARCH

SEC. —000. TABLE OF CONTENTS

The table of contents for this division is as follows:

TITLE I—GLOBAL CHANGE RESEARCH IMPROVEMENT

SEC. —101. SHORT TITLE.

This title may be cited as the ''Global Change Research Improvement Act of 2008''.

SUBTITLE A—GLOBAL CHANGE RESEARCH

SEC. —111. AMENDMENT OF GLOBAL CHANGE RESEARCH ACT OF 1990.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

SEC. —112. CHANGES TO FINDINGS AND PURPOSE.

Section 101 (15 U.S.C. 2931) is amended to read as follows:

''SEC. 101. PURPOSE.

''The purpose of this title is to provide for the continuation and coordination of a comprehensive and integrated United States observation, research, assessment, and outreach program which will assist the Nation and the world to better understand, assess, predict, mitigate, and adapt to the effects of human-induced and natural processes of global change.''.

SEC. —113. CHANGES IN DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 2921) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) CLIMATE CHANGE.—The term 'climate change' means any change in climate over time, whether due to natural variability or as a result of human activity.'';

(3) by striking ''Earth and Environmental Sciences'' in paragraph (2), as redesignated and inserting ''Global Change Research'';

(4) by striking ''Federal Coordinating Council on Science, Engineering, and Technology;'' in paragraph (3), as redesignated, and inserting ''National Science and Technology Council established by Executive Order 12881, November 23, 1993.'';

(5) by striking paragraph (4), as redesignated, and inserting the following:

''(4) GLOBAL CHANGE.—The term 'global change' means human-induced or natural changes in the global environment (including climate change and other phenomena affecting land productivity, oceans and coastal areas, freshwater resources, atmospheric chemistry, biodiversity, and ecological systems) that may alter the capacity of Earth to sustain life.''; and

(6) by striking ''National Global Change Research Plan'' in paragraph (5) and inserting ''National Global Change Research and Assessment Plan''.

(b) STYLISTIC CONFORMITY.—Section 2 (15 U.S.C. 2921) is further amended—

(1) by striking ''As used in this Act, the term—'' and inserting ''In this Act:'';

(2) by inserting after the designation of paragraphs (2), (3), (5), (6), and (7), as redesignated—

(A) a heading, in a form consistent with the form of the heading of this subsection, consisting of the term defined by such paragraph; and

(B) ''The term''; and

(3) by striking the semicolon at the end of paragraphs (2), (3), and (5), as redesignated, and inserting a period; and

(4) by striking ''thereof; and'' in paragraph (6), as redesignated, and inserting ''thereof.''.

SEC. —114. CHANGE IN COMMITTEE NAME AND STRUCTURE.

Section 102 (15 U.S.C. 2932) is amended—

(1) by striking ''EARTH AND ENVIRONMENTAL SCIENCES.'' in the section heading and inserting ''GLOBAL CHANGE RESEARCH.'';

(2) by striking ''Earth and Environmental Sciences.'' in subsection (a) and inserting ''Global Change Research.'';

(3) by striking ''under section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651)'' in subsection (a);

(4) by redesignating paragraphs (14) and (15) of subsection (b) as paragraphs (15) and (16), respectively, and inserting after paragraph (13) the following:

''(14) the National Institute of Standards and Technology of the Department of Commerce;'';

(5) by striking the last sentence of subsection (b) and inserting ''The representatives shall be the Deputy Secretary or the Deputy Secretary's designee (or, in the case of an agency other than a department, the deputy head of that agency or the deputy's designee).'';

(6) by striking subsection (d) and inserting the following:

''(d) SUBCOMMITTEES AND WORKING GROUPS.—The Committee may establish such additional subcommittees and working groups to carry out its work as it sees fit.''; and

(7) by striking ''and'' after the semicolon in subsection (e)(6); and

(8) by redesignating paragraph (7) of subsection (e) as paragraph (8) and inserting after paragraph (6) the following:

''(7) work with appropriate Federal, State, regional, and local authorities to ensure that the Program is designed to produce information needed to develop policies to reduce the impacts of global change; and''.

SEC. —115. CHANGE IN NATIONAL GLOBAL CHANGE RESEARCH PLAN.

Section 104 (15 U.S.C. 2934) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 104. NATIONAL GLOBAL CHANGE RESEARCH AND ASSESSMENT PLAN.'' ;

(2) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively, and inserting before subsection (b), as redesignated, the following:

''(a) STRATEGIC PLAN; REVISED IMPLEMENTATION PLAN.—The Chairman of the Council, through the Committee, shall develop a strategic plan for the United States Global Climate Change Research Program for the 10-year period beginning in 2009 and submit the plan to the Congress within 1 year after the date of enactment of the Global Change Research Improvement Act of 2008. The strategic plan shall include a detailed plan for research, assessment, information management, public participation, outreach, and budget and shall be updated at least once every 5 years.'';

(3) by inserting ''and Assessment'' after ''Research'' in subsection (b), as redesignated;

(4) by striking ''research.'' in subsection (b), as redesignated, and inserting ''research and assessment.'';

(5) by striking ''this title,'' in subsection (b), as redesignated, and inserting ''the Global Change Research Improvement Act of 2008,'';

(6) by inserting ''short-term and long-term'' before ''goals'' in paragraph (1) of subsection (c), as redesignated;

(7) by striking ''usable information on which to base policy decisions related to'' in paragraph (1) of subsection (c), as redesignated, and inserting ''information relevant and readily usable by local, State, and Federal decisionmakers, as well as other end-users, for the formulation of effective decisions and strategies for measuring, predicting, mitigating, and adapting to'';

(8) by inserting ''development of regional scenarios, assessment of model predictability, assessment of climate change impacts,'' after ''predictive modeling,'' in paragraph (2) of subsection (c), as redesignated;

(9) by striking ''priorities;'' in paragraph (2) of subsection (c), as redesignated, and inserting ''priorities and propose measures to address gaps and growing needs for these activities;''

(10) by striking paragraphs (6) and (7) of subsection (c), as redesignated, and inserting the following:

''(6) make recommendations for the coordination of the global change research and assessment activities of the United States with such activities of other Nations and international organizations, including—

''(A) a description of the extent and nature of international cooperative activities;

''(B) bilateral and multilateral efforts to provide worldwide access to scientific data and information, and proposals to improve such access and build capacity for its use; and

''(C) improving participation by developing Nations in international global change research and environmental data collection;

''(7) detail budget requirements for Federal global change research and assessment activities to be conducted under the Plan;

''(8) include a process for identifying information needed by appropriate Federal, State, regional, and local decisionmakers to develop policies to plan for and address projected impacts of global change;

''(9) identify and sustain the observing systems currently employed in collecting data relevant to global and regional climate change research and prioritize additional observation systems that may be needed to ensure adequate data collection and monitoring of global change;

''(10) identify existing capabilities and gaps in national, regional, and local climate prediction and scenario-based modeling capabilities for forecasting and projecting climate impacts at local and regional levels, and propose measures to address such gaps;

''(11) describe specific activities designed to facilitate outreach and data and information exchange with regional, State, and local governments and other user communities;

''(12) identify and describe ecosystems and geographic regions of the United States that are likely to experience similar impacts of global change or are likely to share similar vulnerabilities to global change; and

''(13) include such additional matter as the Committee deems appropriate.'';

(11) by striking paragraphs (1) and (2) of subsection (d), as redesignated, and inserting the following:

''(1) Global and regional research and measurements to understand the nature of and interaction among physical, chemical, biological, land use, and social processes responsible for changes in the Earth system on all relevant spatial and time scales.

''(2) Development of indicators, baseline databases, and ongoing monitoring to document global change, including changes in species distribution and behavior, changes in oceanic and atmospheric chemistry, extent of ice sheets, glaciers, and snow cover, shifts in water distribution and abundance, and changes in sea level.'';

(12) by adding at the end of subsection (d), as redesignated, the following:

''(6) Address emerging priorities for climate change science, such as ice sheet melt and movement, the relationship between climate change and hurricane and typhoon development, including intensity, track, and frequency, decreasing water levels in the Great Lakes, and droughts in the western and southeastern United States.

''(7) Methods for integrating information to provide predictive and other tools for planning and decisionmaking by governments, communities and the private sector.'';

(13) by striking ''and'' in paragraph (2) of subsection (e), as redesignated;

(14) by striking paragraph (3) of subsection (e), as redesignated, and inserting the following:

''(3) combine and interpret data from various sources to produce information readily usable by local, State, and Federal policymakers, and other end-users, attempting to formulate effective decisions and strategies for mitigating and adapting to the effects of global change; and'';

(15) by adding at the end of subsection (e), as redesignated, the following:

''(4) establish a common assessment and modeling framework that may be used in both research and operations to project, predict, and assess the vulnerability of natural and managed ecosystems and of human society in the context of other environmental and social changes.''; and

(16) by striking subsection (f), as redesignated, and inserting the following:

''(f) NATIONAL RESEARCH COUNCIL EVALUATION.—

''(1) REVIEW OF STRATEGIC PLAN.—The Chairman of the Council shall enter into an agreement with the National Research Council under which the National Research Council shall—

''(A) evaluate the scientific content of the Plan;

''(B) provide information and advice obtained from United States and international sources, and recommended priorities for future global and regional climate research and assessment; and

''(C) address such other studies on emerging priorities as the Chairman determines to be warranted.

''(2) ADDITIONAL NATIONAL RESEARCH COUNCIL STUDIES.—The Chairman shall execute an agreement with the National Research Council—

''(A) to examine existing research, potential risks (including adverse impacts to the marine environment), and the effectiveness of ocean iron fertilization or other coastal and ocean carbon sequestration technologies; and

''(B) to identify domestic and international regulatory mechanisms and regulatory gaps for controlling the deployment of such technologies and provide recommendations for addressing such regulatory gaps.''.

SEC. —116. INTEGRATED PROGRAM OFFICE.

Section 105 (15 U.S.C. 2935) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) by inserting before subsection (b), as redesignated, the following:

''(a) GLOBAL CHANGE RESEARCH COORDINATION OFFICE.—

''(1) IN GENERAL.—The President shall establish a Global Change Research Coordination Office. The Office shall have a director, who shall be a senior scientist or other qualified professional with research expertise in climate change science, as well as experience in policymaking, planning, or resource management, and a fulltime staff. The Office shall—

''(A) manage, in conjunction with the Committee, interagency coordination and program integration of global change research activities and budget requests;

''(B) ensure that the activities and programs of each Federal agency or department participating in the Program address the goals and objectives identified in the strategic research plan and interagency implementation plans;

''(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the strategic and implementation plans for the Program;

''(D) review, solicit, identify, and arrange funding for partnership projects that address critical research objectives or operational goals of the Program, including projects that would fill research gaps identified by the Program, and for which project resources are shared among at least 2 agencies participating in the Program;

''(E) review and provide recommendations, in conjunction with the Committee, on all annual appropriations requests from Federal agencies or departments participating in the Program;

''(F) provide technical and administrative support to the Committee;

''(G) serve as a point of contact on Federal climate change activities for government organizations, academia, industry, professional societies, State climate change programs, interested citizen groups, and others to exchange technical and programmatic information; and

''(H) conduct public outreach, including dissemination of findings and recommendations of the Committee, as appropriate.

''(2) FUNDING.—The Office may be funded through interagency funding in accordance with section 631 of the Treasury and General Government Appropriations Act, 2003 (Pub. L. 108–7; 117 Stat. 471).

''(3) REPORT.—Within 90 days after the date of enactment of the Global Change Research Improvement Act of 2008, the Director of the Office of Science and Technology Policy shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology on the funding of the Office. The report shall include—

''(A) the amount of funding required to adequately fund the Office; and

''(B) the adequacy of existing mechanisms to fund the Office.''; and

(3) by striking ''Committee.'' in paragraph (2) of subsection (c), as redesignated, and inserting ''Committee and the Global Change Research Coordination Office.''.

SEC. —117. BUDGET COORDINATION.

Section 105 (15 U.S.C. 2935), as amended by section —116 of this division, is further amended by striking subsection (d), as redesignated, and inserting the following:

''(d) CONSIDERATION IN PRESIDENT'S BUDGET.—

''(1) IN GENERAL.—Before each annual budget submitted to the Congress under section 1105 of title 31, United States Code, the President shall, in a timely fashion, provide an opportunity to the Committee and the Global Change Research Coordination Office to review and comment on the budget estimate of each agency and department involved in global change research in the context of the Plan. The Committee and the Global Change Research Coordination Office shall transmit a report containing the results of their reviews to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology no later than the date on which the President submits the annual budget to the Congress under section 1105 of title 31, United States Code.

''(2) PROGRAM ITEMS.—The President shall submit, at the time of the annual budget request to Congress, an integrated budget plan that would consolidate and highlight Program priorities and include a description of those items in each agency's annual budget which are elements of the Program.''.

SEC. —118. RESEARCH GRANTS.

Section 105 (15 U.S.C. 2935), as amended by sections —116 and —117 of this division, is further amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

''(b) RESEARCH GRANTS.—

''(1) COMMITTEE TO DEVELOP LIST OF PRIORITY RESEARCH AREAS.—The Committee shall develop a list of priority areas for research and development on climate change that are not being adequately addressed by Federal agencies. In the list, the Committee shall identify the appropriate agency to lead the such areas of research funded under paragraph (3)(A).

''(2) DIRECTOR OF OSTP TO TRANSMIT LIST TO NSF.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING THROUGH NSF.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include, as part of the annual request for appropriations for the Science and Technology Policy Institute, a request for appropriations to fund research in the priority areas on the list developed under paragraph (1).

''(B) AUTHORIZATION.—For fiscal year 2009 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $30,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. —119. EVALUATION OF INFORMATION.

Section 106 (15 U.S.C. 2936) is amended—

(1) by striking ''**SCIENTIFIC**'' in the section heading;

(2) by striking ''On a periodic basis (not less frequently than every 4 years), the Council, through the Committee, shall prepare and submit to the President and the Congress an assessment'' and inserting ''On a periodic basis (not less frequently than every 4 years), the President shall submit to Congress a single, integrated, comprehensive assessment'';

(3) by striking ''and'' after the semicolon in paragraph (2); and

(4) by striking ''years.'' in paragraph (3) and inserting ''years; and''; and

(5) by adding at the end the following:

''(4) evaluates the information being developed under this title, considering in particular its usefulness to local, State, and national decision makers, as well as to other stakeholders such as the private sector, after providing a meaningful opportunity for the consideration of the views of such stakeholders on the effectiveness of the Program and the usefulness of the information.''.

SEC. —120. REPEAL OF OBSOLETE PROVISION.

Section 108(c) (15 U.S.C. 2938(c)) is amended by striking ''stratospheric ozone depletion or''.

SEC. —121. SCIENTIFIC COMMUNICATIONS.

The President shall establish guidelines and implement a plan that requires the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the Environmental Protection Agency, the National Science Foundation, and other Federal agencies with scientific research programs to adopt policies that ensure the integrity of scientific communications. Such policies shall include provisions regarding the approval of final text and communications, and enable scientists to disseminate research results and freely communicate with the Congress, the media, and colleagues in a timely fashion.

SEC. —122. AGING WORKFORCE ISSUES PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration shall implement a program to address aging work force issues in climate science, global change, and other focuses of NOAA research that—

(1) documents technical and management experiences before senior employees leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. —123. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purpose of carrying out this title such sums as may be necessary for fiscal years 2009 through 2013. Of the amounts appropriated for that fiscal year period—

(1) $4,000,000 shall be made available to the Global Change Research Coordination Office through the Office of Science and Technology Policy for each of such fiscal years; and

(2) such sums as may be necessary shall be made available to—

(A) the National Oceanic and Atmospheric Administration for each of such fiscal years;

(B) the National Science Foundation for each of such fiscal years;

(C) the National Aeronautics and Space Administration for each of such fiscal years; and

(D) other Federal agencies participating in the Program, to the extent funds remain available after the application of paragraph (1) and subparagraphs (A), (B), and (C) of this paragraph, for each of such fiscal years.

SUBTITLE B—NATIONAL CLIMATE SERVICE

SEC. —131. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. —132. SHORT TITLE; TABLE OF CONTENTS.

Section 1 of the Act (15 U.S.C. 2901 note) is amended to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'National Climate Service Act of 2008'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. —133. PURPOSE.

Section 3 (15 U.S.C. 2902) is amended by striking ''man-induced climate processes and their implications.'' and inserting ''human-induced climate processes and their implications and to establish a National Climate Service that will advance the national interest and associated international concerns in understanding, forecasting, responding, adapting to, and mitigating the impacts of natural and human-induced climate change and climate variability.''.

SEC. —134. DEFINITIONS.

Section 4 (15 U.S.C. 2903), as amended by section —103 of this division, is amended to read as follows:

''SEC. 4. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) ADVISORY COUNCIL.—The term 'Advisory Council' refers to the Climate Services Advisory Council.

''(3) CLIMATE CHANGE.—The term 'climate change' means any change in climate over time, whether due to natural variability or as a result of human activity.

''(4) COASTAL STATE.—The term 'coastal state' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

''(5) DIRECTOR.—The term 'Director' means the Director of the National Oceanic and Atmospheric Administration's National Climate Service.

''(6) GLOBAL CHANGE RESEARCH PROGRAM.—The term 'Global Change Research Program' means the United States Global Change Research Program established under section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933).

''(7) PROGRAM.—The term 'Program' means the National Climate Program.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

''(9) SERVICE.—The term 'Service' means the National Oceanic and Atmospheric Administration's National Climate Service.''.

SEC. —135. NATIONAL CLIMATE SERVICE.

The Act is amended by striking sections 7 and 8 (15 U.S.C. 2906 and 2907, respectively) and inserting after section 5 the following:

''SEC. 6. NATIONAL CLIMATE SERVICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish within the National Oceanic and Atmospheric Administration a National Climate Service not later than a year after the date of the enactment of the Global Change Research Improvement Act of 2008. The Service shall include a national center and a network of regional and local facilities for operational climate monitoring and prediction.

''(2) DUTIES.—The Service shall produce and deliver authoritative, timely and usable information about climate change, climate variability, trends, and impacts on local, State, regional, national, and global scales.

''(3) SPECIFIC SERVICES.—The Service, at a minimum, shall—

''(A) provide comprehensive and authoritative information about the state of the climate and its effects, through observations, monitoring, data, information, and products that accurately reflect climate trends and conditions;

''(B) provide predictions and projections on the future state of the climate in support of adaptation, preparedness, attribution, and mitigation;

''(C) utilize appropriate research from the United States Global Change Research Program activities and conduct focused research, as needed, to enhance understanding, information and predictions of the current and future state of the climate and its impacts that is relevant to policy, planning, and decision making;

''(D) utilize assessments from the Global Change Research Program activities and conduct focused assessments as needed to enhance understanding of the impacts of climate change and climate variability;

''(E) assess and strengthen delivery mechanisms for providing climate information to end users;

''(F) communicate climate data, conditions, predictions, projections, indicators, and risks on an ongoing basis to decisionmakers and policymakers, the private sector, and to the public;

''(G) coordinate and collaborate on climate change, climate variability, and impacts activities with municipal, state, regional, national and international agencies and organizations, as appropriate;

''(H) support the Department of State and international agencies and organizations, as well as domestic agencies and organizations, involved in assessing and responding to climate change and climate variability;

''(I) establish an atmospheric monitoring and verification program utilizing aircraft, satellite, ground sensors, ocean and coastal observing systems, and modeling capabilities to monitor, measure, and verify greenhouse gas levels, dates, and emissions throughout the global oceans and atmosphere; and

''(J) issue an annual report that identifies greenhouse emission and trends on a local, regional, and national level and identifies emissions or reductions attributable to individual or multiple sources covered by the program established under subparagraph (I).

''(b) ACTION PLAN.—Within 1 year after the date of enactment of the Global Change Research Improvement Act of 2008, the Secretary shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology a plan of action for the National Climate Service. The plan, at a minimum, shall—

''(1) provide for the interpretation and communication of climate data, conditions, predictions, projections, and risks on an ongoing basis to decision and policy makers at the local, regional, and national levels;

''(2) design, deploy, and operate an adequate national climate observing system that closes gaps in existing coverage;

''(3) support infrastructure and ability to archive and quality ensure climate data, and make federally-funded model simulations and other relevant climate information available from the Global Change Research Program activities and other sources (and related data from paleoclimate studies).

''(4) include a program for long-term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and model simulations;

''(5) establish—

''(A) a national coordinated computing strategy, including establishing a new, or supplementing support for existing, national climate computing capability to provide dedicated computing capacity for modeling and forecasting, scenarios, and planning resources, and a regular schedule of projections on long- and short-term time horizons over a range of scales, including regional scales; and

''(B) a mechanism to allow access to such capacity by the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and National Science Foundation sponsored researchers;

''(6) improve integrated modeling, assessment, and predictive capabilities needed to document and predict climate changes and impacts, and to guide national, regional, and local planning and decision making;

''(7) provide a system of regular consultation and coordination with Federal agencies, States, Indian tribes, non-governmental organizations, the private sector and the academic community to ensure—

''(A) that the information requirements of these groups are well incorporated; and

''(B) timely and full sharing, dissemination and use of climate information and services in risk preparedness, planning, decision making, and early warning and natural resources management, both domestically and internationally;

''(8) develop standards, evaluation criteria and performance objectives to ensure that the Service meets the evolving information needs of the public, policy makers and decision makers in the face of a changing climate;

''(9) develop funding estimates to implement the plan; and

''(10) support competitive research programs that will improve elements of the Service described in this Act through the Climate Program Office within the Service headquarter function.

''(c) COORDINATION WITH THE USGCRP.—The Service shall utilize appropriate research from Global Change Research Program activities to enhance understanding, information and predictions of the current and future state of the climate and its impacts that is relevant to policy and decisions. The Service shall provide appropriate information about the current and future state of the climate and its impacts that are useful for research purposes to relevant Global Change Research Program activities. The Director of the Service will serve as a liaison to the Global Change Research Program and a member of the Global Change Research Program should serve on the Advisory Council.

''(d) DIRECTOR.—The Administrator shall appoint a director of the Service, who shall oversee all processes associated with managing the organization and executing the functions and actions described in this Act. The Director will serve as a liaison to the Global Change Research Program to ensure the transition of research into services and to provide services to meet the needs of research.

''(e) NATIONAL CLIMATE SERVICE ADVISORY COUNCIL.—The Administrator shall, in consultation with the chairmen and ranking minority party members of the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology, and the National Academy of Sciences, appoint the membership of a National Climate Service Advisory Council composed of 15 members, with members serving 4-year terms and include a diverse membership from appropriate Federal, State and local government, universities, non-government and private sectors who use climate information and cover a range of sectors, such as water, drought, fisheries, coasts, agriculture, health, natural resources, transportation, and insurance. The Council shall advise the Director of the Service of key priorities in climate-related issues that require the attention of the Service. The Council shall be responsible for ensuring coordination across regional and national concerns and the assessment of evolving information needs.

''SEC. 7. CONTRACT AND GRANT AUTHORITY.

''Functions vested in any Federal officer or agency by this Act or under the Program may be exercised through the facilities and personnel of the agency involved or, to the extent provided or approved in advance in appropriation Acts, by other persons or entities under contracts or grant arrangements entered into by such officer or agency.

''SEC. 8. ANNUAL REPORT.

''The Secretary shall prepare and submit to the President and the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology, as part of the annual report to meet the requirements of section 102(e)(7) of the Global Change Research Act of 1990 (15 U.S.C. 2932(e)(8)), a report on the activities conducted pursuant to this Act during the preceding fiscal year, including—

''(1) a summary of the achievements of the National Climate Service during the previous fiscal year; and

''(2) an analysis of the progress made toward achieving the goals and objectives of the Service.''.

SEC. —136. REAUTHORIZATION.

Subsection (a) of section 11 (15 U.S.C. 2908), as redesignated and amended by section —105 and —107 of this division, respectively, is amended to read as follows:

''(a) NATIONAL CLIMATE SERVICE.—There are authorized to be appropriated to the Secretary to carry out sections 6, 7, and 8 of this Act—

''(1) $300,000,000 for fiscal year 2009;

''(2) $350,000,000 for fiscal year 2010;

''(3) $400,000,000 for fiscal year 2011;

''(4) $450,000,000 for fiscal year 2012; and

''(5) $500,000,000 for fiscal year 2013.''.

SUBTITLE C—TECHNOLOGY ASSESSMENT

SEC. —141. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE

''SEC. 701. ESTABLISHMENT.

''There is hereby created a Science and Technology Assessment Service which shall be within and responsible to the legislative branch of the Government.

"SEC. 702. COMPOSITION.

''The Service shall consist of a Science and Technology Board which shall formulate and promulgate the policies of the Service, and a Director who shall carry out such policies and administer the operations of the Service.

"SEC. 703. FUNCTIONS AND DUTIES.

''The Service shall coordinate and develop information for Congress relating to the uses and application of technology to address current national science and technology policy issues. In developing such technical assessments for Congress, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

"SEC. 704. INITIATION OF ACTIVITIES.

''Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

''(1) the Chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

''(2) the Board; or

''(3) the Director.

"SEC. 705. ADMINISTRATION AND SUPPORT.

''The Director of the Science and Technology Assessment Service shall be appointed by the Board and shall serve for a term of 6 years unless sooner removed by the Board. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall contract for administrative support from the Library of Congress.

"SEC. 706. AUTHORITY.

''The Service shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

''(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

''(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 51);

''(3) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Service and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation; and

''(4) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Service.

"SEC. 707. BOARD.

''The Board shall consist of 13 members as follows—

''(1) 6 Members of the Senate, appointed by the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party;

''(2) 6 Members of the House of Representatives appointed by the Speaker of the House of Representatives, 3 from the majority party and 3 from the minority party; and

''(3) the Director, who shall not be a voting member.

"SEC. 708. REPORT TO CONGRESS.

''The Service shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. The annual report shall be submitted not later than March 15 of each year.

"SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Service such sums as are necessary to fulfill the requirements of this title.''.

SUBTITLE D—CLIMATE CHANGE TECHNOLOGY

SEC. —151. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

''(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and''.

SEC. —152. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

The Secretary of Commerce shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from sequestration, agriculture, forestry, and other land use practices;

(2) noncarbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. —153. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

''(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases.

''(b) RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

''(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

''(B) to develop and provide standards, measurements, and innovative technologies for reducing greenhouse gas emissions in existing industries;

''(C) to develop and provide standards, measurements, measurement tools, and calibrations that will enhance and promote remote sensing technologies;

''(D) to assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

''(E) to develop and provide standards, measurements, measurement tools, calibrations, data, models, and other innovative technologies to support the validation and accreditation of a greenhouse gas trading industry;

''(F) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases, including the development of measurement tools and standards to validate and accredit a carbon offset industry; and

''(G) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases.

''(c) NATIONAL MEASUREMENT LABORATORIES.—

''(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

''(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

''(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

''(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

''(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low- or no-emission technologies into building designs.

''(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

''(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.''.

SEC. —154. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

The Director of the National Institute of Standards and Technology, through the

Manufacturing Extension Partnership Program, may develop a program to support the implementation of new ''green'' manufacturing technologies and techniques by the more than 380,000 small business manufacturers.

SEC. —155. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this title and section 17 of the National Institute of Standards and Technology Act, as added by section —153 of this title, $15,000,000 for each of fiscal years 2009 through 2013.

SUBTITLE E—ABRUPT CLIMATE CHANGE

SEC. —161. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

SEC. —162. PURPOSES OF PROGRAM.

The purposes of the program are—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change;

(2) to improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change;

(3) to incorporate such mechanisms into advanced geophysical models of climate change; and

(4) to test the output of such models against an improved global array of records of past abrupt climate changes.

SEC. —163. ABRUPT CLIMATE CHANGE DEFINED.

In this title, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

SEC. —164. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce for each of fiscal years 2009 through 2013, to remain available until expended, such sums as are necessary, not to exceed $10,000,000, to carry out the research program required by section —161 of this title.

TITLE II—CLIMATE CHANGE ADAPTATION

SEC. —201. SHORT TITLE.

This title may be cited as the ''Climate Change Adaptation Act''.

SEC. —202. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. —203. DEFINITIONS.

Section 4 (15 U.S.C. 2903) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) COASTAL STATE.—The term 'coastal state' has the meaning given that term by section 304((4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).''.

SEC. —204. NATIONAL CLIMATE PROGRAM ELEMENTS.

Section 5 (15 U.S.C. 2904) is amended to read as follows:

''SEC. 5. NATIONAL CLIMATE PROGRAM.

''(a) ESTABLISHMENT.—There is hereby established a National Climate Program.

''(b) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—The Program shall include—

''(1) a strategic planning process to address the impacts of climate change within the United States; and

''(2) a National Climate Service to be established within the National Oceanic and Atmospheric Administration.

''(c) DUTIES.—The President shall—

''(1) develop the 5-year plans described in section 9;

''(2) define the roles in the Program of Federal officers, departments, and agencies, including the Departments of Agriculture, Commerce, Defense, Energy, Interior, State, and Transportation, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Council on Environmental Quality, the National Science Foundation, and the Office of Science and Technology Policy; and

''(3) provide for Program coordination.''.

SEC. —205. NATIONAL CLIMATE STRATEGY.

The Act is amended—

(1) by redesignating section 9 as section 11; and

(2) by inserting after section 8 the following:

''SEC. 9. NATIONAL STRATEGIC PLAN FOR CLIMATE CHANGE ADAPTATION.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Climate Change Adaptation Act, the President shall provide to the Congress a 5-year national strategic plan to address the impacts of climate change within the United States. The President shall provide a mechanism for consulting with States and local governments, the private sector, universities, and other nongovernmental entities in developing the plan. The plan shall be updated at least every 5 years.

''(b) CONTENTS OF PLAN.—The plan shall, at a minimum—

''(1) identify existing Federal requirements, protocols, and capabilities for addressing climate change impacts on federally managed resources and with respect to Federal actions and policies;

''(2) identify measures to improve such capabilities and the utilization of such capabilities;

''(3) include guidance for integrating the consideration of the impacts of climate change on Federally-managed resources, and in Federal actions and policies, consistent with existing authorities;

''(4) address vulnerabilities and priorities identified through the assessments carried out under the Global Change Research Act of 1990 and this Act;

''(5) establish a mechanism for the exchange of information related to addressing the impacts of climate change with, and provide technical assistance to, State and local governments and nongovernmental entities;

''(6) recommend specific partnerships with State and local governments and nongovernmental entities to support and coordinate implementation of the plan;

''(7) include implementation and funding strategies for short-term and long-term actions that may be taken at the national, regional, State, and local level, taking into account existing planning and other requirements;

''(8) establish a process to develop more detailed agency and department-specific plans;

''(9) identify opportunities to utilize observations from both ground-based and remote sensing platforms and other geospatial technologies to improve planning for adaptation to climate change impacts;

''(10) identify existing legal authorities and additional authorities necessary to implement the plan;

''(11) identify existing high resolution elevation data and bathymetric data and develop a prioritized plan for filling existing gaps; and

''(12) include appropriate steps for partnerships with international organizations and foreign governments on international activities to address climate change impacts, including the sharing of technical assistance and capacity-building expertise..

''(c) INTERIM ACTIVITIES.—Nothing in this section shall be construed to prevent any Federal agency or department from taking climate change impacts into account, consistent with its existing authorities, before the requirements of this section are implemented. Federal agencies are encouraged to take climate change into account under all existing relevant authorities to the maximum extent practicable and consistent with those authorities.

''(d) COORDINATION.—The President shall ensure that the mechanism to provide information related to addressing the impacts of climate change to State and local governments and nongovernmental entities is appropriately coordinated or integrated with existing programs that provide similar information on climate change predictions.

''(e) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this section supersedes any Federal authority in effect on the date of enactment of the Climate Change Adaptation Act or creates any new legal right of action.

''SEC. 10. OCEAN AND COASTAL VULNERABILITY AND ADAPTATION.

''(a) COASTAL AND OCEAN VULNERABILITY.—

''(1) IN GENERAL.—Within 2 years after the date of enactment of the Climate Change Adaptation Act, the Secretary shall, in consultation with the appropriate Federal, State, and local governmental entities, coordinate and support regional assessments of the vulnerability of coastal and ocean areas and resources, including living marine resources, to hazards associated with climate change, and ocean acidification including—

''(A) variations in sea level including long-term sea level rise;

''(B) fluctuation of Great Lakes water levels;

''(C) increases in severe weather events;

''(D) natural hazards and events including storm surge, precipitation, flooding, inundation, drought, and fires;

''(E) changes in sea ice;

''(F) changes in ocean currents impacting global heat transfer;

''(G) increased siltation due to coastal erosion;

''(H) shifts in the hydrological cycle; and

''(I) alteration of ecological communities, including at the ecosystem or watershed levels.

''(2) FACTORS.—In preparing the regional coastal assessments, the Secretary shall take into account the information and assessments being developed pursuant to the Global Change Research Program. The regional assessments shall include an evaluation of—

''(A) observed and projected physical, biological, and ecological impacts, such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, coral reef bleaching, impacts on food web distribution, impacts on marine habitat and ecosystem productivity, species migration, species abundance and distribution, and changes in marine pathogens and diseases;

''(B) social and cultural impacts associated with threats to and potential losses of housing, communities, recreational opportunities, aesthetic values, and infrastructure; and

''(C) economic impacts on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

''(3) UPDATES.—The Secretary shall update such assessments at least once every 5 years.

''(b) COASTAL AND OCEAN ADAPTATION PLAN.—The Secretary shall, within 3 years after the date of enactment of the Climate Change Adaptation Act, submit to the Congress an agency-specific plan under section 9(b). The plan shall include a national coastal and ocean adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal and ocean impacts associated with climate change, ocean acidification, and sea level rise. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels and shall take into account the results of the regional assessments to be conducted under subsection (a), the work of the Global Change Research Program, and recommendations of the National Science Board in its January 12, 2007, report entitled *Hurricane Warning: The Critical Need for a National Hurricane Research Initiative* and other relevant studies, and not duplicate existing Federal and State hazard planning requirements. The Plan shall include both short- and long-term adaptation strategies and shall include, at a minimum, recommendations regarding—

''(1) Federal flood insurance program modifications;

''(2) areas that have been identified as high risk through mapping and assessment;

''(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, infrastructure planning, and zoning;

''(4) land and property owner education;

''(5) economic planning for small communities dependent upon affected coastal and ocean resources, including fisheries;

''(6) coastal hazards protocols to reduce the risk of damage to lives and property, and reduce threats to public health and a process for evaluating the implementation of such protocols;

''(7) strategies to address impacts on critical biological and ecological processes, giving a priority to the most vulnerable natural resources and communities;

''(8) proposals to integrate measures into the actions and policies of the National Oceanic and Atmospheric Administration and other Federal agencies, as appropriate;

''(9) a plan for additional observations, research, modeling, assessment and information products, environmental data stewardship, and development of technologies and capabilities to address such impacts;

''(10) a plan for data archive and access, and processes for sharing data and information for addressing such impacts;

''(11) plans to pursue bilateral and multilateral agreements necessary to effectively address such impacts;

''(12) partnerships with States and nongovernmental organizations;

''(13) methods to mitigate the impacts identified, including habitat protection and restoration measures; and

''(14) funding requirements and mechanisms.

''(c) TECHNICAL PLANNING ASSISTANCE.—The Secretary, through the National Oceanic and Atmospheric Administration and in coordination with other Federal agencies with existing authorities concerning hazard mitigation planning, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional coastal and ocean assessments and the coastal and ocean adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.''.

SEC. —206. COASTAL AND OCEAN ADAPTATION GRANTS.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by added at the end the following:

''SEC. 320. CLIMATE CHANGE ADAPTATION PLANS.

''(a) GRANTS.—The Secretary shall provide grants of financial assistance to coastal states with federally approved coastal zone management programs to develop and begin implementing coastal and ocean adaptation programs.

''(b) ALLOCATION OF FUNDS.—The Secretary shall distribute grant funds under subsection (a) among coastal States in accordance with the formula established under section 306(c) of this Act, adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

''(c) PLAN CONTENT.—In order to receive financial assistance under this section, a plan must be approved by the Secretary, and be consistent with and further the goals of the coastal and ocean adaptation plan to be developed pursuant to section 10 of the National Climate Program Act, and be consistent with such State's coastal management program.

''(d) STATE HAZARD MITIGITATION PLANS.—Plans developed by States pursuant to this section shall be consistent with State hazard mitigation plans developed under State or Federal law.''.

SEC. —207. AUTHORIZATION OF APPROPRIATIONS.

Section 11 (15 U.S.C. 2908), as redesignated by section —105 of this division, is amended—

(1) by inserting ''(a) NATIONAL CLIMATE SERVICE.—'' before ''There are authorized''; and

(2) by adding at the end thereof the following:

''(b) NATIONAL STRATEGY.—In addition to any other funds otherwise authorized to be appropriated, there are authorized to be appropriated for each of fiscal years 2009 through 2013 $25,000,000 to carry out section 9.

''(c) COASTAL AND OCEAN ASSESSMENTS.—In addition to any other funds otherwise authorized to be appropriated, there are authorized to be appropriated to the Secretary $75,000,000 for each of fiscal years 2009 through 2013 to carry out section 10(a).

''(d) COASTAL AND OCEAN ADAPTATION PLAN.—In addition to any other funds otherwise authorized to be appropriated, there are authorized to be appropriated for each of fiscal years 2009 through 2013 $150,000,000, of which 75 percent shall be for State plans.''.

TITLE III—OCEAN ACIDIFICATION

SEC —301. SHORT TITLE.

This title may be cited as the ''Federal Ocean Acidification Research And Monitoring Act of 2008'' or the ''FOARAM Act''.

SEC. —302. PURPOSES.

The purposes of this title are to provide for—

(1) development and coordination of a comprehensive interagency plan to monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration;

(2) assessment and consideration of regional and national ecosystem and socio-economic impacts of increased ocean acidification, and integration into marine resource decisions; and

(3) research on adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. —303. INTERAGENCY COMMITTEE ON OCEAN ACIDIFICATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The President shall establish or designate an interagency committee on ocean acidification.

(2) MEMBERSHIP.—The committee shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as the President considers appropriate.

(3) CHAIRMAN.—The committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full committee to address issues that may require more specialized expertise than is provided by existing subcommittees.

(b) PURPOSE.—The committee shall oversee the planning, establishment, and coordinated implementation of a plan designed to improve the understanding of the role of increased ocean acidification on marine ecosystems.

(c) REPORTS TO CONGRESS.—

(1) STRATEGIC RESEARCH AND IMPLEMENTATION PLAN.—The committee shall submit the strategic research and implementation plan established under section —304 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources.

(2) TRIENNIAL REPORT.—Not later than 2 years after the date of the enactment of this Act and every 3 years thereafter, the committee shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Natural Resources that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the committee under section —304 and recommendations for future activities, including policy recommendations developed as part of this research.

SEC. —304. STRATEGIC RESEARCH AND IMPLEMENTATION PLAN.

(a) IN GENERAL.—Within 18 months after the date of enactment of this Act, the committee shall develop a strategic research and implementation plan for coordinated Federal activities. In developing the plan, the committee shall consider reports and studies conducted by Federal agencies and departments, the National Research Council, the Ocean Research and Resources Advisory Panel, the Joint Subcommittee on Ocean, Science, and Technology of the National Science and Technology Council, the Joint Ocean Commission Initiative, and other expert scientific bodies and coordinate with

other relevant Federal interagency committees.

(b) SCOPE.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve understanding of ocean acidification that will affect marine ecosystems and to assess the potential and realized socio-economic impact of ocean acidification, including—

(A) effects of atmospheric carbon dioxide on ocean chemistry;

(B) biological impacts of ocean acidification, including research on—

(i) species, including commercially and recreationally important species, protected, endangered, or threatened species, and ecologically important calcifiers that lie at the base of the food chain; and

(ii) physiological changes in response to ocean acidification;

(C) identification and assessment of ecosystems most at risk from projected changes in ocean chemistry, including—

(i) coastal ecosystems, including Great Lakes ecosystems;

(ii) coral reef ecosystems, including deep sea coral ecosystems; and

(iii) polar and subpolar ecosystems;

(D) modeling the changes in ocean chemistry driven by the increases in ocean carbon levels, including ecosystem forecasting;

(E) identifying feedback mechanisms resulting from the ocean chemistry changes such as the decrease in calcification rates in organisms;

(F) socio-economic impacts of ocean acidification, including commercially and recreationally important fisheries and coral reef communities; and

(G) identifying interactions between ocean acidification and other oceanic changes including those associated with climate change;

(2) establish, for the 10-year period beginning in the year it is submitted, goals, priorities, and guidelines for coordinated activities that will—

(A) most effectively advance scientific understanding of the characteristics and impacts of ocean acidification;

(B) provide forecasts of changes in ocean acidification and the consequent impacts on marine ecosystems; and

(C) provide a basis for policy decisions to reduce and manage ocean acidification and its environmental impacts;

(3) provide an estimate of Federal funding requirements for research and monitoring activities; and

(4) identify and strengthen relevant programs and activities of the Federal agencies and departments that would contribute to accomplishing the goals of the plan and prevent unnecessary duplication of efforts, including making recommendations for the use of observing systems and technological research and development.

(c) CONSULTATION.—In developing the plan, the committee may consult with the academic community, States, industry, environmental groups, and other relevant stakeholders.

SEC. —305. NOAA OCEAN ACIDIFICATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to implement activities consistent with the strategic research and implementation plan developed by the committee under section —304 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global ocean observing assets and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) national public outreach activities to improve the understanding of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification research and monitoring with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socio-economic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based grant process that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title on such terms as the Secretary deems appropriate.

SEC. —306. DEFINITIONS.

In this title:

(1) COMMITTEE.—The term ''committee'' means the interagency committee on ocean acidification established or designated by the President under section —303(a)(1).

(2) OCEAN ACIDIFICATION.—The term ''ocean acidification'' means the change in ocean chemistry that is driven by the increase in ocean carbon levels, and the uptake of chemical inputs from the atmosphere, including anthropogenic carbon dioxide.

(3) PROGRAM.—The term ''Program'' means the National Oceanic and Atmospheric Administration Ocean Acidification Program established under section —305.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. —307. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $10,000,000 for fiscal year 2009;

(2) $15,000,000 for fiscal year 2010;

(3) $20,000,000 for fiscal year 2011;

(4) $25,000,000 for fiscal year 2012; and

(5) $30,000,000 for fiscal year 2013.

(b) ALLOCATION.—Of the amounts appropriated to the National Oceanic and Atmospheric Administration under subsection (a) for each fiscal year—

(1) 40 percent shall be available to, and retained by, the National Oceanic and Atmospheric Administration for use in carrying out its responsibilities under this title; and

(2) 60 percent shall be transferred by the National Oceanic and Atmospheric Administration in equal amounts to—

(A) the National Science Foundation;

(B) the National Aeronautics and Space Administration;

(C) the United States Fish and Wildlife Service; and

(D) the United States Geological Survey.

(3) Of the amounts made available to carry out this title for any fiscal year, the Secretary, and other departments and agencies to which amounts are transferred under paragraph (2), shall allocate at least 50 percent for competitive grants.

SA 4868. Mr. DODD submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 284, line 7, strike ''States as a reward'' and insert ''States, and the Department of Housing and Urban Development for use in carrying out the HOME Investments Partnership Program established under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.),''.

On page 285, between lines 3 and 4, insert the following:

(c) ALLOCATION TO HUD.—The Administrator shall transfer 20 percent of emission allowances established pursuant to section 801 to the Secretary of Housing and Urban Development for use in carrying out the HOME Investment Partnership Program established under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et. seq.), for each of calendar years 2012 through 2050, for activities that directly increase the energy efficiency in units assisted with funds made available under this title, including increased insulation, air sealing, high performance windows, duct sealing, high-efficiency heating and cooling equipment, high-efficiency domestic water heating equipment, high-efficiency lighting systems and improved controls, high-efficiency appliances and renewable energy systems (such as photovoltaic systems), among other purposes as determined by the Secretary of Energy in consultation with the Secretary of Housing and Urban Development.

On page 285, line 4, strike ''(c)'' and inset ''(d)''.

SA 4869. Mr. THUNE submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 77, strike lines 17 through 22 and insert the following:

(1) USE OF INTERNATIONAL ALLOWANCES.—

On page 78, line 19, strike ''(3)'' and ''(2)''.

On page 78, line 25, strike ''paragraph (2)'' and insert ''paragraph (1)''.

On page 79, lines 3 and 4, strike ''notwithstanding paragraph (1),''.

On page 79, line 24, strike ''(2)'' and insert ''(1)''.

On page 80, line 1, strike ''(4)'' and insert ''(3)''.

On page 80, line 9, strike ''within the limitation under paragraph (1)''.

SA 4870. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. LIEBERMAN, and

Mr. WARNER) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

Subtitle E—Aviation Sector

SEC. 1141. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.

(a) IN GENERAL.—The Administrator shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study on greenhouse gas emissions associated with the aviation industry, including—

(1) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(2) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(3) based on existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(4) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(5) recommendations of actions that the Federal Government could take to encourage or require additional emission reductions.

(b) CONSULTATION.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(1) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(2) other appropriate Federal agencies and departments.

SA 4871. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) 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) 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.

(c) 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, including directing others to do so;

''(2) the term 'political appointee' means an individual who holds a position that—

''(A) is in the executive branch of the Government and 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;

''(3) the term 'scientific' means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering; and

''(4) the term 'tampering' means improperly altering or obstructing so as to substantially distort, or directing others to do so.

''(b) IN GENERAL.—A political appointee 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 political appointee to be false or misleading.

''(c) ENFORCEMENT.—A political appointee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

''(d) REGULATIONS.—The Office of Government Ethics may issue regulations implementing this section.''.

(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.''.

(d) PUBLICATION REQUIREMENT RELATING TO SCIENTIFIC STUDIES AND REPORTS.—

(1) DEFINITIONS.—In this section:

(A) AGENCY.—The term ''agency'' has the meaning given under section 551(1) of title 5, United States Code.

(B) SCIENTIFIC.—The term ''scientific'' means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering.

(C) POLITICAL APPOINTEE.—The term ''political appointee'' means an individual who holds a position that—

(i) is in the executive branch of the Government and requires appointment by the President, by and with the advice and consent of the Senate;

(ii) is within the Executive Office of the President;

(iii) is on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

(iv) 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

(v) 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.

(e) 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 (c) of this section) and section (d) of this section.

SA 4872. Mr. ALEXANDER (for himself and Mr. MARTINEZ) 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 21, strike line 24 and all that follows through page 22, line 4.

On page 22, line 5, strike ''(G)'' and insert ''(F)''.

On page 22, line 9, strike ''(H)'' and insert ''(G)''.

On page 22, line 14, strike ''(I)'' and insert ''(H)''.

On page 65, line 13, strike ''use'' and insert ''manufacture''.

On page 65, line 16, insert ''refined or'' before ''manufactured''.

SA 4873. Mr. CHAMBLISS (for himself and Mr. ROBERTS) 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 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER FARM FUEL PRICES CAUSED BY THIS ACT.

(a) DETERMINATION OF HIGHER FARM FUEL PRICES CAUSED BY THIS ACT.—Not less than annually, the Secretary of Agriculture, in consultation with the Secretary of Energy, the Secretary of Transportation, and the Administrator, shall determine whether implementation of this Act has caused the average retail price of fuel used to plant, manage, harvest, dry, or transport agricultural crops to increase since the date of enactment of this Act.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher farm fuel prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a farm fuel price increase.

SA 4874. Mr. DOMENICI (for himself and Mr. CHAMBLISS) 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 lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Energy Production Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: ''not later than 90 days after the date of enactment of the American Energy Production Act of 2008''; and

(3) by inserting after clause (i) (as so designated) the following:

''(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

''(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

''(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.''.

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

''(a) DEFINITIONS.—In this section:

''(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

''(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

''(B) not more than 200 nautical miles from the geographic center of any leased tract.

''(2) MORATORIUM AREA.—

''(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

''(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

''(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

''(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

''(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

''(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

''(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

''(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

''(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

''(ii) revenues from civil penalties;

''(iii) royalties taken by the Secretary in-kind and not sold;

''(iv) revenues generated from leases subject to section 8(g); or

''(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

''(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

''(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

''(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

''(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

''(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

''(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

''(i) 75 percent to new producing States in accordance with paragraph (2); and

''(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

''(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

''(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

''(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

''(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

''(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

''(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

''(5) AUTHORIZED USES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

''(ii) Mitigation of damage to fish, wildlife, or natural resources.

''(iii) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

''(v) Planning assistance and the administrative costs of complying with this section.

''(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

''(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

''(A) be made available, without further appropriation, in accordance with this subsection;

''(B) remain available until expended; and

''(C) be in addition to any amounts appropriated under—

''(i) other provisions of this Act;

''(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

''(iii) any other provision of law.

''(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

''(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

''(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.''.

SEC. 103. CONFORMING AMENDMENT.

Sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are repealed.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 111. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FEDERAL AGREEMENT.—The term ''Federal Agreement'' means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—Congress authorizes the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered

to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 113. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than September 30, 2012, conduct a second lease sale under this subtitle; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 114. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 113 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 115. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 16½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 112(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this subtitle negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 116. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 112, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) North Slope Borough, Alaska; and

(D) the City of Kaktovik, Alaska.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a

manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 117. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 118. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 119. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 120. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 122(2), the State of Alaska shall establish in the treasury of the State, and administer in accordance with this section, a fund to be known as the ''Coastal Plain Local Government Impact

Aid Assistance Fund'' (referred to in this section as the ''Fund'').

(2) DEPOSITS.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, $35,000,000 each year from the amount available under section 122(2)(A).

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the ''Governor'') shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 121. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this subtitle shall prohibit the exportation of oil or gas produced under the lease.

SEC. 122. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this subtitle:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) The remainder shall be available as follows:

(A) $35,000,000 shall be deposited by the Secretary of the Treasury into the fund created under section 120(a)(1).

(B) The remainder shall be disbursed to the State of Alaska.

Subtitle C—Permitting

SEC. 131. REFINERY PERMITTING PROCESS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) 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).

(3) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term ''refiner'' means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term ''refinery'' means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term ''refinery'' includes an expansion of a refinery.

(6) REFINERY EXPANSION.—The term ''refinery expansion'' means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term ''refinery permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(b) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body

of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(5) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(6) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(7) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(8) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (4), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(9) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(10) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(12) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(c) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than 1 year, an interim report on actions taken to carry out this subsection; and

(B) not later than 2 years, a final report on actions taken to carry out this subsection.

SEC. 132. REMOVAL OF ADDITIONAL FEE FOR NEW APPLICATIONS FOR PERMITS TO DRILL.

The second undesignated paragraph of the matter under the heading ''MANAGEMENT OF LANDS AND RESOURCES'' under the heading ''BUREAU OF LAND MANAGEMENT'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2098) is amended by striking ''to be reduced'' and all that follows through ''each new application,''.

Subtitle D—Restoration of State Revenue

SEC. 141. RESTORATION OF STATE REVENUE.

The matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109) is amended by striking ''Notwithstanding'' and all that follows through ''Treasury.''.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(i) nonmerchantable materials or precommercial thinnings that—

''(I) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

''(aa) to reduce hazardous fuels;

''(bb) to reduce or contain disease or insect infestation; or

''(cc) to restore forest health;

''(II) would not otherwise be used for higher-value products; and

''(III) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

''(aa) where permitted by law; and

''(bb) in accordance with applicable land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

''(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(I) renewable plant material, including—

''(aa) feed grains;

''(bb) other agricultural commodities;

''(cc) other plants and trees; and

''(dd) algae; and

''(II) waste material, including—

''(aa) crop residue;

''(bb) other vegetative waste material (including wood waste and wood residues);

''(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

''(dd) food waste and yard waste.''.

SEC. 202. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term ''advanced battery'' means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term ''covered firm'' means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

SEC. 203. BIOFUELS INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Assistant Administrator of the Office of Research and Development of the Environmental Protection Agency (referred to in this section as the ''Assistant Administrator''), in consultation with the Secretary and the National Institute of Standards and Technology, shall carry out a program of research and development of materials to be added to biofuels to make the biofuels more compatible with infrastructure used to store and deliver petroleum-based fuels to the point of final sale.

(b) REQUIREMENTS.—In carrying out the program described in subsection (a), the Assistant Administrator shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties relating to low temperatures;

(F) oxidative and thermal instability in long-term storage and use; and

(G) microbial contamination;

(2) problems associated with electrical conductivity;

(3) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications;

(4) strategies to minimize emissions from infrastructure;

(5) issues with respect to certification by a nationally recognized testing laboratory of components for fuel-dispensing devises that specifically reference compatibility with alcohol-blended fuels and other biofuels that contain greater than 15 percent alcohol;

(6) challenges for design, reforming, storage, handling, and dispensing hydrogen fuel from various feedstocks, including biomass, from neighborhood fueling stations, including codes and standards development necessary beyond that carried out under section 809 of the Energy Policy Act of 2005 (42 U.S.C. 16158);

(7) issues with respect to at which point in the fuel supply chain additives optimally should be added to fuels; and

(8) other problems, as identified by the Assistant Administrator, in consultation with the Secretary and the National Institute of Standards and Technology.

SEC. 204. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment; and

(7) an evaluation of the impacts of increased use of renewable fuels derived from food crops on the price and supply of agricultural commodities in both domestic and global markets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 205. STUDY OF DIESEL VEHICLE ATTRIBUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study to identify—

(1) the environmental and efficiency attributes of diesel-fueled vehicles as the vehicles compare to comparable gasoline fueled, E–85 fueled, and hybrid vehicles;

(2) the technical, economic, regulatory, environmental, and other obstacles to increasing the usage of diesel-fueled vehicles;

(3) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified under paragraph (2); and

(4) the costs and benefits associated with reducing or eliminating the obstacles identified under paragraph (2).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Clean Coal-Derived Fuels for Energy Security Act of 2008''.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term ''clean coal-derived fuel'' means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility.

(B) INCLUSIONS.—The term ''clean coal-derived fuel'' may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term ''covered fuel'' means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 213. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline; and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2015 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2015 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of clean coal-derived fuel (in billions of gallons):
2015	0.75
2016	1.5
2017	2.25
2018	3.00
2019	3.75
2020	4.5
2021	5.25
2022	6.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF CERTAIN FUEL SALES.—Not later than October 31 of each of calendar years 2015 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the clean coal-derived fuel requirement of this section.

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

Subtitle C—Oil Shale

SEC. 221. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

SEC. 231. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 232. MULTIYEAR CONTRACT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PROCUREMENT OF SYNTHETIC FUELS.

(a) MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF SYNTHETIC FUELS AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410r. Multiyear contract authority: purchase of synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts for a period not to exceed 25 years for the purchase of synthetic fuels.

''(b) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of

such title is amended by adding at the end the following new item:

''2410r. Multiyear contract authority: purchase of synthetic fuels.''.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of synthetic fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are prescribed.

SA 4875. Mr. DOMENICI (for himself and Mr. CORKER) 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 13 and insert the following:

(c) LEGAL STATUS OF EMISSION ALLOWANCES.—Noth-

SA 4876. Mr. DOMENICI 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 the amendment, add the following:

TITLE XVIII—CLEAN ENERGY INVESTMENT BANK

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Clean Energy Investment Bank Act of 2008''.

SEC. 1802. DEFINITIONS.

In this title:

(1) BANK.—The term ''Bank'' means the Clean Energy Investment Bank of the United States established by section 1803(a).

(2) BOARD.—The term ''Board'' means the Board of Directors of the Bank established under section 1804(b).

(3) CLEAN ENERGY INVESTMENT BANK FUND.—The term ''Clean Energy Investment Bank Fund'' means the revolving fund account established under section 1806(b).

(4) COMMERCIAL TECHNOLOGY.—The term ''commercial technology'' means a technology in general use in the commercial marketplace.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means a project in a State related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(6) INVESTMENT.—The term ''investment'' includes any contribution or commitment to an eligible project in the form of—

(A) loans or loan guarantees;

(B) the purchase of equity shares in the project;

(C) participation in royalties, earnings, or profits; or

(D) furnishing commodities, services or other rights under a lease or other contract.

(7) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 1803. ESTABLISHMENT OF BANK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch a bank to be known as the ''Clean Energy Investment Bank of the United States,'' which shall be an agency of the United States.

(2) GOVERNMENT CORPORATION.—The Bank shall be—

(A) a Government corporation (as defined in section 103 of title 5, United States Code); and

(B) subject to chapter 91 of title 31, United States Code, except as expressly provided in this title.

(b) AUTHORITY.—

(1) IN GENERAL.—The Bank shall assist in the financing, and facilitate the commercial use, of clean energy and energy efficient technologies within the United States.

(2) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Bank may make investments—

(A) in eligible projects on such terms and conditions as the Bank considers appropriate in accordance with this title; or

(B) under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), and any of the regulations promulgated under that Act, as the Bank considers appropriate.

(3) REPAYMENT.—No loan or loan guarantee shall be made under this subsection unless the Bank determines that there is a reasonable prospect of repayment of the principal and interest by the borrower.

(4) PROJECT DIVERSITY.—The Bank shall ensure that a reasonable diversity of projects, technologies, and energy sectors receive assistance under this subsection.

(c) POWERS.—In carrying out this title, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without endorsement or guaranty, and guaranteeing, notes, drafts, checks, bills of exchange, acceptances (including bankers' acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing operations of the Bank and the economic and financial soundness of projects;

(3) use private credit, investment institutions, and the guarantee authority of the Bank as the principal means of mobilizing capital investment funds;

(4) broaden private participation and revolve the funds of the Bank through selling the direct investments of the Bank to private investors whenever the Bank can appropriately do so on satisfactory terms;

(5) conduct the insurance operations of the Bank with due regard to principles of risk management, including efforts to share the insurance risks of the Bank;

(6) foster private initiative and competition and discourage monopolistic practices; and

(7) advise and assist interested agencies of the United States and other organizations, public and private and national and international, with respect to projects and programs relating to the development of private enterprise in the market sector in accordance with this title.

SEC. 1804. ORGANIZATION AND MANAGEMENT.

(a) STRUCTURE OF BANK.—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board may determine.

(b) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There is established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate (referred to in this subsection as ''independent directors''; and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) FEDERAL EMPLOYMENT.—An independent director shall not be an officer or employee of the Federal Government at the time of appointment.

(C) POLITICAL PARTY.—Not more than 3 of the independent directors shall be members of the same political party.

(3) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) STAGGERED TERMS.—The terms of not more than 2 independent directors shall expire in any year.

(B) VACANCIES.—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.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) MEETINGS.—The Board shall meet at the call of the Chairman of the Board.

(C) QUORUM.—Four members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRMAN AND VICE CHAIRMAN.—

(A) IN GENERAL.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) ELIGIBILITY.—The Chairman of the Board shall not be an Executive Director of the Board.

(6) COMPENSATION OF MEMBERS.—An independent director 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 Board.

(7) TRAVEL EXPENSES.—An independent director 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 Board.

(c) PRESIDENT OF THE BANK.—

(1) APPOINTMENT.—The President of the Bank shall be appointed by the Board.

(2) DUTIES.—The President of the Bank shall—

(A) be the Chief Executive Officer of the Bank;

(B) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(d) EXECUTIVE VICE PRESIDENT.—

(1) APPOINTMENT.—The Executive Vice President of the Bank shall be appointed by the Board.

(2) DUTIES.—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(e) STAFF.—

(1) IN GENERAL.—The Board may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this title; and

(B) vest the personnel with such powers and duties as the Board may determine.

(2) CIVIL SERVICE LAWS.—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(3) REAPPOINTMENT.—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled, on removal from the position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(4) ADDITIONAL POSITIONS.—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by law, including positions authorized by section 5108 of title 5, United States Code.

SEC. 1805. FINANCING, GUARANTIES, INSURANCE, CREDIT SUPPORT, AND OTHER PROGRAMS.

(a) INTERGOVERNMENTAL AGREEMENTS.—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments (including agencies, instrumentalities, or political subdivisions of State and local governments) for sharing liabilities assumed by providing financial assistance for eligible projects under this title.

(b) INSURANCE.—

(1) IN GENERAL.—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to ensure protection in whole or in part against any or all of the risks with respect to eligible projects that the Bank has approved.

(2) DUPLICATION OF ASSISTANCE.—The Bank shall not offer any insurance products under this subsection that duplicate or augment any other similar Federal assistance.

(c) GUARANTEES.—

(1) IN GENERAL.—The Bank may issue guarantees of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any guarantee issued under this subsection shall, for budgetary purposes, be considered a loan guarantee (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(d) LOANS AND CREDIT ASSISTANCE.—

(1) IN GENERAL.—The Bank may make loans, provide letters of credit, issue other credit enhancements, or provide other financing for eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) ELIGIBLE PROJECT DEVELOPMENT INVESTMENT ENCOURAGEMENT.—The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, if the Board determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) OTHER INSURANCE FUNCTIONS.—The Bank may—

(1) using agreements and contracts that are consistent with this title—

(A) make and carry out contracts of insurance or agreements to associate or share risks with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights;

(iv) the ceding and acceptance of reinsurance; and

(v) any other matter incident to an insurance business; and

(2) enter into pooling or other risk-sharing agreements with other governmental insurance or financing agencies or groups of those agencies.

(g) EQUITY FINANCE PROGRAM.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under which the Bank may, in accordance with this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, on such terms and conditions as the Bank may determine, for the purpose of providing capital for any project that is consistent with this title.

(2) TOTAL AMOUNT OF EQUITY INVESTMENTS.—

(A) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER EQUITY FINANCE PROGRAM.—

(i) IN GENERAL.—Except as provided in clause (ii), the total amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to the project at the time at which the equity investment of the Bank is made.

(ii) DEFAULTS.—Clause (i) shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the investment of the Bank.

(B) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER MULTIPLE PROGRAMS.—

(i) IN GENERAL.—The equity investment of the Bank under this subsection with respect to any project, when added to any other investments made or guaranteed by the Bank under subsection (c) or (d) with respect to the project, shall not cause the aggregate amount of all the investments to exceed, at the time any such investment is made or guaranteed by the Bank, 75 percent of the total investment committed to the project, as determined by the Bank.

(ii) CONCLUSIVE DETERMINATION.—The determination of the Bank under this subparagraph shall be conclusive for purposes of the authority of the Bank to make or guarantee any investment described in clause (i).

(3) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Bank shall consider the extent to which the equity investment of the Bank will assist in obtaining the financing required for the project.

(4) IMPLEMENTATION.—

(A) IN GENERAL.—The Bank may create such legal vehicles as are necessary for implementation of this subsection.

(B) NON-FEDERAL BORROWERS.—A borrower participating in a legal vehicle created under this paragraph shall be considered a non-Federal borrower for purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(C) SECURITIES.—Income and proceeds of investments made under this subsection may be used to purchase equity or quasi-equity securities in accordance with this section.

(h) RELATIONSHIP TO FEDERAL CREDIT REFORM ACT OF 1990.—

(1) IN GENERAL.—Any liability assumed by the Bank under subsections (c) and (d) shall be discharged pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

(A) IN GENERAL.—No loan guaranteed under subsection (c) or direct loan under subsection (d) shall be made unless—

(i) an appropriation for the cost has been made; or

(ii) the Bank has received from the borrower a payment in full for the cost of the obligation.

(B) BUDGETARY TREATMENT.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with subparagraph (A)(ii).

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

SEC. 1806. ISSUING AUTHORITY; DIRECT INVESTMENT AUTHORITY AND RESERVES.

(a) MAXIMUM CONTINGENT LIABILITY.—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 1805 shall not exceed a total amount of $100,000,000,000.

(b) CLEAN ENERGY INVESTMENT BANK FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Clean Energy Investment Bank Fund'' (referred to in this section as the ''Fund'').

(2) USE.—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 1805 (other than subsections (c) and (d) of section 1805) until the earlier of—

(A) the date on which all liabilities of the Bank have been discharged or expire; or

(B) the date on which all amounts in the Fund have been expended in accordance with this section.

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the

Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

(c) PAYMENTS OF LIABILITIES.—Any payment made to discharge liabilities arising from agreements under section 1805 (other than subsections (c) and (d) of section 1805) shall be paid out of the Clean Energy Investment Bank Fund.

(d) SUPPLEMENTAL BORROWING AUTHORITY.—

(1) IN GENERAL.—In order to maintain sufficient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obligations.

(2) MAXIMUM TOTAL AMOUNT.—The total amount of obligations issued under paragraph (1) that is outstanding at any time shall not exceed $2,000,000,000.

(3) REPAYMENT.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.

(4) INTEREST RATE.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection.

(5) PURCHASE OF OBLIGATIONS.—

(A) IN GENERAL.—The Secretary of the Treasury—

(i) shall purchase any obligation of the Bank issued under this subsection; and

(ii) for the purchase, may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.

(B) PURPOSES.—The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any purchase under this paragraph.

SEC. 1807. ADMINISTRATION.

(a) PROTECTION OF INTEREST OF BANK.—The Bank shall ensure that suitable arrangements exist for protecting the interest of the Bank in connection with any agreement issued under this title.

(b) FULL FAITH AND CREDIT.—

(1) OBLIGATION.—A loan guarantee issued by the Bank under section 1805(c) shall constitute an obligation, in accordance with the terms of the guarantee, of the United States.

(2) PAYMENT.—The full faith and credit of the United States is pledged for the full payment and performance of the obligation.

(c) FEES.—

(1) IN GENERAL.—The Bank shall establish and collect fees for services under this title in amounts to be determined by the Bank.

(2) AVAILABILITY OF FEES.—Except as provided in paragraph (3), fees collected by the Bank under paragraph (1) (including fees collected for administrative expenses in carrying out subsections (c) and (d) of section 1805) may be retained by the Bank and may remain available to the Bank, without further appropriation or fiscal year limitation, for payment of administrative expenses incurred in carrying out this title.

(3) FEE TRANSFER AUTHORITY.—Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of a loan or loan guarantee made under subsection (c) or (d) of section 1805 shall be transferred by the Bank to the respective credit program accounts.

SEC. 1808. GENERAL PROVISIONS AND POWERS.

(a) PRINCIPAL OFFICE.—The Bank shall—

(1) maintain its principal office in the District of Columbia; and

(2) be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—On appointment of a majority of the Board by the President, all of the functions and authority of the Secretary of Energy under predecessor programs and authorities similar to those provided under subsections (c) and (d) of section 1805, including those under title XVII of the Energy Policy Act of 2005 (42 U. S.C. 16511 et seq.), shall be transferred to the Board.

(2) CONTINUATION PRIOR TO TRANSFER.—Until the transfer, the Secretary of Energy shall continue to administer such programs and activities, including programs and authorities under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(c) AUDITS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.

(2) PERIODIC AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(A) IN GENERAL.—Except as provided in paragraph (3), an independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General of the United States.

(B) REPORT TO BOARD.—The independent certified public accountant shall report the results of the audit to the Board.

(C) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The financial statements of the Bank shall be presented in accordance with generally accepted accounting principles.

(D) REPORTS.—

(i) IN GENERAL.—The financial statements and the report of the accountant shall be included in a report that—

(I) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code; and

(II) the Bank shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.

(ii) REVIEW.—The Comptroller General of the United States may review the audit conducted by the accountant and the report to Congress in such manner and at such times as the Comptroller General considers necessary.

(3) ALTERNATIVE AUDITS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General of the United States shall, if the Comptroller General considers it necessary, audit the financial statements of the Bank in the manner provided under paragraph (2).

(B) REIMBURSEMENT.—The Bank shall reimburse the Comptroller General of the United States for the full cost of any audit conducted under this paragraph.

(4) AVAILABILITY OF RECORDS.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

SEC. 1809. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Congress a complete and detailed report describing the operations of the Bank during the fiscal year.

SEC. 1810. MODIFICATION TO LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(c) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(d) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SEC. 1811. INTEGRATION OF LOAN GUARANTEE PROGRAMS.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) BANK.—The term 'Bank' means the Clean Energy Investment Bank of the United States established by section 1803(a) of the Clean Energy Investment Bank Act of 2008.''.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking ''Secretary'' each place it appears (other than the last place it appears in section 1702(a)) and inserting ''Board''.

(2) CONFORMING AMENDMENTS.—Section 1702(g) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)) is amended—

(A) in the heading for paragraph (1), by striking ''SECRETARY'' and inserting ''BANK''; and

(B) in the heading for paragraph (3), by striking ''SECRETARY'' and inserting ''BANK''.

(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 1809(b)(1) the authority to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

SEC. 1812. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Bank, to remain available until expended, such sums as are necessary to—

(1) replenish or increase the Clean Energy Investment Bank Fund; or

(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this title.

(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than $50,000,000 during the fiscal year for which an appropriation is made.

SA 4877. Mr. CASEY (for himself and Mr. WARNER) 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 C of title III, add the following:

SEC. 3___. SENSE OF SENATE REGARDING THE POTENTIAL IMPACT OF CLIMATE CHANGE ON THE GLOBAL FOOD CRISIS.

(a) FINDINGS.—The Senate finds that—

(1) the costs of addressing climate change will only increase the longer the causes of climate change are not addressed;

(2) the consequences of climate change will include major storms and weather-related disruptions, increased wildfires, and loss of food crops;

(3) the Secretary of Agriculture has determined that climate change is already affecting water resources, agriculture, land resources, and biodiversity, and will continue to do so;

(4) a leading cause of the ongoing global food crisis is heightened volatility in climate conditions leading to extended droughts around the world, particularly in Australia; and

(5) the consequences of increased food prices have already resulted in hunger and political unrest in many parts of the world.

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

(1) it is in the interest of the United States to address in a serious manner the consequences a warming climate will have on global food production; and

(2) as the United States assesses the costs of climate change, the potential of harmful impacts on global crop harvests and resulting food security crises should be fully considered.

(c) REPORT.—Not later than December 31, 2008, the President shall submit to Congress a report that assesses the specific impact of weather-related events on the global food crisis that emerged during the first 180 days of 2008.

SA 4878. Mr. ROBERTS (for himself and Mr. CHAMBLISS) 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 I of title V, add the following:

SEC. 5___. GUARANTEED PROTECTION OF AMERICAN AGRICULTURAL PRODUCERS FROM HIGHER FERTILIZER PRICES CAUSED BY THIS ACT.

This Act shall not take effect until the date on which the Secretary of Agriculture, after consultation with the Administrator, determines that the implementation of this Act will not cause the retail price of fertilizer to increase more than 20 percent during the period of effectiveness of this Act.

SA 4879. Mr. DOMENICI 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:

Amend the title so as to read: ''A bill to promote the energy security of the United States, and for other purposes.''.

SA 4880. Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. CARPER, Mrs. DOLE, and Mr. COLEMAN) 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 164, strike line 15 and insert the following:

(c) EDUCATION AND TRAINING.—For each

Beginning on page 181, strike line 1 and all that follows through page 183, line 3, and insert the following:

SEC. 536. EDUCATION AND TRAINING.

(a) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) each 5-year period during the period beginning on January 1, 2012, and ending on December 31, 2047; and

(2) the 3-year period beginning on January 1, 2048, and ending on December 31, 2050.

(b) USE OF FUNDS.—Of amounts made available under section 534(c) for the calendar years in each applicable period—

(1) the Secretary of Energy shall use such amounts for each applicable period as the Secretary of Energy determines to be necessary to increase the number and amounts of nuclear science talent expansion grants and nuclear science competitiveness grants provided under section 5004 of the America COMPETES Act (42 U.S.C. 16532); and

(2) of the remainder—

(A) 50 percent shall be allocated to the Secretary of Labor, in consultation with nuclear energy entities and organized labor, for use for each applicable period to expand workforce training to meet the high demand for workers skilled in nuclear power plant construction and operation, including programs for—

(i) electrical craft certification;

(ii) preapprenticeship career technical education for industrialized skilled crafts that are useful in the construction of nuclear power plants;

(iii) community college and skill center training for nuclear power plant technicians;

(iv) training of construction management personnel for nuclear power plant construction projects; and

(v) regional grants for integrated nuclear energy workforce development programs; and

(B) 50 percent shall be made available to the Secretary of Education for use for each applicable period to support climate change policy and science education in the United States.

On page 292, strike line 22 and insert the following:

SEC. 901. FINDINGS; SENSE OF SENATE.

(a) FINDINGS.—Congress finds that—

(1) more than 40 years of experience in the United States relating to commercial nuclear power plants have demonstrated that nuclear reactors can be operated safely;

(2) in 2007, nuclear power plants produced 19 percent of the electricity generated in the United States;

(3) nuclear power plants are the only baseload source of emission-free electric generation, emitting no greenhouse gases or criteria pollutants associated with acid rain, smog, or ozone;

(4) in 2007, nuclear power plants in the United States—

(A) avoided more than 692,000,000 metric tons of carbon dioxide emissions; and

(B) accounted for more than 73 percent of emission-free electric generation in the United States;

(5) a lifecycle emissions analysis by the International Energy Agency determined that nuclear power plants emit fewer greenhouse gases than wind energy, solar energy, and biomass on a per kilowatt-hour basis;

(6) construction of a new nuclear power plant is estimated to require between 1,400 and 1,800 jobs during a 4-year period, with peak employment reaching as many as 2,400 workers;

(7)(A) once operational, a new nuclear power plant is estimated to provide 400 to 600 full-time jobs for up to 60 years; and

(B) jobs at nuclear power plants pay, on average, 40 percent more than other jobs in surrounding communities;

(8) revitalization of a domestic manufacturing industry to provide nuclear components for new power plants that can be deployed in the United States and exported for use in global carbon reduction programs will provide thousands of new, high-paying jobs and contribute to economic growth in the United States;

(9) data of the Bureau of Labor Statistics demonstrate that it is safer to work in a nuclear power plant than to work in the real estate or financial sectors;

(10) while aggressive energy efficiency measures and an increased deployment of renewable generation can and should be taken,

the United States will be unable to meet climate reduction goals without the construction of new nuclear power plants;

(11) modeling conducted by the Environmental Protection Agency and the Energy Information Administration demonstrate that emission reductions are greater, and compliance costs are lower, if nuclear power plants are used to provide a greater percentage of electricity;

(12) the United States has been a world leader in nuclear science; and

(13) institutions of higher education in the United States will play a critical role in advancing knowledge about the use and the safety of nuclear energy for the production of electricity.

(b) SENSE OF SENATE REGARDING USE OF FUNDS.—It is the Sense of the Senate that Congress should stimulate private sector investment in the manufacturing of nuclear project components in the United States, including through the financial incentives program established under this subtitle.

SEC. 902. DEFINITIONS.

On page 293, line 10, strike ''and''.

On page 293, line 13, strike the period and insert ''; and''.

On page 293, between lines 13 and 14, insert the following:

(D) establishing procedures, programs, and facilities to achieve American Society of Mechanical Engineers certification standards.

On page 294, strike lines 3 and 4 and insert the following:

(A)(i) emits no carbon dioxide into the atmosphere; or

(ii) is fossil-fuel fired and—

(I) emits into the atmosphere not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for any carbon dioxide from the unit that is geologically sequestered); or

(II)(aa) uses subbituminous coal, lignite, or petroleum coke in significant quantities; and

(bb) meets the emission performance standard promulgated pursuant to subsection 1012; and

On page 294, strike lines 7 through 12 and insert the following:

(5) ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—The term ''zero- or low-carbon generation technology'' means—

(A) a technology used to create zero- or low-carbon generation, including—

(i) a technology referred to in section 832(a); and

(ii) nuclear power technology; or

(B) any other technology relating to a low- or zero-carbon activity that meets the requirements of this subtitle.

SEC. 903. LOW- AND ZERO-CARBON ELECTRICITY TECHNOLOGY FUND.

On page 294, line 16, strike ''903'' and insert ''904''.

On page 297, line 5, strike ''904'' and insert ''905''.

On page 297, line 7, strike ''903'' and insert ''904''.

On page 297, line 10, strike ''905'' and insert ''906''.

On page 297, line 14, strike ''904'' and insert ''905''.

On page 297, line 18, strike ''906'' and insert ''907''.

On page 297, line 19, strike ''906'' and insert ''907''.

On page 298, line 4, strike ''907'' and insert ''908''.

On page 298, line 17, strike ''909'' and insert ''910''.

On page 299, line 16, strike ''908'' and insert ''909''.

On page 301, line 11, strike ''909'' and insert ''910''.

SA 4881. Mr. SPECTER 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) TAP.—The term ''TAP'' means the technology accelerator payment determined under section 202(a)(2).

On page 31, line 10, strike ''(50)'' and insert ''(51)''.

On page 31, line 14, strike ''(51)'' and insert ''(52)''.

Beginning on page 65, strike line 3 and all that follows through page 66, line 19, and insert the following:

SEC. 202. COMPLIANCE OBLIGATION.

(a) SUBMISSION OF ALLOWANCES OR TAP PRICE.—

(1) 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—

(A) an emission allowance or an offset allowance for each carbon dioxide equivalent of—

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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

(v) non-HFC greenhouse gas that will be emitted—

(I) 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

(II) 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; or

(B) a payment equal to the amount of the applicable TAP price in lieu of submission of 1 or more required emission allowances or offset allowances, to be used by the Administrator in accordance with paragraph (3).

(2) DETERMINATION OF APPLICABLE TAP PRICE.—The applicable TAP price per allowance shall be—

(A) for calendar year 2012, $12 per metric ton of carbon dioxide equivalent emitted by a covered entity; and

(B) for each subsequent calendar year, an amount equal to the product obtained by multiplying—

(i) the TAP price established for the preceding calendar year, increased by 5 percent; and

(ii) the ratio that—

(I) the implicit price deflator for the gross domestic product, as computed and published by the Department of Commerce for the most recent 4-calendar quarter period for which data is available; bears to

(II) the implicit price deflator for the gross domestic product, as computed and published by the Department of Commerce for the 4-calendar quarter period immediately preceding the period referred to in subclause (I).

(3) USE OF TAP PRICE PAYMENTS.—

(A) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall transfer to the Climate Change Technology Board established by section 431 an amount equal to the total amount of TAP price payments received by the Administrator under paragraph (1)(B) for that calendar year.

(B) USE BY BOARD.—The Climate Change Technology Board shall use amounts transferred to the Board under subparagraph (A) to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

On page 67, lines 4 and 5, strike ''paragraph (2) nor paragraph (5) of subsection (a)'' and insert ''clause (ii) nor clause (v) of subsection (a)(1)(A)''.

On page 67, line 18, strike ''subsection (a)(2)'' and insert ''subsection (a)(1)(A)(ii)''.

On page 68, line 14, strike ''(a)'' and insert ''(a)(1)(A)''.

On page 70, line 7, strike ''(a)'' and insert ''(a)(1)(A)''.

On page 70, lines 15 and 16, strike ''paragraph (2), (3), or (5) of subsection (a)'' and insert ''clause (ii), (iii), or (v) of subsection (a)(1)(A)''.

On page 71, line 3, strike ''(a)(2)'' and insert ''(a)(1)(A)(ii)''.

SA 4882. Mr. SPECTER (for himself, Mr. BROWN, Mr. LEVIN, Ms. KLOBUCHAR, and Ms. STABENOW) 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 382, strike line 24 and all that follows through page 385, line 10, and insert the following:

(4) COMPARABLE ACTION.—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, such that, on a countrywide basis, the measures mandate and achieve a percentage reduction (or limitation on increase, as appropriate) of greenhouse gas emissions in the foreign country, as compared to the greenhouse gas emissions of the foreign country during calendar year 2005, that is substantially equivalent to the percentage reduction (or limitation on increase, as appropriate) in United States emissions mandated and achieved under this Act, as compared to the greenhouse gas emissions of the United States during calendar year 2005.

On page 386, strike lines 16 through 20 and insert the following:

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term ''indirect greenhouse gas emissions'' means any emissions of a greenhouse gas—

(A) resulting from the generation of electricity that is consumed during the manufacture of a good; or

(B) directly or indirectly associated with the production of any input used in the manufacture of a good.

On page 388, strike lines 3 through 18.

On page 388, line 19, strike ''(15)'' and insert ''(14)''.

On page 392, strike lines 4 and 5 and insert the following:

would otherwise be excluded under subparagraph (B) of section 1306(b)(2); and

On page 398, strike lines 8 through 10.

On page 398, line 11, strike ''(5)'' and insert ''(4)''.

On page 398, line 13, strike ''(6)'' and insert ''(5)''.

On page 399, line 24, strike ''2013'' and insert ''2011''.

On page 400, line 1, strike '', and the extent to which,''.

On page 400, strike lines 4 through 12 and insert the following:

the foreign country.

On page 400, strike lines 16 and 17 and insert the following:

list pursuant to subparagraph (B) of section 1306(b)(2) for that calendar year.

On page 403, line 12, strike ''third'' and insert ''first''.

Beginning on page 403, strike line 18 and all that follows through page 405, line 7, and insert the following:

(2) EXCLUDED LIST.—The Commission shall identify and publish in a list, to be known as the ''excluded list'', the name of—

(A) 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; and

(B) each foreign country identified by the United Nations as among the least-developed developing countries.

On page 405, line 20, strike ''2014'' and insert ''2012''.

On page 413, strike lines 1 through 13 and insert the following:

(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); and

(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).

On page 414, lines 1 and 2, strike ''for the category of covered goods if'' and insert ''in relation to goods''.

Beginning on page 415, strike line 24 and all that follows through page 416, line 19, and insert the following:

(5) ANNUAL CALCULATION.—The Adminis-

On page 417, line 3, strike ''(7)'' and insert ''(6)''.

On page 417, line 10, strike ''(8)'' and insert ''(7)''.

On page 417, strike lines 17 through 20 and insert the following:

category of covered goods that are manufactured or processed in more than 1 foreign country.

On page 417, strike lines 21 through 23 and insert the following:

(B) REQUIREMENTS.—Except as provided in subparagraph (C), the procedures established

On page 418, strike line 1 and insert the following:

(i) to determine, for each covered

On page 418, strike line 11 and insert the following:

(ii) of the international reserve

On page 418, line 20, strike ''clause (i)'' and insert ''subparagraph (B)''.

On page 419, line 2, strike ''clause (i)'' and insert ''subparagraph (B)''.

On page 419, line 9, strike ''clause (i)'' and insert ''subparagraph (B)''.

On page 421, between lines 19 and 20, insert the following:

(3) LIMITATION.—Notwithstanding any other provisions of this Act, the quantity of foreign allowances and foreign credits submitted by a United States importer pursuant to this subsection shall not exceed 15 percent of the quantity of allowances that the importer is required to submit pursuant to subsection (d).

On page 422, line 5, strike ''2013'' and insert ''2011''.

On page 422, line 11, strike ''2017'' and insert ''2015''.

SA 4883. Mr. SPECTER (for himself, Mr. COLEMAN, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. CASEY) 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 21, strike lines 6 and 7 and insert ''uses more than 5,000 metric tons of coal (except for coal or coke used in ironmaking, steelmaking, or steel recycling processes, or coal used to produce coke for ironmaking, steelmaking, or steel recycling processes) in the United States;''.

On page 21, strike line 21 and insert ''or gaseous fuel (except for gaseous fuel produced in ironmaking, steelmaking, or steel recycling processes), the combustion of which will,''.

On page 65, strike line 11 and insert ''the preceding calendar year through the use of coal (except for coal or coke used in ironmaking, steelmaking, or steel recycling processes, or coal used to produce coke for ironmaking, steelmaking, or steel recycling processes);''.

On page 65, strike line 15 and insert ''gaseous fuel (except for gaseous fuel produced in ironmaking, steelmaking, or steel recycling processes) that was, during the preceding calendar''.

SA 4884. Mr. SPECTER 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 subsection (a) of section 201 and insert the following:

(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	6,652
2013	6,592
2014	6,533
2015	6,474
2016	6,416
2017	6,358
2018	6,301
2019	6,245
2020	6,188
2021	6,097
2022	6,006
2023	5,915
2024	5,823
2025	5,732
2026	5,550
2027	5,367
2028	5,184
2029	5,002
2030 and each calendar year thereafter through calendar year 2050	4,819

SA 4885. Mr. ISAKSON (for himself and Mr. GRAHAM) 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:

TITLE ____—HOMESTEAD OPEN SPACE PRESERVATION AND CONSERVATION

SEC. ___1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Paul Coverdell Homestead Open Space Preservation and Conservation Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. ___2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Tax and economic policies have for a sustained period of time inadvertently created financial difficulties for our Nation's farming and ranching families that, among other negative impacts, has forced a significant number of them to liquidate their land holdings.

(2) This has particularly been the case in areas surrounding growing urban centers and resort destinations.

(3) This has fragmented many of our Nation's large landscapes and disrupted many communities that historically derived their cultural and economic identities from the land.

(4) The impact of this has been to deprive many areas of open green space, which in turn has not only negatively affected our human settlements through the resulting sprawl, but has also dramatically reduced the amount of sustaining habitat for our natural communities of plants and animals.

(b) PURPOSE.—The purpose of this title is to provide an economic mechanism that will restore and conserve our Nation's natural estate in the form of forests, farms, ranches, and wetlands while protecting our waterways and our forests and open space in a manner that keeps them subject to private ownership and supportive of our surviving but threatened natural communities of plants and animals.

SEC. ___3. QUALIFIED CONSERVATION CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other

credits) is amended by adding at the end the following new section:

"SEC. 30D. QUALIFIED CONSERVATION CREDIT.

''(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter, in the case of a qualified conservation organization, the amount of the taxpayer's qualified conservation expenditures for the taxable year.

''(b) QUALIFIED CONSERVATION EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation expenditures' means the sum of the qualified conservation organization's—

''(A) acquisition costs, plus

''(B) reserve funds.

''(2) ACQUISITION COSTS.—The term 'acquisition costs' means the sum of—

''(A) the lesser of—

''(i) the total of the amounts that a qualified conservation organization paid during the taxable year to acquire qualified real property interests exclusively for conservation purposes, or

''(ii) the aggregate appraised value of the qualified real property interests referred to in clause (i), plus

''(B) so much of the transaction costs reasonably incurred during the taxable year in connection with the acquisition of qualified real property interests as do not exceed 2 percent of the amount determined in subparagraph (A).

''(3) RESERVE FUNDS.—

''(A) IN GENERAL.—The term 'reserve funds' means amounts permanently set aside by a qualified conservation organization as an endowment to fund the future costs of enforcing and maintaining qualified real property interests acquired by the qualified conservation organization exclusively for conservation purposes.

''(B) ENDOWMENT.—The term 'endowment' means a restricted fund held in a segregated account, the income and realized appreciation of which may be expended solely for the purposes designated under this section, and which may be invested solely in qualified investments (as defined in section 501(c)(21)(D)(ii)).

''(C) LIMITATION.—The amount of reserve funds which may be taken into account under paragraph (1)(B) for the taxable year shall not exceed 8 percent of the acquisition costs for that taxable year.

''(c) QUALIFIED CONSERVATION ORGANIZATION.—For purposes of this section, the term 'qualified conservation organization' means, with respect to any taxable year—

''(1) an organization which—

''(A) is described in section 170(h)(3),

''(B) has been in existence for at least 2 calendar years immediately before the taxable year, and

''(C) was organized to serve primarily conservation purposes (as defined in section 170(h)(4)),

''(2) a limited partnership, all the general partners of which are organizations described in paragraph (1), or

''(3) a limited liability company, all the managers of which are organizations described in paragraph (1),

with respect to which neither the seller of the qualified real property interest nor any party related or subordinate to the seller (within the meaning of section 672(c)) would be a disqualified person (as defined in section 4946) if the organization were a private foundation.

''(d) QUALIFIED REAL PROPERTY INTEREST.—For purposes of this section, the term 'qualified real property interest' has the meaning given such term by section 170(h)(2)(C).

''(e) EXCLUSIVELY FOR CONSERVATION PURPOSES.—For purposes of this section, the term 'exclusively for conservation purposes' has the meaning given such term by section 170(h)(5), except that an acquisition shall not be treated as exclusively for conservation purposes unless the instrument conveying the qualified real property interest expressly provides that the conservation purposes may be enforced by both the attorney general of the State in which the real property is located and the qualified conservation organization.

''(f) APPRAISED VALUE.—For purposes of this section, the term 'appraised value' means the fair market value as determined by a qualified appraisal (as defined in section 155(a)(4) of the Deficit Reduction Act of 1984).

''(g) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) shall not exceed the taxpayer's liability for income tax (including unrelated business income tax) for the taxable year.

''(h) LIMITATION ON AGGREGATE CREDIT ALLOWABLE WITH RESPECT TO ACQUISITIONS OF QUALIFIED REAL PROPERTY INTERESTS LOCATED IN A STATE.—

''(1) CREDIT MAY NOT EXCEED CREDIT AMOUNT ALLOCATED TO ACQUISITION OF QUALIFIED REAL PROPERTY INTEREST.—

''(A) IN GENERAL.—The amount of the credit determined under subsection (a) for any taxable year with respect to the acquisition of any qualified real property interest shall not exceed the conservation credit dollar amount allocated to such acquisition under this subsection.

''(B) TIME FOR MAKING ALLOCATION.—An allocation shall be taken into account under subparagraph (A) only if it is made not later than the close of the calendar year in which the qualified real property interest is acquired.

''(C) ALLOCATION REDUCES AGGREGATE AMOUNT AVAILABLE TO AGENCY.—Any conservation credit dollar amount allocated to the acquisition of any qualified real property interest for any calendar year shall reduce the aggregate conservation credit dollar amount of the allocating conservation credit agency for such calendar year.

''(2) CONSERVATION CREDIT DOLLAR AMOUNT FOR AGENCIES.—

''(A) IN GENERAL.—The aggregate conservation credit dollar amount which a conservation credit agency may allocate for any calendar year is the portion of the State conservation credit ceiling allocated under this paragraph for such calendar year to such agency.

''(B) STATE CEILING INITIALLY ALLOCATED TO STATE CONSERVATION CREDIT AGENCIES.—Except as provided in subparagraphs (F) and (G), the State conservation credit ceiling for each calendar year shall be allocated to the conservation credit agency of such State. If there is more than 1 conservation credit agency of a State, all such agencies shall be treated as a single agency.

''(C) STATE CONSERVATION CREDIT CEILING.—The State conservation credit ceiling applicable to any State for any calendar year shall be an amount equal to the sum of—

''(i) the lesser of—

''(I) an amount equal to the aggregate annual credit multiplied by a fraction, the numerator of which is the amount of land located in such State that is either used for agricultural purposes or constitutes private forest land and the denominator of which is the amount of land in all States that is either used for agricultural purposes or constitutes private forest land, or

''(II) an amount equal to 4 percent of the aggregate annual credit for that year,

''(ii) the amount (if any) allocated under subparagraph (F) to such State by the Secretary,

''(iii) the amount of the State conservation credit ceiling returned in the calendar year, plus

''(iv) the amount (if any) allocated under subparagraph (G) to such State by the Secretary.

''(D) AGGREGATE ANNUAL CREDIT.—For purposes of subparagraph (C)(i), the aggregate annual credit is determined in accordance with the following table:

"For the calendar year ending:	The aggregate annual credit is:
December 31, 2009	$4,000,000,000
December 31, 2010	$4,500,000,000
December 31, 2011	$5,000,000,000
December 31, 2012	$5,500,000,000
December 31, 2013	$6,000,000,000

''(E) STATE CONSERVATION CREDIT CEILING RETURNED.—For purposes of clause (iii), the amount of State conservation credit ceiling returned in the calendar year equals the conservation credit dollar amount previously allocated within the State to any proposed acquisition of a qualified real property interest which is not acquired within the period required by the terms of the allocation or to any proposed acquisition of a qualified real property interest with respect to which an allocation is canceled by mutual consent of the conservation credit agency and the qualified conservation organization receiving the allocation.

''(F) UNUSED AGGREGATE ANNUAL CREDIT.—Any portion of the aggregate annual credit for a calendar year that is not allocated to a State's conservation credit ceiling because of the 4 percent limitation under subparagraph (C)(i)(II) shall be allocated by the Secretary among the remaining States, subject to such 4 percent limitation, in proportion to their respective land used for agricultural purposes and private forest land.

''(G) UNUSED CONSERVATION CREDIT CARRYOVERS ALLOCATED AMONG CERTAIN STATES.—

''(i) IN GENERAL.—The unused conservation credit carryover of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

''(ii) UNUSED CONSERVATION CREDIT CARRYOVER.—For purposes of this paragraph, the unused conservation credit carryover of a State for any calendar year is the excess (if any) of the State conservation credit ceiling for such year (as defined in subparagraph (C)) over the aggregate conservation credit dollar amount allocated by such State for such year.

''(iii) FORMULA FOR ALLOCATION OF UNUSED CONSERVATION CREDIT CARRYOVERS AMONG QUALIFIED STATES.—The Secretary shall determine the formula for allocating the unused conservation credit carryovers among the qualified States for a calendar year. In the determination of such formula, the Secretary shall assure that each qualified State in a calendar year shall receive some allocated amount of the unused conservation credit carryover for that year but that such carryovers shall otherwise be allocated among the qualified States in a manner that best realizes the purpose of this section.

''(iv) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

''(I) which has adopted a statewide conservation plan designed to preserve the natural estate in the form of forests, farms, ranches, and wetlands located within the boundaries of that State,

''(II) which allocated its entire State conservation credit ceiling for the preceding calendar year, and

''(III) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (iii).

''(H) SPECIAL RULE FOR STATES WITH CONSTITUTIONAL HOME RULE CITIES.—For purposes of this subsection—

''(i) IN GENERAL.—The aggregate conservation credit dollar amount for any constitutional home rule city for any calendar year shall be an amount which bears the same ratio to the State conservation credit ceiling for such calendar year as—

''(I) the land used for agricultural purposes and private forest land within a 25-mile radius of such city, bears to

''(II) the land used for agricultural purposes and private forest land in the entire State.

''(ii) COORDINATION WITH OTHER ALLOCATIONS.—In the case of any state which contains 1 or more constitutional home rule cities, for purposes of applying this paragraph with respect to conservation credit agencies in such State other than constitutional home rule cities, the State conservation credit ceiling for any calendar year shall be reduced by the aggregate conservation credit dollar amounts determined for such year for all constitutional home rule cities in such State.

''(iii) CONSTITUTIONAL HOME RULE CITY.—For purposes of this subparagraph, the term 'constitutional home rule city' has the meaning given such term by section 146(d)(3)(C).

''(I) STATE MAY PROVIDE FOR DIFFERENT ALLOCATION.—Rules similar to the rules of section 146(e) (other than paragraph (2)(B) thereof) shall apply for purposes of this paragraph.

''(J) LAND USED FOR AGRICULTURAL PURPOSES AND PRIVATE FOREST LAND.—For purposes of this paragraph—

''(i) LAND USED FOR AGRICULTURAL PURPOSES.—The term 'land used for agricultural purposes' means the number of acres classified as land in farms in the 1997 Census of Agriculture conducted by the United States Department of Agriculture.

''(ii) PRIVATE FOREST LAND.—The term 'private forest land' means the number of acres classified as private forest land in the 1997 Forest Inventory and Analysis conducted by the United States Forest Service, excluding any acres so classified therein that are also included as land in farms in the 1997 Census of Agriculture described in clause (i).

''(K) SECRETARY.—For purposes of this paragraph, the term 'Secretary' means the Secretary of Agriculture and the Secretary of the Interior, acting pursuant to jointly established rules and procedures.

''(3) SPECIAL RULES.—

''(A) INTERESTS MUST BE LOCATED WITHIN JURISDICTION OF CREDIT AGENCY.—A conservation credit agency may allocate its aggregate conservation credit dollar amount only with respect to acquisitions of qualified real property interests located in the jurisdiction of the governmental unit of which such agency is a part.

''(B) AGENCY ALLOCATIONS IN EXCESS OF LIMIT.—If the aggregate conservation credit dollar amounts allocated by a conservation credit agency for any calendar year exceed the portion of the State conservation credit ceiling allocated to such agency for such calendar year, the conservation credit dollar amounts so allocated shall be reduced (to the extent of such excess) for acquisitions of qualified real property interests in the reverse order in which the allocations of such amounts were made.

''(4) CONSERVATION CREDIT AGENCY.—For purposes of this subsection, the term 'conservation credit agency' means any agency authorized to carry out this subsection.

''(i) REGULATIONS.—Except as provided in subsection (h)(2)(K), the Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.

''(j) TERMINATION.—Subparagraph (A) of subsection (h)(1) shall not apply to any amount allocated after December 31, 2013.''.

(b) RECOGNITION OF GAIN.—Section 1001 (relating to determination of amount of and recognition of gain or loss) is amended by adding at the end the following new subsection:

''(f) QUALIFIED REAL PROPERTY INTERESTS.—Gain shall be recognized on the sale of a qualified real property interest (as defined in section 30D(d)) to a qualified conservation organization (as defined in section 30D(c)) exclusively for conservation purposes (as defined in section 30D(e)) only to the extent that the amount realized on the sale exceeds the taxpayer's adjusted basis in the entire property to which the qualified real property interest relates.''.

(c) BASIS ADJUSTMENT.—Section 1016 (relating to adjustments to basis) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADJUSTMENTS TO BASIS OF CERTAIN REAL PROPERTY.—If the taxpayer has sold a qualified real property interest in a transaction to which section 1001(f) applies, then the taxpayer's basis in the remaining property shall be reduced (but not below zero) by the amount realized on the sale.''.

(d) CONFORMING AMENDMENTS.—

(1) PASSIVE LOSS RULES INAPPLICABLE.—Section 469(d)(2)(A)(i) is amended to read as follows:

''(i) subpart D (other than section 30D) of part IV of subchapter A, or''.

(2) UNRELATED BUSINESS INCOME TAX.—Section 511(a)(1) is amended by striking ''section 11.'' and inserting ''section 11, less any credits to which the organization is entitled under section 30D.''.

(3) DENIAL OF CHARITABLE CONTRIBUTION DEDUCTION.—Section 170(e) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULE FOR CONTRIBUTIONS OF INTERESTS IN QUALIFIED CONSERVATION ORGANIZATIONS.—No deduction shall be allowed for the contribution of an interest in a qualified conservation organization (as defined in section 30D(c)) that has acquired 1 or more qualified real property interests in transactions to which section 30D applies.''.

(4) CLASSIFICATION AS PARTNERSHIP.—Section 761(a) is amended by adding at the end the following new sentence: ''Such term also includes an organization described in either section 30D(c)(2) or section 30D(c)(3).''.

(5) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. Qualified conservation credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SA 4886. Mr. GRAHAM (for himself and Mr. ISAKSON) 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:

TITLE ___NUCLEAR ENERGY

Subtitle A—Financial Incentives

SEC. ___01. INVESTMENT TAX CREDIT FOR NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by inserting after paragraph (4) the following new paragraph:

''(5) the nuclear power facility construction credit.''.

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

''(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

''(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

''(2) COORDINATION WITH SUBSECTION (c).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer, to the extent any amount so taken into account under subsection (c) has not been required to be recaptured under section 50(a).

''(c) PROGRESS EXPENDITURES.—

''(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, no earlier than the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility, and

''(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, no earlier than the taxable year in which such expenditures are paid.

''(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)—

''(A) COMPONENT PARTS, ETC.—Notwithstanding that a qualified nuclear power facility is a self-constructed facility, property described in paragraph (3)(B) shall be taken into account in accordance with paragraph (1)(B), and such amounts shall not be included in determining qualified nuclear power facility expenditures under paragraph (1)(A).

''(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility.

''(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

''(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the excess of—

''(I) the product of the overall cost to the taxpayer of the facility or component of a facility, multiplied by the percentage of completion of the facility or component of a facility, less

''(II) the amount taken into account under paragraph (1)(B) for all prior taxable years as to such facility or component of a facility.

''(ii) CARRYOVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self-constructed, if for the taxable year the amount which (but for

clause (i)) would have been taken into account under paragraph (1)(B) exceeds the amount allowed by clause (i), then the amount of such excess shall increase the amount taken into account under paragraph (1)(B) for the succeeding taxable year without regard to this paragraph.

''(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

''(E) DETERMINATION OF OVERALL COST.—The determination under subparagraph (C) of the overall cost to the taxpayer of the construction of a facility shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records, using information available at the close of the taxable year in which the credit is being claimed.

''(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

''(i) the taxable year in which the facility is placed in service, or

''(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility or for any taxable year thereafter.

''(3) SELF-CONSTRUCTED.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'self-constructed facility' means any facility if, at the close of the first taxable year to which the election in this subsection applies, it is reasonable to believe that more than 80 percent of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

''(B) TREATMENT OF COMPONENTS.—A component of a facility shall be treated as not self-constructed if, at the close of the first taxable year in which expenditures for the component are paid, it is reasonable to believe that the cost of the component is at least 5 percent of the expected cost of the facility.

''(4) ELECTION.—An election shall be made under this subsection for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear facility (as defined in section 45J(d)(2))—

''(A) which, when placed in service, will use nuclear power to produce electricity,

''(B) the construction of which is approved by the Nuclear Regulatory Commission on or before December 31, 2013, and

''(C) which is placed in service before January 1, 2021.

Such term shall not include any property which is part of a facility the production from which is allowed as a credit under section 45 for the taxable year or any prior taxable year.

''(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

''(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount paid, accrued, or properly chargeable to capital account—

''(i) with respect to a qualified nuclear power facility,

''(ii) for which depreciation will be allowable under section 168 once the facility is placed in service, and

''(iii) which is incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

''(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2008, to the extent that, at the close of the first taxable year to which the election in subsection (c) applies, it is reasonable to believe that such expenditures will constitute more than 20 percent of the total qualified nuclear power facility expenditures.

''(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

''(A) IN GENERAL.—Except for sales or dispositions between entities which meet the ownership test in section 1504(a), for purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease, with respect to the taxpayer, to be a qualified nuclear power facility as of the date on which the taxpayer sells, disposes of, or cancels, abandons, or otherwise terminates the construction of, the facility.

''(B) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases, with respect to the taxpayer, to be a qualified nuclear power facility by reason of subparagraph (A) and work is subsequently resumed on the construction of such facility the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.

''(e) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section to the extent not inconsistent herewith.''.

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48C(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.''.

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting ''or paragraph (2) of section 48C(b)'' after ''paragraph (2) of section 47(b)'';

(ii) inserting ''or section 48C(b)(1)'' after ''section 47(b)(1)''; and

(iii) inserting ''or facility'' after ''building''.

(d) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting '', and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualified nuclear power facility under section 48C.''.

(e) DENIAL OF DOUBLE BENEFIT.—Subsection (c) of section 45J of the Internal Revenue Code of 1986 (relating to other limitations) is amended by adding at the end the following new paragraph:

''(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of ½ or a fraction—

''(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of—

''(i) grants provided by the United States, a State, or a political subdivision of a State for use in connection with the project,

''(ii) proceeds of an issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103,

''(iii) the aggregate amount of subsidized energy financing provided (directly or indirectly) under a Federal, State, or local program provided in connection with the project, and

''(iv) the amount of any other credit allowable with respect to any property which is part of the facility, and

''(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

''Sec. 48C. Nuclear power facility construction credit.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred and property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___02. 5-YEAR ACCELERATED DEPRECIATION FOR NEW NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended—

(1) by striking ''and'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting '', and''; and

(3) by adding at the end the following new clause:

''(vii) any qualified nuclear power facility described in paragraph (1) of section 48C(d) (without regard to the last sentence thereof) the original use of which commences with the taxpayer.''.

(b) CONFORMING AMENDMENT.—Section 168(e)(3)(E)(vii) of the Internal Revenue Code of 1986 is amended by inserting ''and not described in subparagraph (B)(vii) of this paragraph'' after ''section 1245(a)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of enactment of this Act.

SEC. ___03. CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of property placed in service by the taxpayer during such taxable year which is certified under subsection (c) and—

''(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which is placed in service on or before December 31, 2015.

''(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to the rules of section 48(a)(4) shall apply for purposes of this section.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT AND QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT CERTIFICATION.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for property eligible for credits under this section as part of either a qualifying nuclear power manufacturing project or as qualifying nuclear power manufacturing equipment. The total amounts of credit that may be allocated under the program shall not exceed $100,000,000.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term 'qualifying nuclear power manufacturing equipment' means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(3) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.''.

(b) CONFORMING AMENDMENTS.—

(1) ADDITIONAL INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting '', and''; and

(C) by inserting after paragraph (5) the following new paragraph:

''(6) the qualifying nuclear power manufacturing credit.''.

(2) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code, as amended by this Act, is amended—

(A) by striking ''and'' at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting '', and''; and

(C) by inserting after clause (v) the following new clause:

''(vi) the basis of any property which is part of a qualifying nuclear power manufacturing project or qualifying nuclear power manufacturing equipment under section 48D.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Qualifying nuclear power manufacturing credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which begins after the date of enactment of this Act; or

(2) which is acquired by the taxpayer on or after such date and not pursuant to a binding contract which was in effect on the day prior to such date.

SEC. ___04. STANDBY SUPPORT FOR CERTAIN NUCLEAR PLANT DELAYS.

(a) DEFINITIONS.—Section 638(a) of the Energy Policy Act of 2005 (42 U.S.C. 16014(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (7); and

(2) by inserting after paragraph (3) the following:

''(4) FULL POWER OPERATION.—The term 'full power operation', with respect to a facility, means the earlier of—

''(A) the commercial operation date (or the equivalent under the terms of the financing documents for the facility); and

''(B) the date on which the facility achieves operation at an average nameplate capacity of 50 percent or more during any consecutive 30-day period after the completion of startup testing for the facility.

''(5) INCREASED PROJECT COSTS.—The term 'increased project costs' means the increased cost of constructing, commissioning, testing, operating, or maintaining a reactor prior to full-power operation incurred as a result of a delay covered by the contract, including costs of demobilization and remobilization, increased costs of equipment, materials and labor due to delay (including idle time), increased general and administrative costs, and escalation costs for completing construction.

''(6) LITIGATION.—The term 'litigation' means any—

''(A) adjudication in Federal, State, local, or tribal court; and

''(B) any administrative proceeding or hearing before a Federal, State, local, or tribal agency or administrative entity.''.

(b) CONTRACT AUTHORITY.—Section 638(b) of the Energy Policy Act of 2005 (42 U.S.C. 16014(b)) is amended by striking paragraph (1) and inserting the following:

''(1) CONTRACTS.—

''(A) IN GENERAL.—The Secretary may enter into contracts under this section with sponsors of an advanced nuclear facility that cover at any 1 time a total of not more than 12 reactors, which shall consist of not less than 2 nor more than 4 different reactor designs, in accordance with paragraph (2).

''(B) REPLACEMENT CONTRACTS.—If any contract entered into under this section terminates or expires without a claim being paid by the Secretary under the contract, the Secretary may enter into a new contract under this section in replacement of the contract.''.

(c) COVERED COSTS.—Section 638(d) of the Energy Policy Act of 2005 (42. U.S.C. 16014(d)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) COVERAGE.—In the case of reactors that receive combined licenses and on which construction is commenced, the Secretary shall pay—

''(A) 100 percent of the covered costs of delay that occur after the initial 30-day period of covered delay; but

''(B) not more than $500,000,000 per contract.

''(3) COVERED DEBT OBLIGATIONS.—Debt obligations covered under subparagraph (A) of paragraph (5) shall include debt obligations incurred to pay increased project costs.''.

(d) DISPUTE RESOLUTION.—Section 638 of the Energy Policy Act of 2005 (42 U.S.C. 16014) is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (e) the following:

''(f) DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Any controversy or claim arising out of or relating to any contract entered into under this section shall be determined by arbitration in Washington, DC, in accordance with the applicable Commercial Arbitration Rules of the American Arbitration Association.

''(2) TREATMENT OF DECISION.—A decision by an arbitrator shall be final and binding, and the United district court for Washington, DC, or the district in which the project is located shall have jurisdiction to enter judgment on the decision.''.

SEC. ___05. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) DEFINITION OF PROJECT COST.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by adding at the end the following:

''(6) PROJECT COST.—The term 'project cost' means all costs associated with the development, planning, design, engineering, permitting and licensing, construction, commissioning, startup, shakedown, and financing of a facility, including reasonable escalation and contingencies, the cost of and fees for the guarantee, reasonably required reserve funds, initial working capital, and interest during construction.''.

(b) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsections (b) and (c) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) sufficient amounts have been appropriated to cover the cost of the guarantee;

''(B) the Secretary has—

''(i) received from the borrower payment in full for the cost of the obligation; and

''(ii) deposited the payment into the Treasury; or

''(C) any combination of subparagraphs (A) and (B) that is sufficient to cover the cost of the obligation.

''(2) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c (b)) shall not apply to a loan guarantee made in accordance with paragraph (1).

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee—

''(A) 100 percent of the obligation for a facility that is the subject of a guarantee; or

''(B) a lesser amount, if requested by the borrower.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

Subtitle B—Other Programs

SEC. ___11. NUCLEAR POWER 2010 PROGRAM.

Section 952(c) of the Energy Policy Act of 2005 (42 U.S.C. 16272(c)) is amended by adding at the end the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

''(A) $159,600,000 for fiscal year 2009;

''(B) $135,600,000 for fiscal year 2010;

''(C) $46,900,000 for fiscal year 2011; and

''(D) $2,200,000 for fiscal year 2012.''.

SEC. ___12. NEXT GENERATION NUCLEAR PLANT PROJECT.

(a) PROJECT ESTABLISHMENT.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through ''The Secretary'' and inserting the following:

''(a) ESTABLISHMENT AND OBJECTIVE.—

''(1) ESTABLISHMENT.—The Secretary''; and

(B) by adding at the end the following:

''(2) OBJECTIVE.—

''(A) DEFINITION OF HIGH-TEMPERATURE, GAS-COOLED NUCLEAR ENERGY TECHNOLOGY.—In this paragraph, the term 'high-temperature, gas-cooled nuclear energy technology' means a technology relating to any nongreenhouse gas-emitting alternative to the burning of fossil fuels for commercial applications using process heat to generate electricity, steam, hydrogen, and oxygen for activities such as—

''(i) refining;

''(ii) converting coal to synfuels and other hydrocarbon feedstocks; and

''(iii) desalination.

''(B) DESCRIPTION OF OBJECTIVE.—The objective of the Project shall be to carry out demonstration projects for the development, licensing, and operation of high-temperature, gas-cooled nuclear energy technologies to support commercialization of those technologies.

''(C) REQUIREMENTS.—The functional, operational, and performance requirements for high-temperature, gas-cooled nuclear energy technologies shall be determined by the needs of marketplace industrial end-users, as projected for the 40-year period beginning on the date of enactment of this paragraph.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''licensing,'' after ''design,'';

(B) in paragraph (1), by striking ''942(d)'' and inserting ''952(d)''; and

(C) by striking paragraph (2) and inserting the following:

''(2) shall be used to demonstrate the capability of the nuclear energy system to provide—

''(A) high-temperature process heat to be used for the production of electricity, steam, and other heat transport fluids; and

''(B) hydrogen and oxygen, separately or in combination.''.

(b) PROJECT MANAGEMENT.—Section 642 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) INTERACTION WITH INDUSTRY CONSORTIUM.—Any activity carried out under the Project by the industry consortium established under subsection (c) shall be carried out pursuant to a financial assistance agreement between the Secretary and the industry consortium.'';

(2) in subsection (b)—

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

''(1) LEAD LABORATORY.—

''(A) IN GENERAL.—The Idaho National Laboratory shall—

''(i) be the lead National Laboratory for the Project; and

''(ii) collaborate with other National Laboratories, institutions of higher education, other research institutes, industrial researchers, and international researchers to carry out the Project.

''(B) PARTNERSHIP AGREEMENT.—

''(i) IN GENERAL.—The Secretary shall offer to enter into a partnership agreement with an entity or group of entities in the private sector under which the entity or group of entities shall assume responsibility for the management and operation of the Project.

''(ii) REQUIREMENT.—The partnership agreement under clause (i) shall contain a provision under which the entity or group of entities in the private sector may enter into contracts with entities in the public sector for the provision of services and products to that sector that represent typical commercial practices regarding terms and conditions for risk, accountability, performance, and quality.''; and

(B) in paragraph (2)(A)—

(i) by striking ''The Idaho National Laboratory'' and inserting ''The entity or group of entities referred to in paragraph (1)(B), acting through the Idaho National Laboratory pursuant to the partnership agreement entered into under that paragraph,''; and

(ii) by inserting ''licensing,'' after ''design,''; and

(3) by adding at the end the following:

''(c) INDUSTRY CONSORTIUM.—

''(1) ESTABLISHMENT.—The entity or group of entities referred to in subsection (b)(1)(B), acting through the Idaho National Laboratory pursuant to the partnership agreement entered into under that subsection, shall establish an industry consortium, to be composed of representatives of industrial end-users of electricity, steam, hydrogen, and oxygen.

''(2) DUTIES.—The industry consortium shall assume responsibility for management, development, design, licensing, construction, and initial operation of the Project, using commercial practices and project management processes and tools.''.

(c) PROJECT ORGANIZATION.—Section 643 of the Energy Policy Act of 2005 (42 U.S.C. 16023) is amended—

(1) in subsection (a)(2), by inserting ''transportation and'' before ''conversion'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''and hydrogen'' and inserting '', steam, hydrogen, and oxygen''; and

(ii) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking '', through a competitive process,'';

(ii) in subparagraph (C), by striking ''reactor'' and inserting ''energy system'';

(iii) in subparagraph (D), by striking ''hydrogen or electricity'' and inserting ''energy transportation, conversion, and''; and

(iv) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(D) by striking ''The Project shall be'' and inserting the following:

''(1) IN GENERAL.—The Project shall be''; and

(E) by adding at the end the following:

''(2) OVERLAPPING PHASES.—The phases described in paragraph (1) may overlap for the Project or any portion of the Project, as necessary.''; and

(3) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

''(E) INDUSTRY CONSORTIUM.—The industry consortium established under section 642(c) may enter into any necessary contracts with the Federal Government or entities in the international industrial sector for research and development, design, licensing, construction, and operating activities, services, and equipment.''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

''(i) review program plans for the Project prepared by the Office of Nuclear Energy, Science, and Technology and progress under the Project on an ongoing basis, in accordance with an applicable technology investment agreement between the Secretary and the industry consortium established under section 642(c); and''; and

(ii) in subparagraph (D)—

(I) by striking ''On a determination'' and inserting the following:

''(i) IN GENERAL.—On a determination'';

(II) in clause (i) (as designated by subclause (I))—

(aa) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(A)''; and

(bb) by striking ''subsection (b)(2)'' and inserting ''subsection (b)(1)(B)''; and

(III) by adding at the end the following:

''(ii) SCOPE.—The scope of the review conducted under clause (i) shall be in accordance with an applicable technology investment agreement between the Secretary and the industry consortium established under section 642(c).''.

SEC. ___13. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) nuclear utility and nuclear energy product and service industries.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary, shall promulgate regulations to implement a program to provide grants to enhance workforce training for any occupation in the workforce of the nuclear utility and nuclear energy products and services industries for which a shortage is identified or predicted in the report under subsection (b)(2).

''(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, including organized labor organizations and multiemployer associations that jointly sponsor apprenticeship programs that provide training for skills needed in those industries.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the Secretary and the Secretary of Education, $20,000,000 for each of fiscal years 2008 through 2015 to carry out this subsection.''.

SEC. ___14. INTERAGENCY WORKING GROUP TO PROMOTE DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to increase the competitiveness of the United States nuclear energy products and services industries;

(2) to identify the stimulus or incentives necessary to cause United States manufacturers of nuclear energy products to expand manufacturing capacity;

(3) to facilitate the export of United States nuclear energy products and services;

(4) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(5) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(6) to integrate the objectives described in paragraphs (1) through (5), in a manner consistent with the interests of the United States, into the foreign policy of the United States; and

(7) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an interagency working group (referred to in this section as the ''Working Group'') that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(2) COMPOSITION.—The Working Group shall be composed of—

(A) the Secretary of Energy (or a designee), who shall serve as Chairperson of the Working Group; and

(B) representatives of—

(i) the Department of Energy;

(ii) the Department of Commerce;

(iii) the Department of Defense;

(iv) the Department of Treasury;

(v) the Department of State;

(vi) the Environmental Protection Agency;

(vii) the United States Agency for International Development;

(viii) the Export-Import Bank of the United States;

(ix) the Trade and Development Agency;

(x) the Small Business Administration;

(xi) the Office of the United States Trade Representative; and

(xii) other Federal agencies, as determined by the President.

(c) DUTIES OF WORKING GROUP.—The Working Group shall—

(1) not later than 180 days after the date of enactment of this Act, identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services—

(A) to increase electricity generation from nuclear energy sources through development of new generation facilities;

(B) to improve the efficiency, safety, and reliability of existing nuclear generating facilities through modifications; and

(C) enhance the safe treatment, handling, storage, and disposal of used nuclear fuel;

(2) not later than 180 days after the date of enactment of this Act, identify—

(A) mechanisms (including tax stimuli for investment, loans and loan guarantees, and grants) necessary for United States companies to increase—

(i) the capacity of the companies to produce or provide nuclear energy products and services; and

(ii) exports of nuclear energy products and services; and

(B) administrative or legislative initiatives that are necessary —

(i) to encourage United States companies to increase the manufacturing capacity of the companies for nuclear energy products;

(ii) to provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(iii) to encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(iv) to provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements;

(3) not later than 270 days after the date of enactment of this Act, submit to Congress a report that describes the findings of the Working Group under paragraphs (1) and (2), including recommendations for new legislative authority, as necessary; and

(4) encourage the agencies represented by membership in the Working Group—

(A) to provide technical training and education for international development personnel and local users in other countries;

(B) to provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(C) to develop nuclear energy projects in foreign countries;

(D) to provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States, and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(E) to support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(F) to augment budgets for trade and development programs in order to support prefeasibility or feasibility studies for projects that use nuclear energy products and services.

(d) PERSONNEL AND SERVICE MATTERS.—The Secretary of Energy and the heads of agencies represented by membership in the Working Group shall detail such personnel and furnish such services to the Working Group, with or without reimbursement, as are necessary to carry out the functions of the Working Group.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $20,000,000 for each of fiscal years 2009 through 2012.

SEC. ___15. NUCLEAR POWER TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund to be known as the ''Nuclear Power Technology Fund'' of which funds shall be made available to carry out the purposes of section ___16 (relating to spent fuel recycling).

SEC. ___16. SPENT FUEL RECYCLING PROGRAM.

(a) PURPOSE.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste dedicated to a permanent Federal repository.

(b) SPENT FUEL RECYCLING RESEARCH AND DEVELOPMENT FACILITY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin construction of a spent fuel recycling research and development facility.

(2) PURPOSE.—The facility described in paragraph (1) shall serve as the lead site for continuing research and development of advanced nuclear fuel cycles and separation technologies.

(3) SITE SELECTION.—In selecting a site for the facility, the Secretary shall give preference to a site that has—

(A) the most technically sound bid;

(B) a demonstrated technical expertise in spent fuel recycling; and

(C) community support.

(c) CONTRACTS.—The Secretary shall use amounts in the Nuclear Power Technology Fund, and such other amounts as are appropriated to carry out this section, to enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

(d) COMPETITIVE SELECTION.—Contracts awarded under subsection (c) shall be awarded on the basis of a competitive bidding process that—

(1) maximizes the competitive efficiency of the projects funded;

(2) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

(3) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(e) REGULATORY AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, in collaboration with the Secretary of Energy, shall promulgate regulations for the licensing of facilities for recovery and use of spent nuclear fuel that provide reasonable assurance that licenses issued for that purpose will not be counter to the defense, security, and national interests of the United States.

SA 4887. Ms. COLLINS (for herself and Ms. SNOWE) 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, add the following:

TITLE XVIII—COMMERCIAL TRUCK FUEL SAVINGS DEMONSTRATION PROGRAM

SEC. 1801. FINDINGS.

Congress finds that—

(1) diesel fuel prices have increased more than 50 percent during the 1-year period between May 2007 and May 2008;

(2) laws governing Federal highway funding effectively impose a limit of 80,000 pounds on the weight of vehicles permitted to use highways on the Interstate System;

(3) the administration of that provision in many States has forced heavy tractor-trailer and tractor-semitrailer combination vehicles traveling in those States to divert onto small State and local roads on which higher vehicle weight limits apply under State law;

(4) the diversion of those vehicles onto those roads increases fuel costs because of increased idling time and total travel time along those roads; and

(5) permitting heavy commercial vehicles, including tanker trucks carrying hazardous material and fuel oil, to travel on Interstate System highways when fuel prices are high would provide significant savings in the transportation of goods throughout the United States.

SEC. 1802. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Transportation of a State.

(2) COVERED INTERSTATE SYSTEM HIGHWAY.—

(A) IN GENERAL.—The term ''covered Interstate System highway'' means a highway designated as a route on the Interstate System.

(B) EXCLUSION.—The term ''covered Interstate System highway'' does not include any portion of a highway that, as of the date of the enactment of this Act, is exempt from the requirements of subsection (a) of section 127 of title 23, United States Code, pursuant to a waiver under that subsection.

(3) INTERSTATE SYSTEM.—The term ''Interstate System'' has the meaning given the term in section 101(a) of title 23, United States Code.

SEC. 1803. WAIVER OF HIGHWAY FUNDING REDUCTION RELATING TO WEIGHT OF VEHICLES USING INTERSTATE SYSTEM HIGHWAYS.

(a) PROHIBITION RELATING TO CERTAIN VEHICLES.—Notwithstanding section 127(a) of title 23, United States Code, the total amount of funds apportioned to a State under section 104(b)(1) of that title for any period may not be reduced under section 127(a) of that title if a State permits a vehicle described in subsection (b) to use a covered Interstate System highway in the State in accordance with the conditions described in subsection (c).

(b) COMBINATION VEHICLES IN EXCESS OF 80,000 POUNDS.—A vehicle described in this subsection is a vehicle having a weight in excess of 80,000 pounds that—

(1) consists of a 3-axle tractor unit hauling a single trailer or semitrailer; and

(2) does not exceed any vehicle weight limitation that is applicable under the laws of a State to the operation of the vehicle on highways in the State that are not part of the Interstate System, as those laws are in effect on the date of enactment of this Act.

(c) CONDITIONS.—This section shall apply at any time at which the weighted average price of retail number 2 diesel in the United States is $3.50 or more per gallon.

(d) EFFECTIVE DATE AND TERMINATION.—This section shall not remain in effect—

(1) after the date that is 2 years after the date of enactment of this Act; or

(2) before the end of that 2-year period, after any date on which the Secretary of Transportation—

(A) determines that—

(i) operation of vehicles described in subsection (b) on covered Interstate System highways has adversely affected safety on the overall highway network; or

(ii) a Commissioner has failed faithfully to use the highway safety committee as described in section 1805(2)(A) or to collect the data described in section 1805(3); and

(B) publishes the determination, together with the date of termination of this section, in the Federal Register.

(e) CONSULTATION REGARDING TERMINATION FOR SAFETY.—In making a determination under subsection (d)(2)(A)(i), the Secretary of Transportation shall consult with the highway safety committee established by a Commissioner in accordance with section 1805.

SEC. 1804. GAO TRUCK SAFETY DEMONSTRATION REPORT.

The Comptroller General of the United States shall carry out a study of the effects of participation in the program under section 1803 on the safety of the overall highway network in States participating in that program.

SEC. 1805. RESPONSIBILITIES OF STATES.

For the purpose of section 1803, a State shall be considered to meet the conditions under this section if the Commissioner of the State—

(1) submits to the Secretary of Transportation a plan for use in meeting the conditions described in paragraphs (2) and (3);

(2) establishes and chairs a highway safety committee that—

(A) the Commissioner uses to review the data collected pursuant to paragraph (3); and

(B) consists of representatives of—

(i) agencies of the State that have responsibilities relating to highway safety;

(ii) municipalities of the State;

(iii) organizations that have evaluation or promotion of highway safety among the principal purposes of the organizations; and

(iv) the commercial trucking industry; and

(3) collects data on the net effects that the operation of vehicles described in section 1803(b) on covered Interstate System highways have on the safety of the overall highway network, including the net effects on single-vehicle and multiple-vehicle collision rates for those vehicles.

SA 4888. Mr. INHOFE (for himself and Mr. BOND) 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 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER DIESEL PRICES CAUSED BY THIS ACT.

(a) DETERMINATION OF HIGHER DIESEL PRICES CAUSED BY THIS ACT.—Not less than annually, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator, shall determine whether implementation of this Act has caused the average retail price of diesel to increase since the date of enactment of this Act.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher diesel prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a diesel price increase.

SA 4889. Mr. INHOFE 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 224, line 16, strike ''65'' and insert ''39''.

On page 226, line 11, strike ''30'' and insert ''18''.

On page 227, line 5, strike ''5'' and insert ''3''.

On page 228, strike line 13 and insert the following:

(j) GRANTS FOR TRAFFIC CONGESTION AND BOTTLENECK RELIEF PROJECTS.—

(1) IN GENERAL.—Of the funds deposited into the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 40 percent shall be distributed to State governmental authorities to assist in reducing highway traffic congestion, through—

(A) programs to alleviate traffic congestion at documented highway bottlenecks; and

(B) programs to deploy systemic improvements to reduce traffic congestion.

(2) USE OF FUNDS.—A State governmental authority shall use funds received under paragraph (1) for—

(A) construction of new roadway or bridge capacity, including single-occupancy vehicle lanes;

(B) technology applications; and

(C) operational improvements.

(3) TERMS AND CONDITIONS.—Funds provided under this subsection shall be subject to the terms and conditions applicable to allocations of funds under section 103 of title 23, United States Code.

(4) COST SHARE.—The Federal share of the cost of an activity funded under this subsection shall not exceed 80 percent.

(k) CONDITION FOR RECEIPT OF FUNDS.—To be eli-

SA 4890. Ms. KLOBUCHAR 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, add the following:

TITLE XVIII—RENEWABLE ENERGY STANDARD

SEC. 1801. 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 electricity generated by a hydroelectric facility (including a pumped storage facility, but excluding incremental hydropower).

''(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(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 (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)), landfill gas, or municipal solid waste.

''(4) 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).

''(5) 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.

''(6) 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.

''(7) 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 (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas;

''(iv) incremental hydropower; or

''(v) municipal solid waste; 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 (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas;

''(IV) incremental hydropower; or

''(V) municipal solid waste; and

''(ii) incremental geothermal production.

''(8) 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	2
2011	4
2012	6
2013	8
2014	10
2015	11
2016	12
2017	13
2018	14
2019	15
2020	16
2021	17
2022	18
2023	19
2024	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 4891. 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 title XVII, add the following:

Subtitle H—Sense of the Senate Regarding Excessive Big Oil Chief Executive Officer Compensation

SEC. 1771. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the national average price for a gallon of gasoline has increased from the price of $1.47 per gallon during the week President George W. Bush took office in January 2001 to, as of the date of enactment of this Act, an all-time high of approximately $4.00 per gallon;

(2) the price of a barrel of oil has increased during the administration of George W. Bush, from $30.63 in January 2001 to as high as $135 in May 2008;

(3) the average household with children will spend approximately $5,030 on transportation fuel costs in 2008, an increase of 164 percent or $3,127 more than 2001 transportation fuel costs;

(4) while the price of gasoline has continued to skyrocket, median household income, adjusted for inflation, has declined by $982 from $50,566 in 2000 to $49,584 in 2006, making it harder for families of the United States to afford the basic necessities of life;

(5) while the price of gasoline has continued to skyrocket, 36,500,000 citizens of the United States lived in poverty during 2006, an increase of 4,900,000 above the 2000 level, the year before President Bush took office;

(6) 63 percent of respondents of a March 2008 Gallup Poll stated that high gasoline prices have caused hardships for the respondents;

(7) according to a Gallup Poll carried out on June 3, 2008, 55 percent of the citizens of the United States stated that they are worse off financially than the prior year, marking the first time in the 32-year history of the Gallop Poll that more than 50 percent of the respondents of that question provided a negative assessment;

(8) while the citizens of the United States continue to pay record-breaking prices at the gas pump, the chief executive officers of big oil companies have been rewarded with excessive retirement and annual compensation packages;

(9) in 2005, Lee Raymond, the former chief executive officer of Exxon-Mobil, received a total retirement package of at least $398,000,000, among the richest compensation packages in United States corporate history;

(10) in 2006, Ray Irani, the chief executive officer of Occidental Petroleum (the largest oil producer in the State of Texas), received over $400,000,000 in total compensation, 1 of the largest single-year payouts in United States corporate history;

(11) in 2007, David J. O'Reilly, the chief executive officer of Chevron, received $34,610,000 in total compensation;

(12) in 2007, Rex Tillerson, the chief executive officer of ExxonMobil, received $21,000,000 in total compensation;

(13) in 2007, Jim Mulva, the chief executive officer of ConocoPhillips, received $15,100,000 in total compensation; and

(14) in 2007, Bob R. Simpson, the chief executive officer of XTO Energy (1 of the largest independent oil and gas producers in the United States), received $72,700,000 in total compensation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that at a time during which the citizens of the United States continue to pay record-breaking prices for gasoline, chief executive officers of big oil companies should not receive for total annual compensation an amount greater than $5,000,000.

SA 4892. 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 title XVII, add the following:

Subtitle H—Margin Level for Crude Oil

SEC. 1771. MARGIN LEVEL FOR CRUDE OIL.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

''(G) MARGIN LEVEL FOR CRUDE OIL.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to increase by not less than 25 percent the margin level of crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act.

''(ii) EXCEPTION.—The Commission shall not increase the margin level of crude oil if—

''(I) the buyer and seller of the crude oil are primarily engaged in the business of extracting, refining, transporting, or selling crude oil (including products refined from crude oil); or

''(II) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product refined from the crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of any agreement, contract, or transaction covered by this Act.''.

SA 4893. 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 title XVII, add the following:

Subtitle H—Commodity Futures

SEC. 1771. MARGIN LEVEL FOR CRUDE OIL.

Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

''(G) MARGIN LEVEL FOR CRUDE OIL.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to increase by not less than 25 percent the margin level of crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act.

''(ii) EXCEPTION.—The Commission shall not increase the margin level of crude oil if—

''(I) the buyer and seller of the crude oil are primarily engaged in the business of extracting, refining, transporting, or selling crude oil (including products refined from crude oil); or

''(II) the buyer or seller of the crude oil is a retail consumer or other final user of the crude oil or a product refined from the crude oil (including an entity that uses the crude oil in a manufacturing process) that is the subject of any agreement, contract, or transaction covered by this Act.''.

SEC. 1772. ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—Notwithstanding paragraphs (3) through (5) of subsection (h), agreements, contracts, or transactions, including futures, swaps, and derivatives transactions that serve a price discovery function for energy commodities delivered in the United States, that are facilitated or transacted on any contract market or electronic trading facility that is regulated by a foreign regulatory agency, shall—

''(A) register as a designated contract market pursuant to section 4(a); and

''(B) be subject to the rules and regulations of the Commission, including disclosure requirements, that apply to designated contract markets.

''(2) REGISTRATION.—A contract market or electronic trading facility that is subject to paragraph (1) shall register with the Commission not later than 180 days after the date of enactment of this subsection.

''(3) INAPPLICABILITY OF EXEMPTIONS.—Any exemption from registration, including no action letters, issued by the Commission or the staff of the Commission shall not be applicable after this date.''.

SEC. 1773. CONFLICTS OF INTEREST IN COMMODITIES MARKETS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 1772) is amended by adding at the end the following:

''(k) CONFLICTS OF INTEREST IN COMMODITIES MARKETS.—

''(1) IN GENERAL.—The Commission or the Securities and Exchange Commission, as appropriate, shall establish and enforce rules to eliminate or minimize conflicts of interest in transactions in commodities traded on or subject to the rules of a board of trade, and establish a process for resolving such conflicts of interest, including rules that (with respect to a commodity that is traded on or subject to the rules of a board of trade by any covered person)—

''(A) prohibit the crude oil research division of the covered person that is responsible for predicting the price of crude oil from any communications between the division and energy traders;

''(B) prohibit energy traders from conducting transactions that relate to the energy infrastructure of the covered person;

''(C) prohibit a covered person from engaging in energy derivative transactions or energy futures contracts on behalf of themselves or the clients of the covered person;

''(D) prohibit investment banks from owning energy commodities;

''(E) require investment banks to disclose income from oil and gas trading activities;

''(F) prohibit investment banks from having an interest in an energy exchange;

''(G) prohibit United States investors from trading on an unregulated exchange; and

''(H) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

''(2) PENALTY.—An individual or entity that (as determined by the Commission or the Securities and Exchange Commission, as appropriate) repeatedly violates an applicable provision of this subsection or a rule or regulation promulgated pursuant to this subsection shall be subject to a fine of $1,000,000, imprisoned for not more than 10 years, or both, for each violation.''.

SA 4894. 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 title XVII, add the following:

Subtitle H—Commodity Futures

SEC. 1771. ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) ENERGY COMMODITIES AND RELATED SWAPS TRADED ON FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—Notwithstanding paragraphs (3) through (5) of subsection (h), any contract market or electronic trading facility that is regulated by a foreign regulatory agency and that facilitates, or on which is transacted, any agreements, contracts, or transactions, including futures, swaps, and derivatives transactions, that serve a price discovery function for energy commodities delivered in the United States, shall—

''(A) register as a designated contract market pursuant to section 4(a); and

''(B) be subject to the rules and regulations of the Commission, including disclosure requirements, that apply to designated contract markets.

''(2) REGISTRATION.—Each contract market and electronic trading facility that is subject to paragraph (1) shall register with the Commission not later than 180 days after the date of enactment of this subsection.

''(3) INAPPLICABILITY OF EXEMPTIONS.—Any exemption from registration, including no action letters, issued by the Commission or the staff of the Commission shall not be applicable after the date of enactment of this subsection.''.

SA 4895. 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 title XVII, add the following:

Subtitle H—Commodity Futures

SEC. 1771. CONFLICTS OF INTEREST IN COMMODITIES MARKETS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) CONFLICTS OF INTEREST IN COMMODITIES MARKETS.—

''(1) IN GENERAL.—The Commission or the Securities and Exchange Commission, as appropriate, shall establish and enforce rules to eliminate or minimize conflicts of interest in transactions in commodities traded on or subject to the rules of a board of trade, and establish a process for resolving such conflicts of interest, including rules that (with respect to a commodity that is traded on or subject to the rules of a board of trade by any covered person)—

''(A) prohibit the crude oil research division of the covered person that is responsible for predicting the price of crude oil from any communications between the division and energy traders;

''(B) prohibit energy traders from conducting transactions that relate to the energy infrastructure of the covered person;

''(C) prohibit a covered person from engaging in energy derivative transactions or energy futures contracts on behalf of themselves or the clients of the covered person;

''(D) prohibit investment banks from owning energy commodities;

''(E) require investment banks to disclose income from oil and gas trading activities;

''(F) prohibit investment banks from having an interest in an energy exchange;

''(G) prohibit United States investors from trading on an unregulated exchange; and

''(H) require investment banks to disclose the long and short positions of the banks in the filings of the bank.

''(2) PENALTY.—An individual or entity that (as determined by the Commission or the Securities and Exchange Commission, as appropriate) repeatedly violates an applicable provision of this subsection or a rule or regulation promulgated pursuant to this subsection shall be subject to a fine of $1,000,000, imprisoned for not more than 10 years, or both, for each violation.''.

SA 4896. 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 4897. Mr. SALAZAR 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 377, strike line 21 and all that follows through page 379, line 8, and insert the following:

(a) IN GENERAL.—Of the amounts made available annually under section 1231(b), 15 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-Stevens 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.).

(b) REGIONAL INTEGRATED SCIENCES AND ASSESSMENTS PROGRAM.—Of the amounts made available annually under section 1231(b), 2 percent shall be allocated to the Secretary of Commerce for use in funding activities through the Regional Integrated Sciences and Assessments program of the Department of Commerce, including the development of climate mitigation and adaptation decision support systems and tools for regional, State, and local decision-makers and policy planners.

SA 4898. Mr. SALAZAR 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 36, line 14 and all that follows through page 41, line 8, strike ''Administrator'' each place it appears and insert ''Secretary of Energy''.

Beginning on page 142, strike line 9 and all that follows through page 147, line 20 and insert the following:

Subtitle D—Climate Change Technology Initiative

SEC. 431. ESTABLISHMENT.

There is established, within the Department of Energy, a Climate Change Technology Initiative.

SEC. 432. PURPOSE.

The purpose of the Climate Change Technology Initiative shall be to advance the purposes of this Act by using the funds made available to the Secretary of Energy under

titles VIII through XI to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

SEC. 433. DISTRIBUTION OF FUNDS.

The Secretary of Energy shall have the authority to distribute funds made available to the Secretary under this Act.

SEC. 434. NOTIFICATION OF DISTRIBUTION OF FUNDS.

(a) ADVANCE NOTIFICATION.—Not later than 60 days before distributing any funds made available under this Act to the Secretary of Energy, the Secretary 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; and

(B) each committee of Congress with jurisdiction over an activity that would be funded under the distribution.

(b) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Energy shall submit to Congress a report describing, with respect to amounts obligated by the Secretary under this Act for that fiscal year—

(1) the actual amounts obligated during that fiscal year;

(2) the purposes for which the amounts were obligated; and

(3) the balance, if any, of amounts that—

(A) were obligated during that year; but

(B) remain unexpended as of the date of submission of the report.

SEC. 435. 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 Secretary of Energy under this Act.

On page 283, lines 18 and 19, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 284, lines 2 and 3, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 285, line 3, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 285, lines 17 and 18, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 286, lines 3 and 4, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 286, lines 17 and 18, strike ''Climate Change Technology Board, in consultation with the Administrator, the Secretary of Energy,'' and insert ''Secretary of Energy, in consultation with the Administrator,''.

On page 286, line 23, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 288, lines 1 and 2, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 288, lines 10 and 11, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 288, lines 17 and 18, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 289, line 7, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 289, lines 23 and 24, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 290, lines 5 and 6, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 290, lines 11 and 12, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 291, lines 5 and 6, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 291, lines 13 and 14, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 297, lines 15 and 16, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 297, line 21, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 298, lines 5 and 6, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 298, lines 20 and 21, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 299, line 4, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 299, lines 7 and 8, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 301, lines 6 and 7, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 301, lines 14 and 15, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 302, lines 3 and 4, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 304, strike lines 4 through 7.

On page 305, lines 7 and 8, strike ''Climate Change Technology Board established by section 431 (referred to in this subtitle as the 'Board')'' and insert ''Secretary of Energy''.

Beginning on page 305, line 10, and all that follows through page 306, line 3, strike ''Board'' each place it appears and insert ''Secretary of Energy''.

On page 333, lines 21 and 22, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 334, lines 3 and 4, strike ''Climate Change Technology Board established by section 431'' and insert ''Secretary of Energy''.

On page 334, lines 25 and 26, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 335, lines 15 and 16, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 337, lines 1 and 2, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 337, lines 6 and 7, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 337, lines 11 and 12, strike ''Climate Change Technology Board'' and insert ''Secretary of Energy''.

On page 480, lines 23 and 24, strike ''the Board, or the Climate Change Technology Board'' and insert ''or the Board''.

SA 4899. Mr. SALAZAR 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 241, after line 21, strike the table and insert the following:

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2012	0
2013	0
2014	0
2015	0
2016	0.25
2017	0.25
2018	0.55
2019	0.75
2020	1
2021	1
2022	5.5
2023	5.75
2024	6.0
2025	6.25
2026	6.5
2027	6.75
2028	7
2029	7.25
2030	7.5
2031	8.5
2032	9.5
2033	9.5
2034	9.5
2035	9.5
2036	9.5
2037	9.5
2038	9.5
2039	9.5
2040	9.5
2041	9.5
2042	9.5
2043	9.5
2044	9.5
2045	9.5
2046	9.5
2047	9.5
2048	9.5
2049	9.5
2050	9.5.

On page 290, lines 6 and 7, strike ''4 percent'' and insert ''5.6 percent''.

On page 294, line 20, strike ''1.75 percent'' and insert ''3.25 percent''.

On page 303, line 5, strike ''0.25 percent'' and insert ''0.75 percent''.

On page 458, after line 5, strike the table and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	6.15
2013	6.15
2014	6.15
2015	6.90
2016	7.15
2017	7.15
2018	7.65
2019	7.4
2020	8.4
2021	9.9
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

Calendar year	Percentage for auction for Deficit Reduction Fund
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 4900. Mr. SALAZAR (for himself, Mrs. DOLE, and Mr. WARNER) 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 194, strike lines 14 through 19 and insert the following:

(1) IN GENERAL.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for—

(A) distributing solely among rural electric cooperatives, in addition to any other allowances that rural electric cooperatives are eligible to receive, the quantities of emission allowances represented by percentages in the following table; and

(B) deducting those quantities from the percentages specified in the table under section 551(b):

Calendar year	Percentage for distribution among rural electric cooperatives
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	1
2019	1
2020	1
2021	1
2022	0.75
2023	0.75
2024	0.75
2025	0.75
2026	0.5
2027	0.5
2028	0.5
2029	0.25
2030	0.25

SA 4901. Mr. SALAZAR (for himself, Mr. BARRASSO, and Mr. WARNER) 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 194, strike lines 4 through 8 and insert the following:

(A)(i) 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; or

(ii) in the case of a fossil fuel-fired electricity generator that was placed in service during the 3-year period ending on the date of enactment of this Act, the quantity of carbon dioxide equivalents emitted by the facility during normal operations exclusive of start-up testing, outages, and related operations, on an annual equivalent basis; by

SA 4902. Mr. REID (for Mr. KENNEDY) 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:

Insert after section 125, the following:

SEC. 126. RESEARCH ON THE HEALTH EFFECTS OF CLIMATE CHANGE.

Title III of the Public Health Service Act is amended by inserting after section 317S (42 U.S.C. 247b-21) the following:

"SEC. 317T. IMPROVING THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.

''(a) EXPANSION OF RESEARCH WITHIN CDC.—The Secretary, acting through the Centers for Disease Control and Prevention, shall, to the extent that amounts are appropriated under subsection (b)—

''(1) provide funding for research on the health effects of climate change;

''(2) develop additional expertise in the prevention and preparedness for the health effects of climate change;

''(3) provide technical support to State and local health departments in developing preparedness plans, and communicating with the public relating to the health effects of climate change; and

''(4) develop training programs for public health professionals concerning the health risks and interventions related to climate change.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out activities under subsection (a) in each of fiscal years 2009 through 2013.''.

Add at the end of title VI, the following:

Subtitle E—Partnerships To Improve the Public Health Response to Climate Change

SEC. 641. PARTNERSHIPS TO IMPROVE THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.

(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 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 auction for Deficit Reduction Fund
2012	0.5
2013	0.5
2014	0.5
2015	0.5
2016	0.5
2017	0.5
2018	0.5
2019	0.5
2020	0.5
2021	0.75
2022	0.75
2023	0.75
2024	0.75
2025	1
2026	1
2027	1
2028	1
2029	1
2030	1
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.

(c) DISTRIBUTION.—The emission allowances available for allocation under subsection (b) for a calendar year shall be distributed among the States in proportion to the population of each such State.

(d) USE OF EMISSION ALLOWANCES OR PROCEEDS.—

(1) IN GENERAL.—During any calendar year, a State receiving emission allowances under this section shall use the emission allowances (or proceeds of the sale of those emission allowances) only for projects and activities to plan for and address the impacts of climate change on public health.

(2) SPECIFIC USES.—The projects and activities described in paragraph (1) shall include projects and activities to—

(A) develop, improve, and integrate disease surveillance systems to respond to the health-related effects of climate change;

(B) develop rapid response systems for extreme weather events;

(C) identify and prioritize vulnerable communities and populations and actions that should be taken to protect them from the health-related effects of climate change;

(D) study and develop communication methods and materials to determine the most effective ways to communicate with individuals and communities concerning potential threats, protective behaviors, and preventive actions relating to climate change;

(E) pursue collaborative efforts to develop community strategies to prevent the effects of climate change;

(F) train or develop the public health workforce to strengthen the capacity of such workforce to respond to, and prepare for, the health effects of climate change; and

(G) carry out other activities determined appropriate by the Secretary of Health and

Human Services to plan for and address the impacts of climate change on public health.

(3) COORDINATION.—In carrying out this subsection, a 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.

(e) RETURN OF UNUSED EMISSION ALLOWANCES.—Any State receiving emission allowances under this section shall return to the Administrator any such emission allowances that the 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.—

(1) IN GENERAL.—A State receiving allowances under this section shall annually submit to the appropriate committees of Congress and the appropriate Federal agencies a report describing the purposes for which the State has used—

(A) the allowances received under this section; and

(B) the proceeds of the sale by the State of allowances received under this section.

(2) DEFINITION.—As used in this subsection, the term ''the appropriate committees of Congress'' shall include the Committee on Health, Education, Labor and Pensions of the Senate.

In section 1223(a)(1)(B), insert ''public health,'' after ''climate change,''.

In section 1223(b)(1)(A), insert ''public health,'' after ''ecosystems,''.

In section 1402(c), strike the table and insert the following:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012	5.25
2013	5.25
2014	5.25
2015	6.
2016	6.25
2017	6.25
2018	6.75
2019	6.5
2020	7.5
2021	8.75
2022	8
2023	9
2024	10
2025	9.75
2026	11.75
2027	11.75
2028	11.75
2029	12.75
2030	12.75
2031	18.75
2032	16.75
2033	16.75
2034	15.75
2035	15.75
2036	15.75
2037	15.75
2038	15.75
2039	15.75
2040	15.75
2041	15.75
2042	15.75
2043	15.75
2044	15.75
2045	15.75
2046	15.75
2047	15.75
2048	15.75
2049	15.75
2050	15.75.

In section 1601(b)(1), strike ''and'' at the end.

In section 1601(b)(2)(F), strike the period and insert ''; and''.

In section 1601(b), add at the end the following:

''(3) provide recommendations for the design and integration of public health systems that can recognize and respond to the health effects of climate change, particularly emerging and reemerging communicable diseases.''.

In section 1602, amend the section heading to read as follows:

SEC. 1602. AGENCY RECOMMENDATIONS.

In section 1602, add at the end the following:

(f) RECOMMENDATIONS ON IMPROVING THE PUBLIC HEALTH RESPONSE TO CLIMATE CHANGE.—Not later than January 1, 2013, the Secretary of Health and Human Services 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)(3).

In section 1603(b)(4), strike ''and'' at the end.

In section 1603(b), insert after paragraph (4) the following and redesignate accordingly:

''(5) the Secretary of Health and Human Services; and''.

SA 4903. Mr. WARNER (for himself, Mr. LIBERMAN, Mrs. DOLE, and Mrs. BOXER) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 481, strike lines 8 through 13 and insert the following:

(a) DECLARATION.—

(1) 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.

(2) INCREASE IN PRICE OF TRANSPORTATION FUEL.—In making a determination under paragraph (1), any increase in the price of transportation fuel that the President determines to be attributable to the implementation of this Act may serve as the basis for an emergency declaration under that paragraph if the increase amounts to a national security, energy security, or economic security emergency, as determined by the President.

SA 4904. Mr. REED (for himself and Ms. COLLINS) 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 192, strike line 13 and all that follows through page 193, line 8, and insert the following:

SEC. 551. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a 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 specified in the following table:

Calendar year	Allowances for distribution among fossil fuel-fired electricity generators (in millions)
2012	713.8735
2013	700.7704
2014	687.5436
2015	674.4405
2016	648.4032
2017	623.0108
2018	582.9819
2019	522.2118
2020	451.9791
2021	373.1201
2022	264.9938
2023	216.3391
2024	160.0451
2025	146.4000
2026	32.8593.

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 2026, 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.

On page 195, line 1, strike ''2029'' and insert ''2026''.

Beginning on page 196, strike line 18 and all that follows through page 197, line 8, and insert the following:

SEC. 561. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a 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) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

Calendar year	Allowances for refiners of petroleum-based fuel (in millions)
2012	79.3193
2013	77.8634
2014	76.3937
2015	74.9378
2016	73.0595
2017	71.2012

Calendar year	Allowances for refiners of petroleum-based fuel (in millions)
2018	33.7961
2019	32.1361
2020	30.1319
2021	27.6385
2022	23.5550
2023	21.1063
2024	17.7828
2025	16.7314
2026	5.7147.

Beginning on page 198, strike line 19 and all that follows through page 199, line 8, and insert the following:

SEC. 571. ALLOCATION.

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2026, the Administrator shall allocate a 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.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities specified in the following table:

Calendar year	Allowances for natural-gas processors (in millions)
2012	29.7447
2013	29.1988
2014	28.6477
2015	28.1017
2016	27.3973
2017	26.7005
2018	25.3470
2019	24.1021
2020	22.5990
2021	20.7289
2022	17.6663
2023	15.8297
2024	13.3371
2025	12.5486
2026	4.2860.

Beginning on page 202, strike line 24 and all that follows through the table on page 203, preceding line 3, and insert the following:

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—The quantities of emission allowances allocated for each calendar year pursuant to subsection (a) shall be the quantities specified in the following table:

Calendar year	Allowances for energy consumers (in millions)
2012	202.1250
2013	212.5875
2014	208.5750
2015	218.2400
2016	227.3325
2017	235.9350
2018	256.8500
2019	301.8000
2020	295.4400
2021	289.0200
2022	329.7700
2023	322.3500
2024	359.8400
2025	351.3600
2026	385.7400
2027	417.9000
2028	407.3000
2029	436.2600
2030	463.2000
2031	443.6250
2032	429.0000
2033	414.5000
2034	432.0000
2035	416.2050
2036	400.5450
2037	384.7500
2038	369.0900
2039	353.4300
2040	337.6350
2041	321.9750
2042	306.3150
2043	290.5200
2044	274.8600
2045	259.0650
2046	243.4050
2047	227.7450
2048	211.9500
2049	196.2900
2050	180.4950.

Beginning on page 204, strike line 22 and all that follows through page 206, line 21, and insert the following:

SEC. 601. ASSISTING ENERGY CONSUMERS THROUGH LOCAL DISTRIBUTION ENTITIES, LIHEAP PROGRAM, AND WEATHERIZATION ASSISTANCE PROGRAM.

(a) ALLOCATION AND RESERVATION.—

(1) LDC ALLOCATION.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate among local distribution companies and natural gas local distribution companies the quantities of emission allowances established pursuant to section 201(a) for the calendar year for local distribution companies as specified in the following table:

Calendar year	Allowances for LDC's electricity (in millions)	Allowances for LDC's natural gas (in millions)
2012	548.6250	187.6875
2013	552.7275	184.2425
2014	542.2950	180.7650
2015	531.9600	177.3200
2016	521.5275	173.8425
2017	511.1925	170.3975
2018	500.8575	166.9525
2019	490.4250	163.4750
2020	480.0900	160.0300
2021	469.6575	156.5525
2022	459.3225	153.1075
2023	448.9875	149.6625
2024	438.5550	146.1850
2025	428.2200	142.7400
2026	428.6000	150.0100
2027	410.1611	143.5564
2028	392.2148	137.2752
2029	345.1889	120.8161
2030	328.8148	115.0852
2031	319.4100	70.9800
2032	308.8800	68.6400
2033	298.4400	66.3200
2034	288.0000	64.0000
2035	277.4700	61.6600
2036	267.0300	59.3400
2037	256.5000	57.0000
2038	246.0600	54.6800
2039	235.6200	52.3600
2040	225.0900	50.0200
2041	214.6500	47.7000
2042	204.2100	45.3800
2043	193.6800	43.0400

Calendar year	Allowances for LDC's electricity (in millions)	Allowances for LDC's natural gas (in millions)
2044	183.2400	40.7200
2045	172.7100	38.3800
2046	162.2700	36.0600
2047	151.8300	33.7400
2048	141.3000	31.4000
2049	130.8600	29.0800
2050	120.3300	26.7400.

(2) LIHEAP/WAP RESERVATION.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall reserve for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) the quantities of emission allowances established pursuant to section 201(a) for the calendar year for local distribution companies as specified in the following table:

Calendar year	Allowances for LIHEAP (in millions)	Allowances for Weatherization Program (in millions)
2012	259.8750	115.5000
2013	255.1050	113.3800
2014	250.2900	111.2400
2015	245.5200	109.1200
2016	240.7050	106.9800
2017	235.9350	104.8600
2018	231.1650	102.7400
2019	226.3500	100.6000
2020	221.5800	98.4800
2021	216.7650	96.3400
2022	211.9950	94.2200
2023	207.2250	92.1000
2024	202.4100	89.9600
2025	197.6400	87.8400
2026	192.8700	85.7200
2027	188.0550	83.5800
2028	183.2850	81.4600
2029	178.4700	79.3200
2030	173.7000	77.2000
2031	133.0875	8.8725
2032	128.7000	8.5800
2033	124.3500	8.2900
2034	120.0000	8.0000
2035	115.6125	7.7075
2036	111.2625	7.4175
2037	106.8750	7.1250
2038	102.5250	6.8350
2039	98.1750	6.5450
2040	93.7875	6.2525
2041	89.4375	5.9625
2042	85.0875	5.6725
2043	80.7000	5.3800
2044	76.3500	5.0900
2045	71.9625	4.7975
2046	67.6125	4.5075
2047	63.2625	4.2175
2048	58.8750	3.9250
2049	54.5250	3.6350
2050	50.1375	3.3425.

(b) DISTRIBUTION.—

(1) LOCAL DISTRIBUTION ENTITIES.—

(A) IN GENERAL.—For each calendar year, the emission allowances allocated under subsection (a) for local distribution entities shall be distributed by the Administrator to each local distribution entity based on the proportion that—

On page 206, strike line 22 and insert the following:

(i) the quantity of electricity or natural

On page 207, strike line 7 and insert the following:

(ii) the total quantity of electricity or nat-

On page 207, strike line 15 and insert the following:

(B) BASIS.—The Administrator shall base the

On page 207, line 18, strike ''paragraph (1)'' and insert ''subparagraph (A)''.

On page 207, between lines 21 and 22, insert the following:

(2) DISTRIBUTION TO LIHEAP AND WAP.—With respect to the allowances reserved under subsection (a)(2) for the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), as specified in the table contained in subsection (a)(2), the Administrator shall—

(A) auction the allowances in accordance with the procedures described in section 582(b); and

(B) transfer the proceeds of the auctions of the allowances for low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) to the Secretary of Health and Human Services and the Secretary of Energy, respectively, for use in carrying out those programs.

Beginning on page 210, strike line 22 and all that follows through page 211, line 3.

On page 211, line 4, strike ''(IV)'' and insert ''(II)''.

On page 211, strike lines 10 and 11 and insert the following:

(III) includes energy efficiency and other pro-

Beginning on page 211, strike line 18 and all that follows through page 212, line 14, and insert the following:

(C) DEVELOPMENT.—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.

On page 214, line 5, strike ''issuing rebates'' and insert ''creating incentive programs''.

Beginning on page 214, strike line 14 and all that follows through page 215, line 9, and insert the following:

(B) MINIMUM PERCENTAGE REQUIREMENT.—Each local distribution entity shall use not less than 30 percent of the proceeds of from the sale of emission allowances under paragraph (1) to benefit low-income residential energy consumers.

On page 216, line 12, strike ''rebates'' and insert ''incentives''.

SA 4905. Mr. CARPER (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 352, between lines 16 and 17, insert the following:

Subtitle E–Intercity Passenger Rail Service Enhancement

SEC. 1151. INTERCITY PASSENGER RAIL FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a Fund to be known as the ''Inter-city Passenger Rail Fund''.

(b) AUCTIONS.—Annually over the course of at least 4 auctions spaced evenly over a period beginning 330 days before, and ending 60 days after, the beginning of each calendar year from 2012 through 2050, the Administrator, for the purpose of raising funds to deposit into the Intercity Passenger Rail Fund, shall auction .5 percent of the emission allowances established for that year pursuant to subsection (a) of section 201.

(c) USE OF THE FUND.—The Fund shall invest in capital projects of the National Railroad Passenger Corporation, States, and localities—

(1) to develop and expand Amtrak routes and corridors throughout the United States;

(2) to construct, purchase, replace, or improve passenger rail-related infrastructure, including locomotives, rolling stock, stations and facilities;

(3) to improve or expand passenger rail service and infrastructure capacity; and

(4) to promote or improve intercity rail passenger service reliability, convenience, and on-time performance.

(d) TREATMENT OF AMOUNTS IN THE FUND.—Amounts in the Fund—

(1) may be used only for the purposes described in this section;

(2) shall be in addition to the amounts made available through any other appropriations for any fiscal year, and

(3) shall remain available until expended.

SA 4906. Mr. CARPER 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 section 611 and insert the following:

SEC. 611. TRANSPORTATION ALTERNATIVES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Transportation Alternatives Fund'' (referred to in this section as the ''Fund'').

(b) AUCTIONS.—

(1) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, for the purpose of raising funds to deposit in the Fund, 10 percent of the emission allowances established pursuant to section 201(a) for each 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) GRANTS.—The Secretary of Transportation (referred to in this section as the ''Secretary'') shall use amounts in the Fund to provide grants to States and metropolitan planning organizations for use in accordance with this section.

(d) USE OF FUNDS.—

(1) PLANNING.—To be eligible to receive a grant under this section, a State or metropolitan planning organization shall—

(A) establish as a goal the reduction of greenhouse gas emissions from the transportation sector during the 10-year period beginning on the date of enactment of this Act by reducing vehicle miles traveled in the jurisdictions of the States and metropolitan planning organizations; and

(B) carry out activities to achieve that goal through the integration into the long-term transportation plans of the State or metropolitan planning organization of a verifiable transportation carbon reduction plan that includes investment in—

(i) new or expanded transit projects eligible for assistance under chapter 53 of title 49, United States Code;

(ii) new or expanded intercity passenger rail service, including the development of intercity corridor service, elimination of rail capacity restrictions, purchase of rolling stock, and provision of more reliable and convenient intercity rail passenger service;

(iii) sidewalks, crosswalks, bicycle paths, pedestrian signals, pavement marking, traffic calming techniques, modification of public sidewalks to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and other strategies to encourage pedestrian and bike travel;

(iv) infill, transit-oriented, or mixed-use development;

(v) intermodal facilities, additional freight rail, or multimodal freight capacity;

(vi) carpool or vanpool projects;

(vii) updates to zoning and other land use regulations;

(viii) transportation and land-use scenario analyses and stakeholder engagement to support development of integrated transportation plans;

(ix) improvements in travel and land-use data collection and in travel models to better measure greenhouse gas emissions and emissions reductions;

(x) updates to land use plans to coordinate with local, regional, and State vehicle miles traveled reduction plans; and

(xi) the transportation control measures described in section 211 of the Clean Air Act (42 U.S.C. 7545).

(2) TRANSPORTATION CARBON REDUCTION PLANS.—A State or metropolitan planning organization shall submit to the Administrator and the Secretary—

(A) by not later than December 31, 2012, a transportation carbon reduction plan developed under paragraph (1)(B); and

(B) every 3 years thereafter, any updates to that plan, as necessary.

(3) COORDINATION.—A State or metropolitan planning organization shall develop the plan required under this section in coordination with, as applicable—

(A) the public and stakeholders, including by providing—

(i) periods for public comment;

(ii) exercises involving identifying and projecting forward trends to examine possible future developments that could impact driving trends and carbon emissions from the transportation sector;

(iii) access to latest models; and

(iv) multiday, open, collaborative design sessions that include stakeholders and the public in a collaborative process with a series of short feedback loops to produce 1 or more feasible plans under this section;

(B) each other State or metropolitan planning organization subject to the jurisdiction of the State or metropolitan planning organization; and

(C) State and local housing, economic development, and land use agencies.

(4) CERTIFICATION.—Not later than 180 days after the date of receipt of a transportation carbon reduction plan under paragraph (2), the Administrator and Secretary shall—

(A) review the plan; and

(B) certify that the plan is likely to achieve the goal described in paragraph (1)(A).

(e) DISTRIBUTION OF FUNDS.—The Secretary, in coordination with the Administrator, shall establish a formula for the distribution of grants under this section that—

(1) reflects—

(A) the quantity of carbon reduction expected by each plan; and

(B) the cost-per-ton of those reductions;

(2) ensures that at least 50 percent of amounts in the Fund are used to implement plans developed by metropolitan planning organizations; and

(3) provides early action credits for States and regions that implement plans to reduce carbon from the transportation sector by reducing vehicle miles traveled prior to participation in the program under this section.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an activity carried out under a plan under this section shall be 20 percent.

(g) STUDY.—Not later than 1 year after the date of enactment of this Act, to maximize greenhouse gas emission reductions from the transportation sector—

(1) the National Academy of Sciences Transportation Research Board shall submit to the Administrator and the Secretary a report containing recommendations for improving research and tools to assess the effect of transportation plans and land use plans on motor vehicle usage rates and transportation sector greenhouse gas emissions; and

(2) the Comptroller General of the United States shall submit to the Administrator and the Secretary a report describing any shortcomings of current Federal Government data sources necessary—

(A) to assess greenhouse gas emissions from the transportation sector; and

(B) to establish plans and policies to effectively reduce greenhouse gas emissions from the transportation sector.

(h) TECHNICAL STANDARDS.—Not later than 2 years after the date of enactment of this Act, based on any recommendations contained in the reports submitted under subsection (g)(1), the Administrator and the Secretary shall promulgate standards for transportation data collection, monitoring, planning, and modeling.

(i) REPORT.—Not later than December 31, 2015, and every 3 years thereafter, the Administrator shall submit to the appropriate committees of Congress a report describing—

(1) the aggregate reduction in carbon emissions from transportation expected based on plans under this section;

(2) changes to Federal law that could improve the performance of the plans; and

(3) regulatory changes planned to improve the performance of the plans.

SA 4907. Mr. CARPER (for himself, Mr. GREGG, Mrs. FEINSTEIN, Ms. COLLINS, and Mr. SUNUNU) 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 552, strike subsection (b) and insert the following:

(b) CALCULATION.—

(1) DEFINITIONS.—In this subsection:

(A) FOSSIL FUEL-FIRED ELECTRIC GENERATOR.—The term ''fossil fuel-fired electric generator'' means any electric generating facility that—

(i) combusts fossil fuel, alone or in combination with any other fuel, in any case in which the quantity of fossil fuel combusted comprises, or is projected to comprise, more than 20 percent of the annual heat input of the electric generating facility, on a Btu basis, during any calendar year; and

(ii) has commenced operation prior to the date of enactment of this Act.

(B) INCREMENTAL NUCLEAR GENERATION.—The term ''incremental nuclear generation'' means, as determined by the Administrator and measured in megawatt hours, the difference between—

(i) the quantity of electricity generated by a nuclear generating unit during a calendar year; and

(ii) the quantity of electricity generated by the nuclear generating unit during the calendar year of enactment of this Act.

(C) NEW ELECTRIC GENERATING ENTRANT.—The term ''new electric generating entrant'' means—

(i) a fossil fuel-fired electric generator that—

(I) has a nameplate capacity of greater than 25 megawatts;

(II) produces electricity for sale; and

(III) commences operation after the date of enactment of this Act;

(ii) with respect to incremental nuclear generation, a nuclear generating facility that uses nuclear energy to produce electricity for sale; and

(iii) a renewable energy unit that—

(I) produces electricity for sale; and

(II) commences operation after the date of enactment of this Act.

(D) RENEWABLE ENERGY UNIT.—The term ''renewable energy unit'' means an electric generating facility that uses solar energy, wind, incremental hydropower, biomass, landfill gas, livestock methane, ocean waves, geothermal energy, or fuel cells powered with a renewable energy source.

(2) ALLOCATION METHODOLOGY.—

(A) FOSSIL FUEL-FIRED ELECTRIC GENERATORS.—In establishing the system under subsection (a), with respect to fossil fuel-fired electric generators, the Administrator shall base the system on the annual quantity of electricity generated by each fossil fuel-fired electric generator during the most recent 3-calendar year period for which data are available, updated each calendar year and measured in megawatt hours.

(B) NEW ELECTRIC GENERATING ENTRANTS.—In establishing the system under subsection (a), with respect to new electric generating entrants, the Administrator shall—

(i) for each of calendar years 2012 through 2030, provide for the allocation of a percentage of the emission allowances allocated by section 551 to new electric generating entrants; and

(ii) base the system on projections of electricity output from each new electric generating entrant.

(3) SENSE OF SENATE REGARDING FUTURE ALLOCATIONS.—It is the sense of the Senate that if the Administrator establishes a cap and trade program for any additional pollutant for electric generating facilities, the allocation methodology for the program should be based on the annual quantity of electricity generated by the electric generating facility during the most recent 3-calendar year period for which data are available, updated each calendar year and measured in megawatt hours.

SA 4908. Mr. CARPER (for himself, Mr. ALEXANDER, Mrs. BOXER, Mr. COLLINS, Mr. BIDEN, Mr. GREGG, Mr. CARDIN, Mr. SUNUNU, and Mr. LIEBERMAN) 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 XVII, add the following:

SEC. 1752. INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—INTEGRATED AIR QUALITY PLANNING FOR THE ELECTRIC GENERATING SECTOR

''SEC. 701. DEFINITIONS.

''In this title:

''(1) AFFECTED UNIT.—

''(A) MERCURY.—The term 'affected unit', with respect to mercury, means a coal-fired electric generating facility (including a cogeneration facility) that—

''(i) on or after January 1, 1985, served as a generator with a nameplate capacity greater than 25 megawatts; and

''(ii) produces electricity for sale.

''(B) NITROGEN OXIDES.—The term 'affected unit', with respect to nitrogen oxides, means a fossil fuel-fired electric generating facility (including a cogeneration facility) that—

''(i) on or after January 1, 1985, served as a generator with a nameplate capacity greater than 25 megawatts; and

''(ii) produces electricity for sale.

''(C) SULFUR DIOXIDE.—The term 'affected unit', with respect to sulfur dioxide, has the meaning given the term in section 402.

''(2) COGENERATION FACILITY.—The term 'cogeneration facility' means a facility that—

''(A) cogenerates—

''(i) steam; and

''(ii) electricity; and

''(B) supplies, on a net annual basis, to any utility power distribution system for sale—

''(i) more than ⅓ of the potential electric output capacity of the facility; and

''(ii) more than 219,000 megawatt-hours of electrical output.

''(3) FOSSIL FUEL-FIRED.—The term 'fossil fuel-fired', with respect to an electric generating facility, means the combustion of fossil fuel by the electric generating facility, alone or in combination with any other fuel, in any case in which the fossil fuel combusted comprises, or is projected to comprise, more than 20 percent of the annual heat input of the electric generating facility, on a Btu basis, during any calendar year.

''(4) NEW UNIT.—The term 'new unit' means an affected unit that—

''(A) has operated for not more than 3 years; and

''(B) is not eligible to receive nitrogen oxide allowances under section 703(c)(2).

''(5) NITROGEN OXIDE ALLOWANCE.—The term 'nitrogen oxide allowance' means an authorization allocated by the Administrator under this title to emit 1 ton of nitrogen oxides during or after a specified calendar year.

''SEC. 702. NATIONAL POLLUTANT TONNAGE LIMITATIONS.

''(a) SULFUR DIOXIDE.—The annual tonnage limitation for emissions of sulfur dioxide from affected units in the United States shall be equal to—

''(1) for each of calendar years 2012 through 2015, 3,500,000 tons; and

''(2) for calendar year 2016 and each calendar year thereafter, 2,000,000 tons.

''(b) NITROGEN OXIDES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ZONE 1 STATE.—The term 'Zone 1 State' means the District of Columbia or any of the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

''(B) ZONE 2 STATE.—The term 'Zone 2 State' means any State within the 48 contiguous States that is not a Zone 1 State.

''(2) APPLICABILITY.—

''(A) ZONE 1 PROHIBITION.—

''(i) IN GENERAL.—Beginning on January 1, 2012, it shall be unlawful for an affected unit in a Zone 1 State to emit a total quantity of nitrogen oxides during a year in excess of the number of nitrogen oxide allowances held for the affected unit for that year by the owner or operator of the affected unit.

''(ii) LIMITATION.—Only nitrogen oxide allowances allocated under paragraph (3)(A) shall be used to meet the requirement of clause (i).

''(B) ZONE 2 PROHIBITION.—

''(i) IN GENERAL.—Beginning on January 1, 2012, it shall be unlawful for an affected unit in a Zone 2 State to emit a total quantity of nitrogen oxides during a year in excess of the number of nitrogen oxide allowances held for the affected unit for that year by the owner or operator of the affected unit.

''(ii) LIMITATION.—Only nitrogen oxide allowances allocated under paragraph (3)(B) shall be used to meet the requirement of clause (i).

''(3) LIMITATIONS ON TOTAL EMISSIONS.—

''(A) ZONE 1 LIMITATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances for emissions of nitrogen oxides from affected units in the Zone 1 States in an annual tonnage limitation equal to—

''(i) for each of calendar years 2012 through 2015, 1,390,000 tons; and

''(ii) for calendar year 2016 and each calendar year thereafter, 1,300,000 tons.

''(B) ZONE 2 LIMITATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances for emissions of nitrogen oxides from affected units in the Zone 2 States in an annual tonnage limitation equal to—

''(i) for each of calendar years 2012 through 2015, 400,000 tons; and

''(ii) for calendar year 2016 and each calendar year thereafter, 320,000 tons.

''(c) MERCURY.—The emission of mercury from affected units shall be limited in accordance with section 704.

''(d) REVIEW OF ANNUAL TONNAGE LIMITATIONS AND MERCURY EMISSIONS REQUIREMENTS.—

''(1) DETERMINATION BY ADMINISTRATOR.—Not later than 10 years after the date of enactment of this title and every 10 years thereafter, the Administrator shall determine—

''(A) after considering impacts on human health, the environment, the economy, and costs, whether 1 or more of the annual tonnage limitations should be revised; and

''(B) whether the mercury emission requirements under section 704 should be revised in accordance with the risk standards described in section 112(f)(2).

''(2) DETERMINATION NOT TO REVISE.—If the Administrator determines under paragraph (1) that no annual tonnage limitation or mercury emission requirement should be revised, the Administrator shall publish in the Federal Register—

''(A) a notice of the determination; and

''(B) the reasons for the determination.

''(3) DETERMINATION TO REVISE.—If the Administrator determines under paragraph (1) that 1 or more of the annual tonnage limitations or mercury emissions requirements should be revised, the Administrator shall publish in the Federal Register—

''(A) not later than 10 years and 180 days after the date of enactment of this title, proposed regulations implementing the revisions; and

''(B) not later than 11 years and 180 days after the date of enactment of this title, final regulations implementing the revisions.

''(4) ADMINISTRATION.—The duty of the Administrator to make a determination under paragraph (1) shall be—

''(A) considered to be a nondiscretionary duty;

''(B) enforceable through a citizen suit under section 304; and

''(C) subject to rulemaking procedures and judicial review under section 307.

''(5) REQUIREMENT.—No revision of an annual tonnage limitation or mercury emission requirement under this subsection shall result in a limitation or emission requirement that is less stringent than an existing applicable requirement under this title.

''(e) REDUCTION OF EMISSIONS FROM SPECIFIED AFFECTED UNITS.—Notwithstanding the annual tonnage limitations and mercury emissions requirements established under this section, the Federal Government or a State government may require that emissions from a specified affected unit be reduced.

''(f) GENERAL ENFORCEMENT.—

''(1) IN GENERAL.—It shall be unlawful for any individual or entity subject to this title to violate any requirement or prohibition under this title.

''(2) TREATMENT OF EXCESS EMISSIONS.—In calculating any penalty for violation of this title, each ton of emissions of sulfur dioxide, nitrogen oxides, or mercury emitted by a covered unit during a calendar year in excess of the allowances held for use by the covered unit for the calendar year shall be considered to be a separate violation of the applicable limitation under this title.

''(g) EFFECT ON EXISTING LAW AND REGULATIONS.—

''(1) IN GENERAL.—Except as expressly provided in this title, nothing in this title—

''(A) limits or otherwise affects the application of any other provision of this Act or any regulation promulgated by the Administrator under this Act; or

''(B) precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

''(2) EXCEPTION.—Notwithstanding paragraph (1)—

''(A) the provisions of the rule promulgated by the Administrator known as the 'Clean Air Interstate Rule' (70 Fed. Reg. 25162 (May 12, 2005)) (or any successor regulation) providing for the establishment of an annual emissions cap and allowance trading program for oxides of nitrogen and sulfur dioxide shall terminate on January 1, 2012; but

''(B) any provision of the rule described in subparagraph (A) (or a successor regulation) relating to the establishment of a seasonal ozone pollutant cap-and-trade program for nitrogen oxides shall remain in full force and effect.

''SEC. 703. NITROGEN OXIDE TRADING PROGRAM.

''(a) REGULATIONS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to establish for affected units in the United States a nitrogen oxide allowance trading program.

''(2) REQUIREMENTS.—Regulations promulgated under paragraph (1) shall establish requirements for the allowance trading program under this section, including requirements concerning—

''(A)(i) the generation, allocation, issuance, recording, tracking, transfer, and use of nitrogen oxide allowances; and

''(ii) the public availability of all information concerning the activities described in clause (i) that is not confidential;

''(B) compliance with subsection (e)(1);

''(C) the monitoring and reporting of emissions under paragraphs (2) and (3) of subsection (e); and

''(D) excess emission penalties under subsection (e)(4).

''(3) MIXED FUEL, COGENERATION FACILITIES AND COMBINED HEAT AND POWER FACILITIES.—The Administrator shall promulgate such regulations as the Administrator determines to be necessary to ensure the equitable issuance of allowances to—

''(A) facilities that use more than 1 energy source to produce electricity; and

''(B) facilities that produce electricity in addition to another service or product.

''(b) NEW UNIT RESERVES.—

''(1) ESTABLISHMENT.—For each calendar year, based on projections of electricity output from new units, the Administrator, in consultation with the Secretary of Energy, shall by regulation establish a reserve of nitrogen oxide allowances to be set aside for use by new units in Zone 1 States, and a reserve of nitrogen oxide allowances to be set aside for use by new units in Zone 2 States, that is not less than 5 percent of the total allowances allocated to affected units for the calendar year.

''(2) UNUSED ALLOWANCES.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall reallocate, to all affected units, any unused nitrogen oxide allowances from the new unit reserve established under paragraph (1) in the proportion that—

''(A) the number of allowances allocated to each affected unit for the calendar year; bears to

''(B) the number of allowances allocated to all affected units for the calendar year.

''(c) NITROGEN OXIDE ALLOCATIONS.—

''(1) TIMING OF ALLOCATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate nitrogen oxide allowances to affected units.

''(2) ALLOCATIONS TO AFFECTED UNITS THAT ARE NOT NEW UNITS.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to establish a methodology for allocating nitrogen oxide allowances to—

''(A) each affected unit in a Zone 1 State that is not a new unit; and

''(B) each affected unit in a Zone 2 State that is not a new unit.

''(3) QUANTITY TO BE ALLOCATED.—

''(A) ZONE 1 STATES.—For each calendar year, the quantity of nitrogen oxide allowances allocated under paragraph (2)(A) to affected units that are not new units shall be equal to the difference between—

''(i) the annual tonnage limitation for emissions of nitrogen oxides from affected units specified in section 702(b)(3)(A) for the calendar year; and

''(ii) the quantity of nitrogen oxide allowances placed in the new unit reserve established under subsection (b) for the calendar year.

''(B) ZONE 2 STATES.—For each calendar year, the quantity of nitrogen oxide allowances allocated under paragraph (2)(B) to affected units that are not new units shall be equal to the difference between—

''(i) the annual tonnage limitation for emissions of nitrogen oxides from affected units specified in section 702(b)(3)(B) for the calendar year; and

''(ii) the quantity of nitrogen oxide allowances placed in the new unit reserve established under subsection (b) for the calendar year.

''(4) ADJUSTMENT OF ALLOCATIONS.—If, for any calendar year, the total quantities of allowances allocated under paragraph (2) are not equal to the applicable quantities determined under paragraph (3), the Administrator shall adjust the quantities of allowances allocated to affected units that are not new units on a pro-rata basis so that the quantities are equal to the applicable quantities determined under paragraph (3).

''(5) ALLOCATION TO NEW UNITS.—

''(A) METHODOLOGY.—Not later than 2 years after the date of enactment of this title, the Administrator shall promulgate regulations to establish a methodology for allocating nitrogen oxide allowances to new units.

''(B) QUANTITY OF NITROGEN OXIDE ALLOWANCES ALLOCATED.—The Administrator shall determine the quantity of nitrogen oxide allowances to be allocated to each new unit based on the projected emissions from the new unit.

''(6) ALLOWANCE NOT A PROPERTY RIGHT.—A nitrogen oxide allowance—

''(A) is not a property right; and

''(B) may be terminated or limited by the Administrator.

''(7) NO JUDICIAL REVIEW.—An allocation of nitrogen allowances by the Administrator under this subsection shall not be subject to judicial review.

''(d) NITROGEN OXIDE ALLOWANCE TRANSFER SYSTEM.—

''(1) USE OF ALLOWANCES.—The regulations promulgated under subsection (a)(1) shall—

''(A) prohibit the use (but not the transfer in accordance with paragraph (3)) of any nitrogen oxide allowance before the calendar year for which the allowance is allocated;

''(B) provide that unused nitrogen oxide allowances may be carried forward and added to nitrogen oxide allowances allocated for subsequent years; and

''(C) provide that unused nitrogen oxide allowances may be transferred by—

''(i) the person to which the allowances are allocated; or

''(ii) any person to which the allowances are transferred.

''(2) USE BY PERSONS TO WHICH ALLOWANCES ARE TRANSFERRED.—Any person to which nitrogen oxide allowances are transferred under paragraph (1)(C)—

''(A) may use the nitrogen oxide allowances in the calendar year for which the nitrogen oxide allowances were allocated, or in a subsequent calendar year, to demonstrate compliance with subsection (e)(1); or

''(B) may transfer the nitrogen oxide allowances to any other person for the purpose of demonstration of that compliance.

''(3) CERTIFICATION OF TRANSFER.—A transfer of a nitrogen oxide allowance shall not take effect until a written certification of the transfer, authorized by a responsible official of the person making the transfer, is received and recorded by the Administrator.

''(4) PERMIT REQUIREMENTS.—An allocation or transfer of nitrogen oxide allowances to an affected unit shall, after recording by the Administrator, be considered to be part of the federally enforceable permit of the affected unit under this Act, without a requirement for any further review or revision of the permit.

''(e) COMPLIANCE AND ENFORCEMENT.—

''(1) IN GENERAL.—For calendar year 2012 and each calendar year thereafter, the operator of each affected unit shall surrender to the Administrator a quantity of nitrogen oxide allowances that is equal to the total tons of nitrogen oxides emitted by the affected unit during the calendar year.

''(2) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring—

''(A) operation, reporting, and certification of continuous emissions monitoring systems to accurately measure the quantity of nitrogen oxides that is emitted from each affected unit; and

''(B) verification and reporting of nitrogen oxides emissions at each affected unit.

''(3) REPORTING.—

''(A) IN GENERAL.—Not less often than quarterly, the owner or operator of an affected unit shall submit to the Administrator a report on the monitoring of emissions of nitrogen oxides carried out by the owner or operator in accordance with the regulations promulgated under paragraph (2).

''(B) AUTHORIZATION.—Each report submitted under subparagraph (A) shall be authorized by a responsible official of the affected unit, who shall certify the accuracy of the report.

''(C) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emissions of nitrogen oxides from each affected unit.

''(4) EXCESS EMISSIONS.—

''(A) IN GENERAL.—The owner or operator of an affected unit that emits nitrogen oxides in excess of the nitrogen oxide allowances that the owner or operator holds for use for the affected unit for the calendar year shall—

''(i) pay an excess emission penalty determined under subparagraph (B); and

''(ii) offset the excess emissions by at least an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

''(B) DETERMINATION OF EXCESS EMISSION PENALTY.—The excess emission penalty for nitrogen oxides shall be equal to the product obtained by multiplying—

''(i) the number of tons of nitrogen oxides emitted in excess of the total quantity of nitrogen oxide allowances held; and

''(ii) 2 times the average price of a nitrogen oxide allowance for the Zone and calendar year in which the excess emissions occurred, as determined by the Administrator.

''(C) TREATMENT.—An excess emission penalty under subparagraph (A)(i)—

''(i) shall be due and payable without demand to the Administrator, in accordance with applicable regulations promulgated by the Administrator, by not later than 18 months after the date of enactment of the Lieberman-Warner Climate Security Act of 2008; and

''(ii) shall not diminish the liability of the owner or operator of the affected unit with respect to any fine, penalty, or assessment applicable to the affected unit for the same violation under any other provision of this Act.

''SEC. 704. MERCURY PROGRAM.

''(a) DEFINITION OF INLET MERCURY.—In this section, the term 'inlet mercury' means the quantity of mercury found—

''(1) in the as-fired coal of an affected unit; or

''(2) for an affected unit using coal that is subjected to an advanced coal cleaning technology, in the as-mined coal of the affected unit.

''(b) ANNUAL LIMITATION FOR CERTAIN UNITS.—On an annual average calendar year basis with respect to inlet mercury, an affected unit that commences operation on or after the date of enactment of this title shall be subject to the less stringent of the following emission limitations:

''(1) 90 percent capture of inlet mercury.

''(2) An emission rate of 0.0060 pounds per gigawatt-hour.

''(c) ANNUAL LIMITATION FOR EXISTING UNITS.—An affected unit in operation on the date of enactment of this title shall be subject to the following emission limitations on an annual average calendar year basis with respect to inlet mercury:

''(1) CALENDAR YEARS 2012 THROUGH 2015.—For the period beginning on January 1, 2012, and ending on December 31, 2015, the less stringent of the following emission limitations:

''(A) 60 percent capture of inlet mercury.

''(B) An emission rate of 0.02 pounds per gigawatt-hour.

''(2) CALENDAR YEAR 2016 AND THEREAFTER.—For calendar year 2016 and each calendar year thereafter, the less stringent of the following emission limitations:

''(A) 90 percent capture of inlet mercury.

''(B) An emission rate of 0.0060 pounds per gigawatt-hour.

''(d) AVERAGING ACROSS UNITS.—An owner or operator of an affected unit may demonstrate compliance with the annual average limitations under subsections (b) and (c) by averaging emissions from all affected units at a single facility.

''(e) MONITORING SYSTEM.—The Administrator shall promulgate regulations requiring—

''(1) operation, reporting, and certification of continuous emission monitoring systems to accurately measure the quantity of mercury that is emitted from each affected unit; and

''(2) verification and reporting of mercury emissions at each affected unit.

''(f) REPORTING.—

''(1) IN GENERAL.—Not less often than quarterly, the owner or operator of an affected unit shall submit to the Administrator a report on the monitoring of emissions of mercury carried out by the owner or operator in accordance with the regulations promulgated under subsection (e).

''(2) AUTHORIZATION.—Each report submitted under paragraph (1) shall be authorized by a responsible official of the affected unit, who shall certify the accuracy of the report.

''(3) PUBLIC REPORTING.—The Administrator shall make available to the public, through 1 or more published reports and 1 or more forms of electronic media, data concerning the emission of mercury from each affected unit.

''(g) EXCESS EMISSIONS.—

''(1) IN GENERAL.—The owner or operator of an affected unit that emits mercury in excess of the emission limitation described in subsection (b) or (c) shall pay an excess emission penalty determined under paragraph (2).

''(2) DETERMINATION OF EXCESS EMISSION PENALTY.—The excess emission penalty for mercury shall be an amount equal to $50,000 for each pound of mercury emitted in excess of the emission limitation described in subsection (b) or (c), as pro-rated for each fraction of a pound.''.

SEC. 1753. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651 et seq.) is amended by adding at the end the following:

''SEC. 417. REVISIONS TO SULFUR DIOXIDE ALLOWANCE PROGRAM.

''(a) DEFINITIONS.—In this section, the terms 'affected unit' and 'new unit' have the meanings given the terms in section 701.

''(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate such revisions to the regulations to implement this title as the Administrator determines to be necessary to implement section 702(a).

''(c) NEW UNIT RESERVE.—

''(1) ESTABLISHMENT.—Subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), the Administrator shall establish by regulation a reserve of allowances to be set aside for use by new units.

''(2) DETERMINATION OF QUANTITY.—The Administrator, in consultation with the Secretary of Energy, shall determine, based on projections of electricity output for new units—

''(A) not later than June 30, 2009, the quantity of allowances required to be held in reserve for new units for each of calendar years 2012 through 2015; and

''(B) not later than June 30, 2015, and June 30 of each fifth calendar year thereafter, the quantity of allowances required to be held in reserve for new units for the following 5-calendar year period.

''(3) ALLOCATION.—

''(A) REGULATIONS.—The Administrator shall promulgate regulations to establish a methodology for allocating sulfur dioxide allowances to new units.

''(B) NO JUDICIAL REVIEW.—An allocation of sulfur dioxide allowances by the Administrator under this paragraph shall not be subject to judicial review.

''(d) EXISTING UNITS.—

''(1) ALLOCATION.—

''(A) REGULATIONS.—Not later than 2 years after the date of enactment of this section, subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a), and subject to the reserve of allowances for new units under subsection (c), the Administrator shall promulgate regulations to govern the allocation of allowances to affected units that are not new units.

''(B) REQUIRED ELEMENTS.—The regulations shall provide for—

''(i) the allocation of allowances on a fair and equitable basis between affected units that received allowances under section 405 and affected units that are not new units and that did not receive allowances under that section, using for both categories of units the same or similar allocation methodology as was used under section 405; and

''(ii) the pro-rata distribution of allowances to all units described in clause (i), subject to the annual tonnage limitation for emissions of sulfur dioxide from affected units specified in section 702(a).

''(2) TIMING OF ALLOCATIONS.—Not later than 330 days before the beginning of calendar year 2012 and each calendar year thereafter, the Administrator shall allocate allowances to affected units.

''(3) NO JUDICIAL REVIEW.—An allocation of allowances by the Administrator under this subsection shall not be subject to judicial review.''.

(b) DEFINITION OF ALLOWANCE.—Section 402 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651a) is amended by striking paragraph (3) and inserting the following:

''(3) ALLOWANCE.—The term 'allowance' means an authorization, allocated by the Administrator to an affected unit under this title, to emit, during or after a specified calendar year, a quantity of sulfur dioxide determined by the Administrator and specified in the regulations promulgated under section 417(b).''.

(c) EXCESS EMISSIONS.—Section 411 of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651j) is amended by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—The owner or operator of a new unit or an affected unit that emits sulfur dioxide in excess of the sulfur dioxide allowances that the owner or operator holds for use for the new unit or affected unit for the calendar year shall—

''(1) pay an excess emission penalty determined under subsection (b); and

''(2) offset the excess emissions by at least an equal quantity in the following calendar year or such other period as the Administrator shall prescribe.

''(b) DETERMINATION OF EXCESS EMISSION PENALTY.—

''(1) IN GENERAL.—The excess emission penalty for sulfur dioxide shall be equal to the product obtained by multiplying—

''(A) the quantity of sulfur dioxide emitted in excess of the total quantity of sulfur dioxide allowances held; and

''(B) 2 times the average price of a sulfur dioxide allowance for the calendar year in which the excess emissions occurred, as determined by the Administrator.

''(2) TREATMENT.—An excess emission penalty under paragraph (1)—

''(A) shall be due and payable without demand to the Administrator, in accordance with applicable regulations promulgated by the Administrator, by not later than 18 months after the date of enactment of the Lieberman-Warner Climate Security Act of 2008; and

''(B) shall not diminish the liability of the owner or operator of the affected unit with respect to any fine, penalty, or assessment applicable to the affected unit for the same violation under any other provision of this Act.''.

(d) TECHNICAL AMENDMENTS.—

(1) Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(A) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(B) is redesignated as title VIII and moved to appear at the end of that Act.

(2) The table of contents for title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. prec. 7651) is amended by adding at the end the following:

''Sec. 417. Revisions to sulfur dioxide allowance program.''.

SA 4909. Mr. SCHUMER 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 A of title XIII, add the following:

SEC. 1308. TRANSITION TO COMPARABLE ACTION IN EXPORT COUNTRIES.

(a) FINDING.—Congress finds that the purposes described in section 1302 can be achieved while maintaining the growth and volume of United States exports of carbon-intensive manufactured goods, particularly to countries that have not yet adopted comparable action to regulate greenhouse gas emissions.

(b) DEFINITIONS.—In this section:

(1) CURRENTLY OPERATING FACILITY.—The term ''currently operating facility'' has the meaning given the term in section 542(a).

(2) DIRECT EXPORT.—The term ''direct export'' means a product manufactured in an eligible manufacturing facility and shipped to a destination outside of the customs territory of the United States without further processing.

(3) ELIGIBLE MANUFACTURING FACILITY.—The term ''eligible manufacturing facility'' has the meaning given the term in section 542(a).

(4) INDIRECT EXPORT.—The term ''indirect export'' means a product manufactured in an eligible manufacturing facility and further processed in the United States prior to shipment outside of the customs territory of the United States.

(c) 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, to owners and operators of eligible manufacturing facilities, international reserve allowances established under section 1306.

(d) INDIVIDUAL ALLOCATIONS TO CURRENTLY OPERATING FACILITIES.—Under the system described in subsection (c), the quantity of international reserve allowances distributed by the Administrator for a calendar year to the owner or operator of a currently operating facility that received emission allowances under section 542(e) shall be a quantity equal in value to the product obtained by multiplying—

(1) the product obtained by multiplying—

(A) the sum of the annual direct and indirect emissions for the most recent year used in the calculation under section 542(d)(2)(A); and

(B) the average value of the emission allowances allocated to the owner or operator of the currently operating facility under section 542(e); and

(2) the proportion that—

(A) the value of production by the current operating facility that is used for direct export and indirect export during the calendar year immediately preceding the calendar year of the distribution; bears to

(B) the total value of production by the current operating facility during the calendar year immediately preceding the calendar year of the distribution.

(e) DEFICIENCY.—If, for any calendar year, there is an insufficient number of international reserve allowances established under section 1306 available for distribution to meet the requirements of the system described in subsection (c), the Administrator shall distribute in lieu of those international reserve allowances a comparable quantity of emission allowances not otherwise sold or distributed under title V.

(f) EXPORT COUNTRIES.—In completing any calculations under the system described in subsection (c), the Administrator shall take into consideration—

(1) exports of currently operating facilities to all foreign countries for each of calendar years 2012 and 2013; and

(2) exports of currently operating facilities only to foreign countries that have not adopted a program to limit greenhouse gas emissions for each of calendar years 2014 through 2030.

(g) LIMITATION ON QUANTITY FOR DISTRIBUTION.—The quantity of allowances distributed to the owner or operator of a currently operating facility for a calendar year pursuant to this section shall be limited so as to ensure that, for the calendar year, the sum of the value of the allowances so distributed and the value of the allowances allocated pursuant to section 542(e) shall not exceed the product obtained by multiplying—

(1) the emissions of the currently operating facility for the most recent year used in the relevant calculation under section 542(d)(2)(A); and

(2) the average value of the emission allowances allocated to the owner or operator of the currently operating facility under section 542(e).

SA 4910. Mr. LAUTENBERG submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —AVIATION AND INTERCITY TRANSPORTATION

SEC. —001. DEVELOPMENT OF ALTERNATIVE FUELS FOR AIRCRAFT.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall research and develop viable alternative fuels whose usage results in less greenhouse gas emissions than existing jet fuel for commercial aircraft.

(b) PLAN.—Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) develop a research and development plan for the program described in subsection (a), containing specific research and development objectives and a timetable for achieving the objectives; and

(2) submit a copy of the plan to Congress.

SEC. —002. AIRCRAFT ENGINE STANDARDS.

Section 44715(a) of title 49, United States Code, is amended—

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

''(1) To relieve and protect the public health and welfare from aircraft noise, sonic boom, and aircraft engine emissions, the Administrator of the Federal Aviation Administration, in consultation with the Administrator of the Environmental Protection

Agency as deemed necessary, shall prescribe—

''(A) standards to measure aircraft noise and sonic boom;

''(B) regulations to control and abate aircraft noise and sonic boom; and

''(C) emission standards applicable to the emission of any air pollutant from any class or classes of aircraft engines which, in the judgment of the Administrator, causes, or contributes to, air pollution which may reasonably be anticipated to endanger public health or welfare.''; and

(2) indenting paragraphs (2) and (3) 2 em spaces from the left margin.

SEC. —003. AIRCRAFT DEPARTURE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public use airports under which the Federal Aviation Administration shall test air traffic flow management tools, methodologies, and procedures, as well as other operational improvements that will allow the agency to better supervise aircraft on the ground, reduce the length of ground holds and idling time for aircraft, and promote reduction of carbon emissions of aircraft and at airports.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the House of Representatives Committee on Transportation and Infrastructure of the and the Senate Committee on Commerce, Science, and Transportation a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated environmental and economic benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. —004. STUDY OF AVIATION SECTOR EMISSIONS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study on emissions associated with the aviation industry, including—

(1) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(2) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(3) based on existing literature, research, and surveys to determine the existing best practices for emission reduction in the aviation sector;

(4) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(5) recommendations of actions that the Federal Government could take to encourage or require additional emissions reductions.

(b) CONSULTATION.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(1) the Administrator of the Environmental Protection Agency; and

(2) other appropriate Federal agencies and departments.

SEC. —005. INTERCITY PASSENGER MOBILITY STUDY.

Within 1 year after the date of enactment of this Act, the Secretary of Transportation, through the Office of Climate Change and Environment, and in coordination with the Federal Railroad Administration and other relevant modal administrations at the Department, shall complete a study to assess the impact on transportation-related emissions of developing or expending frequent and reliable intercity passenger rail transportation services in appropriate intercity travel markets of 500 miles or less. The study shall include an estimate of the potential effects of new or improved intercity passenger rail service on transportation energy consumption, carbon and other air emissions, infrastructure needs, system capacity, and congestion within such markets and shall include an estimate of the costs and benefits to the federal government, intercity passenger rail providers, and other transportation modes, as appropriate, of such an enhancement of intercity passenger rail service. The Secretary shall transmit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. —006. IMPROVEMENTS TO OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.

Section 102(g) of title 49, United States Code, is amended by adding at the end thereof the following:

''(3) ASSESSMENT OF FEDERALLY FUNDED MAJOR TRANSPORTATION INVESTMENTS.—

''(A) Beginning 1 year after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Office shall perform, or require the performance of, a climate-change impact assessment for each new federally-funded or federally-administered transportation infrastructure or operations project that—

''(i) receives more than half of its annual or total funding from Department of Transportation; and

''(ii) will receive more than $500,000,000 in total Federal funding.

''(B) The assessment shall include—

''(i) an estimate of the projected impact of the project or program on global climate change and carbon emissions; and

''(ii) a rating for the project based on its projected impacts.

''(C) The Office shall make each assessment available to the public in a timely manner. The Secretary shall ensure that assessments performed pursuant to this paragraph are used by the Department when completing any relevant cost/benefit or other appropriate project analysis.

''(4) COORDINATION WITH OTHER AGENCIES.—The Secretary, through the Office, shall coordinate with the National Institute of Standards and Technology, and any other relevant Federal agencies to assist in the development of climate change-related standards that affect the collection of data, assessment, or development of mitigation or adaptation strategies in the transportation industry, such as carbon accounting standards.''.

SA 4911. Mr. WHITEHOUSE 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 209, strike line 20 and all that follows through page 213, line 8.

On page 213, lines 22 and 23, strike ''subparagraph (B)'' and insert ''subparagraphs (B) and (E)''.

On page 214, strike lines 1 through 13 and insert the following:

(i) to fund cost-effective energy-efficiency, demand response, low-emission and high-efficiency distributed generation and distributed renewable generation programs for all fuels and energy types, or for customer-located renewable energy supplies, in the residential, commercial, and industrial sectors under the oversight of the regulatory agencies of local distribution companies;

(ii) if a local distribution company does not administer energy-efficiency programs under the supervision of a regulatory agency, to provide assistance to the appropriate State energy officer, regulatory agency, or third-party selected by the regulatory agency for use in accordance with this section; and

(iii) in the case of a non-regulated local distribution entity, such as a municipal utility, to fund cost-effective energy-efficiency, demand response, low-emission and high-efficiency distributed generation programs, and distributed renewable generation programs, for the residential, commercial and industrial consumers served by the non-regulated local distribution entity, subject to the approval of the appropriate State or local government official.

On page 215, between lines 22 and 23, insert the following:

(E) EXCEPTION.—During the 5-year period beginning on the date of enactment of this Act, if infrastructure and vendors are not available to cost-effectively implement expanded programs described in clauses (i) and (ii) of subparagraph (A), a local distribution company receiving allowances under this section, in instances determined to be appropriate by the regulatory agency with jurisdiction over the local distribution company, may provide limited rebates for customers, giving priority to low-income customers.

On page 216, strike lines 8 through 14 and insert the following:

(C)(i) how, and to what extent, the local distribution company 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; and

(ii) the quantity of energy saved or generated as a result of energy-efficiency, demand response, and distributed generation programs supported by sales of emissions allowances, including a description of the methodologies used to estimate those savings.

SA 4912. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him 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; 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.

Strike the table that appears on page 203 after line 2 and insert the following:

Calendar Year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	5.5
2013	5.75
2014	5.75
2015	6
2016	6.25
2017	6.5
2018	6
2019	7
2020	7
2021	7
2022	8
2023	8
2024	9
2025	9
2026	10
2027	11
2028	11
2029	12
2030	13
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.

On page 204, between lines 2 and 3, insert the following:

SEC. 584. USE OF FUNDS.

(a) IN GENERAL.—Subject to section 585, of amounts deposited in the Climate Change Consumer Assistance Fund under section 583, the Administrator shall use—

(1) of the proceeds from the auction of the initial 14 percent of the percentage of emission allowances auctioned under section 582 for each calendar year—

(A) not less than 50 percent to provide assistance to low-income households under the program described in subsection (b); and

(B) not less than 50 percent to provide an earned income tax credit in accordance with subsection (c); and

(2) the remaining proceeds from auctions under section 582 to carry out other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act in accordance with subsection (d).

(b) PROGRAM FOR OFFSETTING IMPACTS ON LOWER-INCOME AMERICANS.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ''Administrator'' means—

(i) the Administrator of the Environmental Protection Agency; or

(ii) the head of a Federal agency designated by the Administrator for the purposes of this subsection.

(B) ELDERLY OR DISABLED MEMBER.—The term ''elderly or disabled member'' has the meaning given the term in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

(C) GROSS INCOME.—The term ''gross income'' means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014).

(D) HOUSEHOLD.—The term ''household'' means—

(i) an individual who lives alone; or

(ii) a group of individuals who live together.

(E) POVERTY LINE.—The term ''poverty line'' has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

(F) PROGRAM.—The term ''Program'' means the Climate Change Rebate Program established under paragraph (2).

(G) STATE.—The term ''State'' means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands; and

(vii) the United States Virgin Islands.

(H) STATE AGENCY.—

(i) IN GENERAL.—The term ''State agency'' means an agency of State government that has responsibility for the administration of 1 or more federally aided public assistance programs within the State.

(ii) INCLUSIONS.—The term ''State agency'' includes—

(I) a local office of a State agency described in clause (i); and

(II) in a case in which federally aided public assistance programs of a State are operated on a decentralized basis, a counterpart local agency that administers 1 or more of those programs.

(2) CLIMATE CHANGE REBATE PROGRAM.—The Administrator shall establish and carry out a program, to be known as the ''Climate Change Rebate Program'', under which, at the request of a State agency, eligible low-income households within the State shall be provided an opportunity to receive compensation, through the issuance of a monthly rebate, for use in paying certain increased energy-related costs resulting from the regulation of greenhouse gas emissions under this Act.

(3) ELIGIBILITY.—The Administrator shall limit participation in the Program to—

(A) households that the applicable State agency determines meet the gross income test and the asset test standards described in section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014); and

(B) households that do not meet those standards, but that include 1 or more individuals who meet the standards described in section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114).

(C) LIMITATION.—The Administrator shall establish additional eligibility criteria to ensure that—

(i) only United States citizens, United States nationals, and lawfully residing immigrants are eligible to receive a rebate under the Program; and

(ii) each household does not receive more than 1 rebate per month under the Program.

(4) MONTHLY REBATE AMOUNT.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The rebate available under the Program for each month of a calendar year shall be established by the Energy Information Administration, in consultation with other appropriate Federal agencies, by not later than October 1 of the preceding calendar year.

(ii) LIMITATION.—The aggregate amount of rebates distributed in any given year shall not exceed the amount described in subsection (a)(1).

(iii) SHORTAGE.—If the amount described in subsection (a)(4) is inadequate to provide monthly rebates to all eligible households, the Administrator shall devise an equitable proration to ensure that all eligible households receive the same portion of the full rebate the eligible households would have been eligible to receive if adequate funds had been provided

(B) METHOD OF CALCULATION.—With respect to the calculation of a monthly rebate under this paragraph—

(i) the maximum monthly rebate provided to a household during any calendar year shall be equal to 1/12 of the projected average annual increase in the costs of goods and services for that calendar year that results from the regulation of greenhouse gas emissions under this Act, taking into consideration—

(I) the size of the household; and

(II) direct and indirect energy costs for consumers in the lowest-income quintile that is affected by the regulation of greenhouse gas emissions, net of the effect of any projected increase in Federal benefits resulting from higher cost-of-living adjustments based on higher energy-related costs;

(ii) each quintile referred to in clause (i)(II) shall—

(I) be based on income adjusted to account for household size; and

(II) represent an equal number of individuals; and

(iii) the amount shall be adjusted by household size, except that the same maximum rebate shall be—

(I) provided to households of 5 or more individuals; and

(II) based on the average cost increases for households of 5 or more individuals.

(C) GREATER THAN 130 PERCENT OF POVERTY LINE.—A household with a gross income that is greater than 130 percent of the poverty line shall not be eligible for a monthly rebate under this subsection.

(5) DELIVERY MECHANISM.—An eligible household shall receive a rebate through an electronic benefit transfer or direct deposit into a bank account designated by the eligible household.

(6) ADMINISTRATION.—

(A) IN GENERAL.—The State agency of each participating State shall assume responsibility for—

(i) the certification of households applying for monthly rebates under this subsection; and

(ii) the issuance, control, and accountability of those rebates.

(B) REIMBURSEMENT OF ADMINISTRATIVE COSTS.—

(i) IN GENERAL.—Subject to such standards as shall be established by the Administrator, the Administrator shall reimburse each State agency for a portion, as described in clauses (ii) and (iii), of the administrative costs involved in the operation by the State agency of the Program.

(ii) INITIAL 3 YEARS.—During the first 3 fiscal years of operation of the Program, the Administrator shall reimburse each State agency for—

(I) 75 percent of the administrative costs of delivering monthly rebates under this subsection; and

(II) 75 percent of any automated data processing improvements or electronic benefit

transfer contract amendments that are necessary to provide the monthly rebates.

(iii) SUBSEQUENT YEARS.—During the fourth and subsequent years of operation of the Program, the Administrator shall reimburse each State agency for 50 percent of all administrative costs of delivering the monthly rebates under this subsection.

(C) TREATMENT.—

(i) NOT INCOME OR RESOURCES.—The value of a rebate provided under the Program shall not be considered to be income or a resource for any purpose under any Federal, State, or local law, including laws relating to an income tax, public assistance programs (such as health care, cash aid, child care, nutrition programs, and housing assistance).

(ii) ACTION BY STATE AND LOCAL GOVERNMENTS.—No State or local government a resident of which receives a rebate under the Program shall decrease any assistance that would otherwise be provided to the resident because of receipt of the rebate.

(c) SENSE OF CONGRESS REGARDING EARNED INCOME TAX CREDIT.—It is the sense of Congress that—

(1) the amounts described in subsection (a)(1)(B) should be used to enhance the earned income tax credit under section 32 of the Internal Revenue Code of 1986 to assist lower-income workers to afford the energy-related costs associated with the regulation of greenhouse gas emissions; and

(2) the Administrator should structure the Climate Change Rebate Program under subsection (b) in a manner than ensures that the program phases out for eligible households that receive an enhanced earned income tax credit as described in this section.

(d) SENSE OF CONGRESS REGARDING ADDITIONAL TAX POLICIES.—It is the sense of Congress that any additional amounts in the Climate Change Consumer Assistance Fund should be used to fund other tax initiatives to protect consumers, especially consumers in greatest need, from increases in energy and other costs as a result of this Act.

On page 204, line 3, strike ''**584**'' and insert ''**585**''.

On page 204, strike lines 8 through 14.

SA 4913. Mr. SMITH (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed 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 Environment 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. ___. TAX CREDIT FOR GREEN ROOFS.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Green roofs reduce storm water run off.

(B) Green roofs reduce heating and cooling loads on a building.

(C) Green roofs filter pollutants and carbon dioxide out of the air.

(D) Green roofs filter pollutants and heavy metals out of rainwater.

(E) Construction of green roofs has the potential to reduce the size of heating, ventilation, and air conditioning equipment on new or retrofitted buildings resulting in capital and operational savings.

(F) Green roofs have the potential to reduce the amount of standard insulation used.

(G) After installation, green roofs can reduce sewage system loads by assimilating large amounts of rainwater.

(H) Green roofs absorb air pollution, collect airborne particulates, and store carbon.

(I) Green roofs protect underlying roof material by eliminating exposure to the sun's ultraviolet radiation and extreme daily temperature fluctuations.

(J) Green roofs reduce noise transfer from the outdoors.

(K) Green roofs insulate a building from extreme temperatures, mainly by keeping the building interior cool in the summer.

(2) PURPOSE.—The purpose of this section is to encourage the construction of green roofs thereby—

(A) reducing rooftop temperatures and heat transfer; decreasing summertime indoor temperatures;

(B) lessening pressure on sewer systems through the absorption of rainwater;

(C) filtering pollution – including heavy metals and excess nutrients;

(D) protecting underlying roof material;

(E) reducing noise;

(F) providing a habitat for birds and other small animals;

(G) improving the quality of life for building inhabitants; and

(H) reducing the urban heat island effect by decreasing rooftop temperatures.

(b) GREEN ROOFS ELIGIBLE FOR ENERGY CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) a qualified green roof (as defined in section 25D(d)(4)(B)).''.

(2) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) of such Code is amended by striking ''and'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) so much of the credit determined under section 46 as is attributable to the credit determined under section 48, and''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

(c) CREDIT FOR RESIDENTIAL GREEN ROOFS.—

(1) IN GENERAL.—

(A) ALLOWANCE OF CREDIT.—Section 25D(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified green roof property expenditures made by the taxpayer during such year.''.

(B) LIMITATION.—Section 25D(b)(1) of such Code (relating to maximum credit) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $2,000 with respect to any qualified green roof property expenditures.''.

(C) QUALIFIED GREEN ROOF PROPERTY EXPENDITURES.—Section 25D(d) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED GREEN ROOF PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified green roof property expenditure' means an expenditure for a qualified green roof which is installed on a building located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GREEN ROOF.—The term 'qualified green roof' means any green roof at least 40 percent of which is vegetated.

''(C) GREEN ROOF.—The term 'green roof' means any roof which consists of vegetation and soil, or a growing medium, planted over a waterproofing membrane and its associated components, such as a protection course, a root barrier, a drainage layer, or thermal insulation and an aeration layer.''.

(D) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) of such Code (relating to maximum expenditures) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of any qualified green roof property expenditures.''.

(2) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(A) IN GENERAL.—Subsection (c) of section 25D of the internal Revenue Code of 1986 is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 23(b)(4)(B) of the Internal Revenue Code of 1986 is amended by inserting ''and section 25D'' after ''this section''.

(ii) Section 24(b)(3)(B) of such Code is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(iii) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(iv) Section 26(a)(1) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(B) APPLICATION OF EGTRRA SUNSET.—The amendments made by clauses (i) and (ii) of paragraph (2)(B) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SA 4914. Mr. ALEXANDER 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, add the following:

TITLE XVIII—NUCLEAR POWER PLANTS

SEC. 1801. CONSTRUCTION PERMITS AND OPERATING LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by striking subsection (b) and inserting the following:

''(b) ISSUANCE OF LICENSES.—

''(1) IN GENERAL.—After a public hearing under section 189a.(1)(A), the Commission shall issue to the applicant a combined construction and operating license, if—

''(A) the application contains sufficient information to support the issuance of a combined license; and

''(B) the Commission determines that there is reasonable assurance that the facility—

''(i) will be constructed; and

''(ii) will operate in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

''(2) INCLUSIONS.—The Commission shall identify in the combined license—

''(A) each inspection, test, and analysis (including as applicable to emergency planning) that the licensee shall be required to perform; and

''(B) the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility—

''(i) has been constructed; and

''(ii) will be operated in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

''(3) ACTION BY COMMISSION.—

''(A) IN GENERAL.—After issuing a combined license under this subsection, the Commission shall—

''(i) ensure that each required inspection, test, and analysis is performed; and

''(ii) prior to operation of the applicable facility, issue a determination that those requirements have been met.

''(B) NO HEARING REQUIRED.—Except as otherwise provided in section 189a.(1)(B), a determination of the Commission under this paragraph shall not require a hearing.

''(4) NEW LICENSING GOALS.—For each 6 successful issuances by the Commission of licenses under this subsection, not later than 180 days after the date on which the final such license is issued, the Commission shall publish a report, including recommendations, that describes—

''(A) potential impediments or improvements that could enhance the regulatory review process for licensing of constructing new civilian nuclear power plants;

''(B) workforce and technology needs of the Commission; and

''(C) requirements that would be required for the Commission to safely license at least 6 new nuclear plants per year through 2050.''.

SEC. 1802. HEARINGS AND JUDICIAL REVIEW.

Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) is amended by striking ''a.(1)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(a) HEARINGS; REVIEW.—

''(1) HEARINGS.—

''(A) PARTIES.—

''(i) IN GENERAL.—In any proceeding under this Act for the granting, suspending, revoking, or amending of any license or construction permit or application to transfer control, in any proceeding for the issuance or modification of rules and regulations regarding the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 186c., or 188, the Commission shall—

''(I) grant a hearing on request of any person the interests of which may be affected by the proceeding; and

''(II) admit any such person as a party to the proceeding.

''(ii) NO REQUEST.—

''(I) IN GENERAL.—In the absence of a request by a person described in clause (i), the Commission may issue a construction permit, an operating license, or an amendment to a construction permit or an amendment to an operating license without a hearing by publishing in the Federal Register a notice of the intended issuance not later than 30 days before the date of issuance.

''(II) EXCEPTION.—The notice requirement under subclause (I) shall not apply with respect to any application for an amendment to a construction permit or an amendment to an operating license on a determination by the Commission that the amendment involves no significant hazard consideration.''.

SEC. 1803. SENSE OF SENATE.

It is the sense of the Senate that the Nuclear Regulatory Commission should be given all necessary funding and assistance required by the Commission to meet the increasing demand of license applications before the Commission.

SA 4915. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be 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; which was ordered to lie on the table; as follows:

On page 19, strike lines 11 through 16 and insert the following:

(10) CARBON DIOXIDE EQUIVALENT.—The term ''carbon dioxide equivalent'' means, for each HFC, non-HFC greenhouse gas, black carbon, or tropospheric ozone precursor, the quantity of the HFC, non-HFC greenhouse gas, black carbon, or tropospheric ozone precursor that the Administrator determines makes the same contribution to global warming as 1 metric ton of carbon dioxide.

On page 31, between lines 18 and 19, insert the following:

(52) TROPOSPHERIC OZONE PRECURSOR.—The term ''tropospheric ozone precursor'' means each of the oxides of nitrogen, nonmethane volatile organic hydrocarbons, methane, and carbon monoxide.

On page 41, strike lines 11 through 17 and insert the following:

(a) PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, 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—

(A) the purchase of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency of those commercial vehicles; and

(B) the purchase and installation on existing medium- and heavy-duty diesel commercial vehicles or commercial nonroad equipment of diesel particulate filters that are verified by the Administrator or the California Air Resources Board, based on demonstrated reductions of black carbon emissions from those diesel vehicles or nonroad equipment.

(2) NO DUPLICATE ASSISTANCE.—No entity receiving grants for diesel retrofits under this Act or any other Federal program shall receive payment under this subsection for emission reductions for the same diesel engine.

Beginning on page 41, strike line 20 and all that follows through page 42, line 22, and insert the following:

(1) only a purchaser of a hybrid commercial vehicle weighing at least 8,500 pounds, or a diesel particulate filter installed on a commercial diesel vehicle weighing at least 8,500 pounds or installed on a piece of nonroad equipment with an engine rating of at least 75 horsepower, shall be eligible for grants under subsection (a);

(2) the purchaser of a qualifying hybrid vehicle or verified diesel particulate filter shall have certainty, at the time of purchase, 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) the grant provided under subsection (a)(1)(A) shall increase in direct proportion to the fuel efficiency of a commercial vehicle to be purchased using funds from the grant; and

(B) the grant provided under subsection (a)(1)(B) shall increase in direct proportion to the reduction in black carbon emissions from the retrofit of a qualifying diesel vehicle or nonroad equipment with a verified diesel particulate filter to be purchased using funds from the grant;

(4) the amounts made available to provide grants under subsection (a)(1) 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 under subparagraph (A) or (B) of subsection (a)(1) shall decrease over time to encourage early purchases of qualifying commercial hybrid vehicles or verified diesel particulate filters, respectively.

On page 43, strike lines 1 through 5 and insert the following:

(d) TERMINATION OF AUTHORITY.—

(1) HYBRID FLEETS.—The program established under subsection (a)(1)(A), and all authority provided under that subsection, terminate on the date on which the clean medium- and heavy-duty hybrid fleets program is established under section 1103.

(2) BLACK CARBON EMISSIONS.—The program established under subsection (a)(1)(B), and all authority provided under that subsection, terminate on the date on which the diesel engine black carbon emission reduction program is established under section 527.

On page 43, line 10, insert '', the reduction of black carbon emissions,'' after ''sustainable economic growth''.

On page 45, line 1, strike ''greenhouse gas emission mitigations'' and insert ''greenhouse gas or black carbon emission mitigations, as applicable''.

On page 45, lines 7 and 8, strike ''greenhouse gas emission mitigations'' and insert ''greenhouse gas or black carbon emission mitigations, as applicable''.

On page 46, line 25, insert ''or black carbon'' after ''greenhouse gas''.

On page 48, line 10, insert ''and black carbon'' after ''greenhouse gas''.

On page 48, line 13, insert ''and black carbon'' after ''greenhouse gas''.

On page 48, line 20, insert ''and black carbon'' after ''greenhouse gas''.

On page 50, line 9, insert ''and black carbon'' after ''greenhouse gas''.

On page 51, line 13, insert ''and black carbon'' after ''greenhouse gas''.

Beginning on page 60, strike line 6 and all that follows through page 61, line 18, and insert the following:

SEC. 124. STUDY BY ADMINISTRATOR OF BLACK CARBON, METHANE, AND TROPOSPHERIC OZONE PRECURSOR EMISSIONS.

(a) STUDY.—The Administrator shall conduct a study of black carbon, methane, and tropospheric ozone precursor emissions, including—

(1) an identification of—

(A) the major sources of black carbon, methane, and tropospheric ozone precursor emissions in the United States and throughout the world, and an estimate of the quantity of emissions, and effects on the climate caused by the emissions, from those sources;

(B) key outstanding research questions that constrain the ability to provide the information described in subparagraph (A), including the development of a 2-year research plan and recommendations for funding; and

(C) the most effective and cost-effective strategies for additional domestic and international reductions in black carbon, methane, and tropospheric ozone and the likely climate benefits of each of those reductions, including—

(i) ways to expand the effectiveness of the existing ''methane-to-markets'' program;

(ii) regulatory strategies to reduce methane emissions from major sources, including landfills, coal mines, combined animal feeding operations, pipelines, and rice cultivation;

(iii) the latest scientific information and data relevant to the climate-related impacts of black carbon emissions from diesel engines and other sources;

(iv) carbon dioxide equivalency factors for black carbon classified by specific black carbon sources, and the establishment of such factors pursuant to section 202(*l*);

(v) carbon dioxide equivalency factors for precursors of tropospheric ozone, and establishment of those factors pursuant to section 202(*l*);

(vi) eligible diesel and other direct emission control technologies that remove black carbon effectively;

(vii) full lifecycle and net climate impacts of installation of diesel particulate filters on existing diesel on- and off-road engines, including verification of those lifecycles and impacts; and

(viii) diesel and other direct emission control technologies, operations, or strategies that remove or reduce black carbon, including estimates of costs and effectiveness; 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 black carbon, methane, and tropospheric ozone precursor emissions;

(B) actions that the Federal Government could take to encourage or require additional black carbon, methane, and tropospheric ozone precursor emission reductions; and

(C) the development of a climate-beneficial tropospheric ozone reduction strategy, and a description of the relationship of that strategy to the ozone reduction strategy in effect as of the date of enactment of this Act.

(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.

On page 71, between lines 14 and 15, insert the following:

(l) DETERMINATION OF CARBON DIOXIDE EQUIVALENTS FOR GREENHOUSE GASES, BLACK CARBON, AND TROPOSPHERIC OZONE PRECURSORS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall determine the carbon dioxide equivalent for—

(1) each HFC and non-HFC greenhouse gas; and

(2) black carbon and tropospheric ozone precursor, if the Administrator first determines that equivalents can be established with reasonable scientific certainty.

On page 80, line 14, insert ''and black carbon'' after ''greenhouse gas''.

On page 80, line 21, insert ''and black carbon'' after ''greenhouse gas''.

On page 80, strike lines 23 through 25.

On page 81, line 1, strike ''(4)'' and insert ''(3)''.

On page 81, line 4, strike ''(5)'' and insert ''(4)''.

On page 81, line 5, insert ''and black carbon'' after ''greenhouse gas''.

On page 81, line 7, insert ''and'' after the semicolon.

On page 81, strike lines 8 and (9) and insert the following:

(5) with respect to offsets from agricultural, forestry, or other land use-related projects—

(A) require that the project developer for an offset project establish the project baseline and register emissions with the Registry;

(B) establish procedures for project initiation and approval, in accordance with section 304;

(C) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 305;

(D) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(E) assign a unique serial number to each offset allowance issued under this section.

On page 81, strike lines 10 through 17.

On page 85, strike lines 10 through 12 and insert the following:

(D);

(F) reductions in black carbon emissions from heavy-duty diesel engines and diesel nonroad equipment operating in the United States, if the Administrator has made a determination of the carbon dioxide equivalent for black carbon under section 202(*l*); and

(G) any other category proposed to the Administrator by petition.

On page 86, line 11, strike ''include'' and insert ''with respect to agricultural, forestry, or other land use-related offset projects, include''.

On page 91, line 12, insert ''for agricultural, forestry, or other land use-related offset projects'' after ''issue a methodology''.

On page 112, between lines 2 and 3, insert the following:

SEC. 312. BLACK CARBON REDUCTION OFFSET PROJECTS.

Offset projects described in section 302(b)(2)(F) shall not be subject to sections 304 through 310.

On page 159, line 5, strike ''The Administrator'' and insert ''Beginning in calendar year 2020, the Administrator''.

On page 159, between lines 18 and 19, insert the following:

(c) REDUCING BLACK CARBON AND METHANE EMISSIONS OVER THE SHORT TERM.—

(1) REDUCTION OF BLACK CARBON EMISSIONS FROM DIESEL ENGINES.—

(A) IN GENERAL.—The Administrator shall use a portion of the proceeds from each cost-containment auction for each of calendar years 2013 through 2019 to carry out the program established by the Administrator under subparagraph (B).

(B) PROGRAM.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall by regulation establish a program to achieve real, verifiable, additional, permanent, and enforceable reductions in emissions of black carbon from diesel engines on heavy-duty vehicles and nonroad equipment in the United States.

(ii) REQUIREMENTS.—

(I) IN GENERAL.—Subject to subclause (II), the regulations promulgated under clause (i) shall provide for full or partial payment to individual entities for verified costs of installation of diesel particulate filters that are verified by the Administrator or the California Air Resources Board.

(II) NO DUPLICATE ASSISTANCE.—No entity receiving emission allowances for black carbon reductions or diesel retrofits under this Act or any other Federal program shall receive payment under this subsection for black carbon emission reductions or retrofits for the same diesel engine.

(2) REDUCTION OF METHANE AND NON-DIESEL BLACK CARBON EMISSIONS.—The Corporation shall use a portion of the proceeds from each cost-containment auction for each of calendar years 2013 through 2019 to carry out a program that shall, by regulation, be established by the Administrator to achieve real, verifiable, additional, permanent, and enforceable reductions in emissions of methane and black carbon from sources other than diesel engines.

On page 196, line 21, strike ''2 percent'' and insert ''1 percent''.

On page 352, between lines 16 and 17, insert the following:

Subtitle E—Reducing Black Carbon Emissions From Diesel Engines

SEC. 1141. ALLOCATION.

Not later than April 1 of the year immediately following the determination by the Administrator of the carbon dioxide equivalent for black carbon pursuant to section 202(*l*), and annually thereafter through 2017, the Administrator shall allocate 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the following calendar year for real, verifiable, additional, permanent, and enforceable reductions in emissions of black carbon from heavy-duty diesel engines and nonroad diesel equipment in the United States that are achieved through the use of—

(1) diesel particulate filters that are verified by the Administrator or the California Air Resources Board; or

(2) other emission reduction methodology that the Administrator determines will provide an equal or greater reduction in diesel black carbon emissions.

SEC. 1142. DISTRIBUTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a program that includes a system for distributing to individual entities the emission allowances allocated under section 1141, based on verified reductions in black carbon emissions.

On page 438, line 10, insert '', the reduction of black carbon emissions,'' after ''sustainable economic growth''.

SA 4916. Mr. WYDEN (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. JOHNSON, Mr. THUNE, Mr. SALAZAR, Mr. SMITH, Mr. BARRASSO, Mr. ENZI, Mrs. FEINSTEIN, Mr. CRAPO, and Ms. CANTWELL) 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 342, strike lines 10 and 11 and insert the following:
United States.'';

(3) by striking subparagraph (L) (as redesignated by paragraph (1)) and inserting the following:

''(L) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(i) nonmerchantable materials, precommercial thinnings, or invasive species from National Forest system land and public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 17902)) that—

''(I) are byproducts of preventive treatments that are removed (such as trees, wood, brush, thinnings, chips, and slash)—

''(aa) to reduce hazardous fuels;

''(bb) to reduce or contain disease or insect infestation; or

''(cc) to restore ecosystem health;

''(II) would not otherwise be used for higher-value products; and

''(III) are removed in accordance with—

''(aa) applicable law and land management plans; and

''(bb) the requirement for old-growth maintenance, restoration, and management direction of subsection (e)(2) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512) and the requirements for large-tree retention of subsection (f) of that section; or

''(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(I) renewable plant material, including—

''(aa) feed grains;

''(bb) other agricultural commodities;

''(cc) other plants and trees; and

''(dd) algae; and

''(II) waste material, including—

''(aa) crop residue;

''(bb) other vegetative waste materials (including wood waste and wood residues);

''(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

''(dd) food waste and yard waste.''; and

(4) by striking subparagraph (O) (as redesig-

SA 4917. Mr. COLEMAN 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 291, between lines 4 and 5, insert the following:

(10) Municipal solid waste.

SA 4918. Mr. COLEMAN 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 459, strike lines 1 through 7 and insert the following:

SEC. 1403. DEPOSITS.

Except as provided in section ___01(b), 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 ___FUEL ASSISTANCE FUND

SEC. ___01. FUEL ASSISTANCE FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund, to be known as the ''Fuel Assistance Fund''.

(b) DEPOSITS.—The Administrator shall deposit such proceeds of auctions conducted pursuant to section 1402 as may be necessary to provide sufficient funds for the purposes of subsection (c).

(c) DISBURSEMENTS.—The Administrator shall, without further appropriation, transfer such funds from the Fuel Assistance Fund to the Highway Trust Fund and the Airport and Airways Trust Fund as are necessary to equal the reduction in revenues transferred to such Trust Funds resulting from the operation of section ___02.

SEC. ___02. RATE REDUCTION IN FEDERAL MOTOR FUEL EXCISE TAXES EQUIVALENT TO INCREASE IN MOTOR FUEL PRICES RESULTING FROM THIS ACT.

The Administrator of the Energy Information Administration shall determine and report to the Secretary of the Treasury on a quarterly basis any necessary reduction in the rates of tax under sections 4041 and 4081 of the Internal Revenue Code of 1986 equivalent to the estimated increase in prices in the motor fuels subject to such rates of tax resulting from the operation of this Act for such quarter. Notwithstanding any other provision of the Internal Revenue Code of 1986, the Secretary of the Treasury shall by regulation provide for such quarterly reductions through the use of floor stock refunds and floor stock taxes.

SA 4919. Mr. COLEMAN 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 194, strike lines 14 through 19 and insert the following:

(1) IN GENERAL.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for distributing solely among rural electric cooperatives (in addition to allowances made available to rural electric cooperatives under subsection (a) and subtitle A of Title VI), 1 percent of the quantity of emission allowances established pursuant to section 201(a) for each of calendar years 2012 through 2030.

SA 4920. Mr. REID (for Mr. BYRD (for himself, Mrs. MURRAY, Mr. DORGAN, Mr. LEAHY, Mr. DURBIN, Mrs. FEINSTEIN, and Ms. MIKULSKI)) submitted an amendment intended to be 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; which was ordered to lie on the table; as follows:

On page 143, strike beginning with line 1 through page 144, line 21, and insert the following:

SEC. 434. CONGRESSIONAL OVERSIGHT OF BOARD EXPENDITURES.

(a) BUDGET REQUESTS.—In each annual request for appropriations by the President, the Office of Management and Budget shall identify the portion thereof intended for the support of the board established by section 432 and include a statement by such board—

(1) showing the amount requested by the board in its budgetary presentation to the Office of Management and Budget; and

(2) an assessment of the budgetary needs of the board.

(b) DIRECT TRANSMITTAL TO CONGRESS.—The board established by section 431 shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communications by the board established by section 431 with Congress, or a committee or Member of Congress, about the information.

On page 145, line 17, strike ''436'' and insert ''435''.

On page 163, line 2, insert ''(A) IN GENERAL.—'' before ''The''.

On page 163, after line 5, insert the following:

(b) TREATMENT OF PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under this section—

(1) shall be credited as offsetting collections to carry out activities authorized under section 534;

(2) shall be available for expenditure only to pay the costs of carrying out the programs under section 534; and

(3) shall be available only to the extent provided for in advance in an appropriations Act.

On page 164, line 2, strike ''further appropriation or''.

On page 164, line 12, strike ''further appropriation or''.

On page 164, lines 19 and 20, strike ''further appropriations or''.

On page 224, strike lines 6 through 11 and insert the following:

(f) TREATMENT OF PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, all proceeds collected under section 611—

(1) shall be credited as offsetting collections to carry out the grants described in subsections (g) through (i);

(2) shall be available to the Secretary of Transportation for expenditure only to pay the costs of carrying out the grants described in subsections (g) through (i);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 225, line 16, strike ''Administrator'' and insert ''Secretary of Transportation''.

On page 228, line 24, strike ''Administrator'' and insert ''Secretary of Transportation''.

On page 241, after line 4, insert the following:

(c) USE OF FUNDS.—Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under section 613—

(1) shall be credited as offsetting collections to carry out section 614;

(2) shall be available for expenditure only to pay for the costs of carrying out the activities described in section 614(d);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 264, line 14, strike ''Amounts'' and insert ''Notwithstanding section 3302 of title 31, United States Code, amounts''.

On page 264, strike lines 21 through 25 and insert the following:

7403, 7601(d)) shall be—

(1) credited as offsetting collections to carry out the program under subsection (b);

(2) shall be available for expenditure only to pay the costs of carrying out the program under subsection (b) in accordance with the purposes described in paragraph (2) of subsection (b);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 270, line 15, strike ''Deposits'' and insert ''Notwithstanding section 3302 of title 31, United States Code, deposits''.

On page 270, line 21, strike ''needs; and'' and insert ''needs;''.

On page 270, strike lines 22 through 25 and insert the following:

(B) shall be credited as offsetting collections to carry out the purposes of the Land and Water Conservation Fund;

(C) shall be available only to the extent provided for in advance in an appropriations Act; and

(D) shall remain available until expended.

On page 271, lines 1 and 2, strike ''deposited in'' and insert ''appropriated from''.

On page 271, line 3, strike ''(1)'' and insert ''(2)''.

On page 297, strike lines 11 through 18 and insert the following:

Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under section 903—

(1) shall be credited as offsetting collections to carry out section 906;

(2) shall be available for expenditure only to pay the costs of carrying out section 906;

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 304, strike lines 5 through 7 and insert the following:

Notwithstanding section 3302 of title 31, United States Code, any proceeds collected under section 911—

(1) shall be credited as offsetting collections to carry out subtitle B or section 5012 of the PACE-Energy Act (42 U.S.C. 16538);

(2) shall be available for expenditure only to pay the costs of carrying out subtitle B or section 5012 of the PACE-Energy Act (42 U.S.C. 16538);

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 305, strike lines 6 through 15 and insert the following:

Notwithstanding section 3302 of title 31, United States Code, any proceeds under section 1002—

(1) shall be credited as offsetting collections to carry out the Kick-Start Program under section 1005;

(2) shall be available for expenditure only to pay the costs of carry out the Kick-Start Program under section 1005;

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 333, strike lines 18 through 24, and insert the following:

Notwithstanding section 3302 of title 31, United States Code, all proceeds collected under section 1112—

(1) shall be credited as offsetting collections to carry out awards described in section 1115;

(2) shall be available for expenditure only to pay the costs of carry out the awards described in section 1115;

(3) shall be available only to the extent provided for in advance in an appropriations Act; and

(4) shall remain available until expended.

On page 356, line 10, strike ''Amounts'' and insert ''Notwithstanding section 3302 of title 31, United States Code, amounts''.

On page 356, strike lines 13 through 21 and insert the following:

(1) credited as offsetting collections;

(2) shall be available only to the extent provided for in advance in an appropriations Act;

(3) shall remain available until expended; and

(4) shall be 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.

On page 358, strike lines 13 through 20 and insert the following:

(1) credited as offsetting collections;

(2) shall be available only to the extent provided for in advance in an appropriations Act;

(3) shall remain available until expended; and

(4) shall be 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.

On page 371, line 1, strike ''Amounts'' and insert ''Notwithstanding section 3302 of title 31, United States Code, amounts''.

On page 371, after line 3, insert the following:

(1) credited as offsetting collections;

(2) shall be available only to the extent provided for in advance in an appropriations Act;

(3) shall remain available until expended; and

On page 371, line 4, strike ''(1)'' and insert ''(4)''.

On page 371, lines 11 and 12, strike ''subtitle; and'' and insert ''subtitle;''.

On page 371, strike lines 13 and 14.

On page 441, line 23, strike ''All'' and insert ''(1) IN GENERAL.—''.

On page 441, line 24, strike '', without further appropriation or fiscal year limitation,''.

On page 442, after line 2, insert the following:

(2) TREATMENT OF FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the funds made available pursuant to this subsection shall be—

(A) credited as offsetting collections to carry out activities authorized by section 114;

(B) available for expenditure only to pay the costs of carrying out the program established by section 114; and

(C) available only to the extent provided for in advance in an appropriations Act.

On page 449, strike beginning with line 20 through page 450, line 2, and insert the following:

(1) USE OF FUNDS.—

(A) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, amounts deposited in the Fund under section 1331(b)(3) shall be made available to carry out—

(i) the Program; and

(ii) international activities that meet the requirements described in paragraph (8).

(B) TREATMENT OF FUNDS.—The amounts deposited in the Fund under section 1331(b)(3) shall be—

(i) credited as offsetting collections to carry out activities authorized under section 1332;

(ii) available for expenditure only to pay the costs of carrying out the program under such section; and

(iii) available only to the extent provided for in advance in an appropriations Act.

At the end of the bill insert the following:

SEC. ___. BUDGETARY TREATMENT.

Notwithstanding any provision of title III of the Congressional Budget Act of 1974, for fiscal year 2012 and thereafter, the Committees on the Budget of the Senate and of the House of Representatives shall treat any amounts in this Act that—

(1) are credited as offsetting collections; and

(2) are available only to the extent provided in advance in an appropriations Act;

as discretionary offsets to appropriations made in annual appropriations Acts.

SA 4921. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. STEVENS) 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, insert the following:

Subtitle C—Nuclear Power Generation

PART I—NUCLEAR POWER TECHNOLOGY AND MANUFACTURING

SEC. 921. DEFINITIONS.

In this part:

(1) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the costs of engineering tasks relating to—

(A) the redesign of manufacturing processes to produce qualifying components and nuclear power generation technologies;

(B) the design of new tooling and equipment for production facilities that produce qualifying components and nuclear power generation technologies; and

(C) the establishment or expansion of manufacturing operations for qualifying components and nuclear power generation technologies.

(2) NUCLEAR POWER GENERATION.—The term ''nuclear power generation'' means generation of electricity by an electric generation unit that—

(A) emits no carbon dioxide into the atmosphere;

(B) uses uranium as its fuel source; and

(C) was placed into commercial service after the date of enactment of this Act.

(3) NUCLEAR POWER GENERATION TECHNOLOGY.—The term ''nuclear power generation technology'' means a technology used to produce nuclear power generation.

(4) QUALIFYING COMPONENT.—The term ''qualifying component'' means a component that the Secretary of Energy determines to be specially designed for nuclear power generation technology.

SEC. 922. NUCLEAR POWER TECHNOLOGY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Nuclear Power Technology Fund''.

(b) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), to raise funds for deposit in the Nuclear Power Technology Fund, the Administrator shall auction—

(A) for each of calendar years 2012 through 2021, 2 percent of the emission allowances established pursuant to section 201(a) for that calendar year;

(B) for each of calendar years 2022 through 2030, 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year; and

(C) for each of calendar years 2031 through 2050, 1 percent of the emission allowances established pursuant to section 201(a) for that 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.

(c) DEPOSITS.—Immediately upon the receipt of proceeds of auctions conducted pursuant to subsection (b), the Administrator shall deposit all of the proceeds into the Nuclear Power Technology Fund.

(d) USE OF FUNDS.—For each of calendar years 2012 through 2050, all funds deposited in the Nuclear Power Technology Fund for the preceding year under subsection (c) shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established under section 431 to carry out the financial incentives program established under section 924.

SEC. 923. SPENT FUEL RECYCLING PROGRAM.

(a) PURPOSE.—It is the policy of the United States to recycle spent nuclear fuel to advance energy independence by maximizing the energy potential of nuclear fuel in a proliferation-resistant manner that reduces the quantity of waste dedicated to a permanent Federal repository.

(b) SPENT FUEL RECYCLING RESEARCH AND DEVELOPMENT FACILITY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall begin construction of a spent fuel recycling research and development facility.

(2) PURPOSE.—The facility described in paragraph (1) shall serve as the lead site for continuing research and development of advanced nuclear fuel cycles and separation technologies.

(3) SITE SELECTION.—In selecting a site for the facility, the Secretary shall give preference to a site that has—

(A) the most technically sound bid;

(B) a demonstrated technical expertise in spent fuel recycling;

(C) proximity to existing and proposed nuclear reactors; and

(D) community support.

(c) CONTRACTS.—The Secretary shall use amounts in the Nuclear Power Technology Fund, and such other amounts as are appropriated to carry out this section, to enter into long-term contracts with private sector entities for the recycling of spent nuclear fuel.

(d) COMPETITIVE SELECTION.—Contracts awarded under subsection (c) shall be awarded on the basis of a competitive bidding process that—

(1) maximizes the competitive efficiency of the projects funded;

(2) best serves the goal of reducing the amount of waste requiring disposal under this Act; and

(3) ensures adequate protection against the proliferation of nuclear materials that could be used in the manufacture of nuclear weapons.

(e) REGULATORY AUTHORITY.—Not later than 1 year after the date of enactment of this Act, the Nuclear Regulatory Commission, in collaboration with the Secretary of Energy, shall promulgate regulations for the licensing of facilities for recovery and use of spent nuclear fuel that provide reasonable assurance that licenses issued for that purpose will not be counter to the defense, security, and national interests of the United States.

SEC. 924. FINANCIAL INCENTIVES PROGRAM.

(a) IN GENERAL.—For each fiscal year beginning on or after October 1, 2010, the Climate Change Technology Board established under section 431 shall competitively award financial incentives under this part in the following technology categories:

(1) The production of electricity from new nuclear power generation.

(2) Facility establishment or conversion by manufacturers and suppliers of nuclear power generation technology and qualifying components.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Climate Change Technology Board shall make awards under this section to—

(A) domestic producers of new nuclear power generation;

(B) manufacturers and suppliers of nuclear power generation technology and qualifying components; and

(2) BASIS FOR AWARDS.—The Climate Change Technology Board shall make awards under this section—

(A) in the case of producers of new nuclear power generation, based on the bid of each producer in terms of dollars per megawatt-hour of electricity generated;

(B) in the case of manufacturers and suppliers of nuclear power generation technology and qualifying components, based on the criteria described in section 926; and

(C) in the case of owners or operators of existing nuclear power generating facilities, based upon criteria described in section 926.

(3) ACCEPTANCE OF BIDS.—In making awards under this subsection, the Climate Change Technology Board shall—

(A) solicit bids for reverse auction from appropriate producers, manufacturers, and suppliers, as determined by the Climate Change Technology Board; and

(B) award financial incentives to the producers, manufacturers, and suppliers that submit the lowest bids that meet the requirements established by the Climate Change Technology Board.

SEC. 925. FORMS OF AWARDS.

(a) NUCLEAR POWER GENERATORS.—

(1) IN GENERAL.—An award for nuclear power generation under this part 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 bid by the producer of the nuclear power generation; and

(B) except as provided in paragraph (2), the net megawatt-hours generated by the nuclear power generation unit each year during the first 10 years following the end of the calendar year of the award.

(2) FIRST YEAR.—For purposes of paragraph (1)(B), the first year of commercial service of the generating unit shall be within 5 years of the end of the calendar year of the award.

(b) MANUFACTURING OF NUCLEAR POWER GENERATION TECHNOLOGY.—

(1) IN GENERAL.—An award for facility establishment or conversion costs for nuclear power generation technology under this part 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 nuclear power generation technology; or

(ii) qualifying components;

(B) engineering integration costs of nuclear power 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 nuclear power generation facility.

(2) AMOUNT.—The Climate Change Technology Board shall use the amounts made available to carry out this section to make awards to entities for the manufacturing of nuclear power generation technology.

SEC. 926. SELECTION CRITERIA.

In making awards under this part to producers, manufacturers, and suppliers of nuclear power generation technology and qualifying components, the Climate Change Technology Board shall select producers, manufacturers, and suppliers 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) demonstrate a high probability of commercial success; and

(5) meet other appropriate criteria, as determined by the Climate Change Technology Board.

PART II—ACCELERATED DEPRECIATION

SEC. 931. 5-YEAR ACCELERATED DEPRECIATION PERIOD FOR NEW NUCLEAR POWER PLANTS.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any advanced nuclear power facility (as defined in section 45J(d)(1), determined without regard to subparagraph (B) thereof) the original use of which commences with the taxpayer after December 31, 2008.''.

(b) CONFORMING AMENDMENT.—Section 168(e)(3)(E)(vii) of the Internal Revenue Code of 1986 is amended by inserting ''and not described in subparagraph (B)(vii) of this paragraph'' after ''section 1245(a)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008.

SA 4922. Mr. MARTINEZ 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, add the following:

TITLE XVIII—NUCLEAR POWER

SEC. 1801. AUTHORIZATION FOR NUCLEAR POWER 2010 PROGRAM.

Section 952(c) of the Energy Policy Act of 2005 (42 U.S.C. 16014) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary shall carry out a Nuclear Power 2010 Program to position the nation to start construction of new nuclear power plants by 2010 or as close to 2010 as achievable.

''(2) SCOPE OF PROGRAM.—The Nuclear Power 2010 Program shall be cost-shared with the private sector and shall support the following objectives:

''(A) Demonstrating the licensing process for new nuclear power plants, including the

Nuclear Regulatory Commission process for obtaining early site permits (ESPs), combined construction/operating licenses (COLs), and design certifications.

''(B) Conducting first-of-a-kind design and engineering work on at least two advanced nuclear reactor designs sufficient to bring those designs to a state of design completion sufficient to allow development of firm cost estimates.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

''(A) $159,600,000 for fiscal year 2009

''(B) $135,600,000 for fiscal year 2010

''(C) $46,900,000 for fiscal year 2011

''(D) $2,200,000 for fiscal year 2012.''.

SEC. 1802. DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) ESTABLISHMENT OF INTERAGENCY WORKING GROUP.—

(1) PURPOSES.—The purposes of this section are—

(A) to increase the competitiveness of the United States nuclear energy products and services industries;

(B) to identify the stimulus or incentives necessary to cause U.S. manufacturers of nuclear energy products to expand manufacturing capacity;

(C) to facilitate the export of United States nuclear energy products and services;

(D) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(E) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(F) to integrate the objectives in paragraphs (1) through (4) in a manner consistent with the interests of the United States, into the foreign policy of the United States;

(G) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(2) ESTABLISHMENT.—

(A) There shall be established an interagency working group that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(B) The Interagency Working Group shall be composed of —

(i) The Secretary of Energy, or the Secretary's designee, shall chair the interagency working group. The Secretary of Energy shall provide staff for carrying out the functions of the interagency working group established under this section.

(ii) Representatives of —

(I) the Department of Energy;

(II) the Department of Commerce;

(III) the Department of Defense;

(IV) the Department of Treasury;

(V) the Department of State;

(VI) the Environmental Protection Agency;

(VII) the United States Agency for International Development;

(VIII) the Export-Import Bank of the United States;

(IX) the Trade and Development Agency;

(X) the Small Business Administration;

(XI) the Office of the U.S. Trade Representative; and

(XII) other Federal agencies, as determined by the President.

(iii) The heads of appropriate agencies shall detail such personnel and furnish such services to the interagency group, with or without reimbursement, as may be necessary to carry out the group's functions.

(3) DUTIES OF THE INTERAGENCY WORKING GROUP.—

(A) Within 6 months of enactment, the interagency working group established under section (1)(A) shall identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services in order to—

(i) increase electricity generation from nuclear energy sources through development of new generation facilities;

(ii) improve the efficiency, safety and/or reliability of existing nuclear generating facilities through modifications; and

(iii) enhance the safe treatment, handling, storage and disposal of used nuclear fuel.

(B) Within 6 months of enactment, the interagency working group shall identify mechanisms (including, but not limited to, tax stimulus for investment, loans and loan guarantees, and grants) necessary for U.S. companies to increase their capacity to produce or provide nuclear energy products and services, and to increase their exports of nuclear energy products and services. The interagency working group shall identify administrative or legislative initiatives necessary to—

(i) encourage United States companies to increase their manufacturing capacity for nuclear energy products;

(ii) provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(iii) encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(iv) provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements.

(C) Within 9 months of enactment, the interagency working group shall provide a report to Congress on its findings under section (2)(A) and (B), including recommendations for new legislative authority where necessary.

(4) TRADE ASSISTANCE.—The interagency working group shall encourage the member agencies of the interagency working group to—

(A) provide technical training and education for international development personnel and local users in their own country;

(B) provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(C) develop nuclear energy projects in foreign countries;

(D) provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(E) support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(F) augment budgets for trade and development programs in order to support pre-feasibility or feasibility studies for projects that utilize nuclear energy products and services.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for purposes of carrying out this title $20,000,000 for fiscal years 2008 and 2009.

(b) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year –

''(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment;

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer; or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer;

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable; and

''(D) which is placed in service on or before December 31, 2015.

''(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term 'qualifying nuclear power manufacturing project' means any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term 'qualifying nuclear power manufacturing equipment' means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

''(3) PROJECT.—The term 'project' includes any building constructed to house qualifying nuclear power manufacturing equipment.''.

(c) CONFORMING AMENDMENTS.—

(1) ADDITIONAL INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 is amended by—

(A) striking ''and'' at the end of paragraph (3);

(B) striking the period at the end of paragraph (4) and inserting '', and''; and

(C) inserting after paragraph (4) the following new paragraph:

''(5) the qualifying nuclear power manufacturing credit.''.

(2) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code is amended by—

(A) striking ''and'' at the end of clause (iii);

(B) striking the period at the end of clause (iv) and inserting '', and''; and

(C) inserting after clause (iv) the following new clause:

''(v) the basis of any property which is part of a qualifying nuclear power equipment manufacturing project under section 48C.''.

(3) TABLE OF SECTIONS.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48B the following new item:

''Sec. 48C. Qualifying nuclear power manufacturing credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1803. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended (1) by redesignating subsection (d) as subsection (e); and by inserting after subsection (c) the following:

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary of Energy, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the nuclear utility and nuclear energy products and services industries.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, and organized labor, concerning skills that are needed in those industries.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, working in coordination with the Secretaries of Education and Energy $20,000,000 for each of fiscal years 2008 through 2012 for use in implementing a program to provide workforce training to meet the high demand for workers skilled in the nuclear utility and nuclear energy products and services industries.''.

SEC. 1804. CONSTRUCTION PERMITS AND OPERATING LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended by striking subsection (b) and inserting the following:

''(b) ISSUANCE OF LICENSES.—

''(1) IN GENERAL.—After a public hearing under section 189a.(1)(A), the Commission shall issue to the applicant a combined construction and operating license, if—

''(A) the application contains sufficient information to support the issuance of a combined license; and

''(B) the Commission determines that there is reasonable assurance that the facility—

''(i) will be constructed; and

''(ii) will operate in conformity with the license, the requirements of this Act, and the rules and regulations of the Commission.

''(2) INCLUSIONS.—The Commission shall identify in the combined license—

''(A) each inspection, test, and analysis (including as applicable to emergency planning) that the licensee shall be required to perform; and

''(B) the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility—

''(i) has been constructed; and

''(ii) will be operated in conformity with the license, he requirements of this Act, and the rules and regulations of the Commission.

''(3) ACTION BY COMMISSION.—

''(A) IN GENERAL.—After issuing a combined license under this subsection, the Commission shall—

''(i) ensure that each required inspection, test, and analysis is performed; and

''(ii) prior to operation of the applicable facility, issue a determination that those requirements have been met.

''(B) NO HEARING REQUIRED.—Except as otherwise provided in section 189a.(1)(B), a determination of the Commission under this paragraph shall not require a hearing.

''(4) NEW LICENSING GOALS.—For each 6 successful issuances by the Commission of licenses under this subsection, not later than 180 days after the date on which the final such license is issued, the Commission shall publish a report, including recommendations, that describes—

''(A) potential impediments or improvements that could enhance the regulatory review process of constructing new civilian nuclear power plants;

''(B) workforce and technology needs of the Commission; and

''(C) requirements that would be required for the Commission to safely license not more than 6 new nuclear plants per year through 2050.''.

SEC. 1805. HEARINGS AND JUDICIAL REVIEW.

Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) is amended by striking ''a.(1)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(a) HEARINGS; REVIEW.—

''(1) HEARINGS.—

''(A) PARTIES.—

''(i) IN GENERAL.—In any proceeding under this Act for the granting, suspending, revoking, or amending of any license or construction permit or application to transfer control, in any proceeding for the issuance or modification of rules and regulations regarding the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 186c., or 188, the Commission shall—

''(I) grant a hearing on request of any person the interests of which may be affected by the proceeding; and

''(II) admit any such person as a party to the proceeding.

''(ii) NO REQUEST.—

''(I) IN GENERAL.—In the absence of a request by a person described in clause (i), the Commission may issue a construction permit, an operating license, or an amendment to a construction permit or an amendment to an operating license without a hearing by publishing in the Federal Register a notice of the intended issuance not later than 30 days before the date of issuance.

''(II) EXCEPTION.—The notice requirement under subclause (I) shall not apply with respect to any application for an amendment to a construction permit or an amendment to an operating license on a determination by the Commission that the amendment involves no significant hazard consideration.''.

SEC. 1806. SENSE OF SENATE.

It is the sense of the Senate that the Nuclear Regulatory Commission should be given all necessary funding and assistance required by the Commission to meet the increasing demand of license applications before the Commission.

SEC. 1807. INVESTMENT TAX CREDIT FOR INVESTMENTS IN NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986, as amended by this title, is amended by:

(1) striking ''and'' at the end of paragraph (5);

(2) striking the period at the end of paragraph (5) and inserting '', and''; and

(3) inserting after paragraph (5) the following new paragraph:

''(6) the nuclear power facility construction credit.''.

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this title, is amended by inserting after section 48C the following new section:

''SEC. 48D. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

''(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

''(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

''(2) COORDINATION WITH SUBSECTION (C).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer (or, in the case of a sale and leaseback described in section 50(a)(2)(C), by the lessee), to the extent any amount so taken into account has not been required to be recaptured under section 50(a).

''(c) PROGRESS EXPENDITURES.—

''(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, in the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility; and

''(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, in the taxable year in which such expenditures are paid.

''(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)—

''(A) COMPONENT PARTS, ETC.—Property which is not self-constructed property and which is to be a component part of, or is otherwise to be included in, any facility to which this subsection applies shall be taken into account in accordance with paragraph (1)(B);

''(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility; and

''(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

''(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the amount which represents the portion of the overall cost to the taxpayer of the facility or component of a facility which is properly attributable to the portion of the facility or component which is completed during such taxable year.

''(ii) CARRY-OVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self constructed, if for the taxable year—

''(I) the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the limitation of clause (i), then the amount of such excess shall be taken into account under paragraph (1)(B) for the succeeding taxable year; or

''(II) the limitation of clause (i) exceeds the amount taken into account under paragraph (1)(B), then the amount of such excess shall increase the limitation of clause (i) for the succeeding taxable year.

''(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C)(i) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records. Unless the taxpayer establishes otherwise by clear and convincing evidence, the construction shall be deemed to be completed not more rapidly than ratably over the normal construction period.

''(E) NO PROGRESS EXPENDITURES FOR CERTAIN PRIOR PERIODS.—No qualified nuclear facility expenditures shall be taken into account under this subsection for any period before the first day of the first taxable year to which an election under this subsection applies.

''(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR IT IS PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

''(i) the taxable year in which the facility is placed in service, or

''(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility, or for any taxable year thereafter.

''(3) SELF-CONSTRUCTED.—For purposes of this subsection—

''(A) The term 'self-constructed facility' means any facility if it is reasonable to believe that more than half of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

''(B) A component of a facility shall be treated as not self-constructed if the cost of the component is at least 5 percent of the expected cost of the facility and the component is acquired by the taxpayer.

''(4) ELECTION.—An election shall be made under this section for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on a tax return filed by the due date for such return (taking into account extensions). Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear power facility, as defined in section 45J, the construction of which was approved by the Nuclear Regulatory Commission on or before December 31, 2013.

''(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

''(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount properly chargeable to capital account—

''(i) with respect to a qualified nuclear power facility;

''(ii) for which depreciation is allowable under section 168; and

''(iii) which are incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

''(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2007, unless such expenditures constitute less than 20 percent of the total qualified nuclear power facility expenditures (determined without regard to this subparagraph) for the qualified nuclear power facility.

''(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

''(A) IN GENERAL.—For purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease to be treated as a facility that will be a qualified nuclear power facility as of the earlier of—

''(i) the date on which the taxpayer decides to terminate construction of the facility, or

''(ii) the last day of any 24 month period in which the taxpayer has failed to incur qualified nuclear power facility expenditures totaling at least 20 percent of the expected total cost of the nuclear power facility.

''(B) AUTHORITY TO WAIVE.—The Secretary may waive the application of clause (ii) of subparagraph (A) if the Secretary determines that the taxpayer intended to continue the construction of the qualified nuclear power facility and the expenditures were not incurred for reasons outside the control of the taxpayer.

''(C) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases to be a qualified nuclear power facility by reason of paragraph (2) and work is subsequently resumed on the construction of such facility—

''(i) the date work is subsequently resumed shall be treated as the date that construction began for purposes of paragraph (1); and

''(ii) if the facility is a qualified nuclear power facility, the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.''.

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48C(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.''.

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting ''or paragraph (2) of section 48D(b)'' after ''paragraph (2) of section 47(b)'';

(ii) inserting ''or section 48D(b)(1)'' after ''section 47(b)(1)''; and

(iii) inserting ''or facility'' after ''building''.

(C) AMENDMENT OF SALE AND LEASEBACK RULE.—Subparagraph (C) of section 50(a)(2) of such Code is amended by—

(i) inserting ''or section 48D(c)'' after ''section 47(d)''; and

(ii) inserting ''or qualified nuclear power facility expenditures'' after ''qualified rehabilitation expenditures''.

(D) OTHER AMENDMENT.—Subparagraph (D) of section 50(a)(2) of such Code is amended by inserting ''or section 48D(c)'' after ''section 47(d)''.

(d) NO BASIS ADJUSTMENT.—Section 50(c) of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new paragraph:

''(6) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Paragraphs (1) and (2) shall not apply to the nuclear power facility construction credit.''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this title, is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Nuclear power facility construction credit.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1808. CONTRACTING AND NUCLEAR WASTE FUND.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''For any civilian nuclear power reactor a license application for which is filed with the Commission, pursuant to its authority under section 103 or 104 of the Atomic Energy Act of 1954, after the date of enactment of this Act, contracts entered into under this section shall—

''(A) except as provided in subsections 302(a)(1)(B), (C), (D), and (E), below, be generally consistent with the terms and conditions of the 'Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste,' as codified at part 961 of title 10, Code of Federal Regulation, and in effect on January 1, 2007;

''(B) provide for the taking of title to, and for the Secretary to dispose of, the high-level waste or spent nuclear fuel involved beginning no later than 15 years following the start of commercial operation;

''(C) contain no provisions providing for adjustment of the 1.0 mil per kilowatt-hour fee established by paragraph (2);

''(D) be entered into no later than 60 days following the docketing of the license application by the Commission, or the date of enactment of this Act, whichever is later;

''(E) provide that, on a schedule consistent with the Secretary's acceptance of spent nuclear fuel from each civilian nuclear power reactor or site, and completed not later than the Secretary's completing the acceptance of all spent nuclear fuel from that commercial nuclear power reactor or site, the Secretary shall accept from each such reactor or site, all low-level radioactive waste defined in section 3(b)(1)(D) of the Low-level Radioactive Waste Policy Act (42 U.S.C. 2021c(b)(1)(D)), as amended.''; and

(2) in subsection (a)(4), by striking all after ''herein.'' in the second sentence; and

(3) in subsection (a)(6), by adding at the end the following: ''Further, the Secretary shall offer to settle any actions pending on the date of enactment of this Act for damages resulting from failure to commence accepting spent nuclear fuel or high-level radioactive waste on or before January 31, 1998. Each offer to settle shall provide for the payment of $150 to the other party to a contract for disposal of spent nuclear fuel and high-level radioactive waste for each kilogram of spent nuclear fuel which such party was or shall be entitled to deliver to the Department in a particular year, based on the following aggregate acceptance rates: 400 MTU for 1998; 600 MTU for 1999; 1,200 MTU for 2000; 2,000 MTU for 2001; and 3,000 MTU for 2002 and thereafter; provided that the Secretary shall adjust the payment amount per kilogram of spent nuclear fuel under this subsection(a)(6) annually according to the most

recent Producer Price Index published by the Department of Labor. Such aggregate acceptance rates shall be allocated among parties to contracts with the United States based upon the age of spent nuclear fuel, as measured by the date of the discharge of such spent nuclear fuel from the civilian nuclear power reactor. Such offer to settle also shall include an annual payment of $150 per kilogram uranium to any such party where a civilian nuclear power reactor has been decommissioned, except for those portions of the facility that cannot be decommissioned until removal of spent nuclear fuel and high-level radioactive waste. The Secretary also shall offer like compensation to parties to contracts entered into pursuant to section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) who brought actions for damages prior to the date of enactment of this Act, but which were no longer pending as of said date, provided that such compensation shall be reduced by the amount of any settlement or judgment received by such party.''; and

(4) in subsection (d), by adding at the end the following: ''No amount may be expended by the Secretary from the Waste Fund to carry out research and development activities on advanced nuclear fuel cycle technologies.''.

SEC. 1809. CONFIDENCE IN AVAILABILITY OF WASTE DISPOSAL.

(a) CONGRESSIONAL DETERMINATION.—Congress finds that—

(1) there is reasonable assurance that high-level radioactive waste and spent nuclear fuel generated in reactors licensed by the Nuclear Regulatory Commission in the past, currently, or in the future will be managed in a safe manner without significant environmental impact until capacity for ultimate disposal is available; and

(2) the Federal Government is responsible and has an established a policy for the ultimate safe and environmentally sound disposal of such high-level radioactive waste and spent nuclear fuel.

(b) REGULATORY CONSIDERATION.—Notwithstanding any other provision of law, for the period following the licensed operation of a civilian nuclear power reactor or any facility for the treatment or storage of spent nuclear fuel or high-level radioactive waste, no consideration of the public health and safety, common defense and security, or environmental impacts of the storage of high-level radioactive waste and spent nuclear fuel generated in reactors licensed by the Nuclear Regulatory Commission in the past, currently, or in the future, is required by the Department of Energy or the Nuclear Regulatory Commission in connection with the development, construction, and operation of, or any permit, license, license amendment, or siting approval for, a civilian nuclear power reactor or any facility for the treatment or storage of spent nuclear fuel or high-level radioactive waste. Nothing in this section shall affect the Department of Energy's and Nuclear Regulatory Commission's obligation to consider the public health and safety, common defense and security, and environmental impacts of storage during the period of licensed operation of a civilian nuclear power reactor or facility for the treatment or storage of spent nuclear fuel or high-level radioactive waste.

SEC. 1810. TEMPORARY SPENT NUCLEAR FUEL STORAGE AGREEMENTS.

(a) AUTHORIZATION AND LOCATION.—The Secretary of Energy (Secretary) is authorized to initiate spent nuclear fuel storage agreements as provided herein.

(1) No later than 180 days from the date of enactment of this Act, representatives of a community may submit written notice to the Secretary that the community is willing to host a temporary spent nuclear fuel storage facility within its jurisdiction.

(2) Within 90 days of the receipt of the notification under subsection (a)(1), the Secretary shall determine whether the identified site is suitable for a temporary storage facility. In determining the site's suitability, the Secretary will evaluate technical feasibility and consider favorably local support for collocating a temporary spent nuclear fuel storage facility with facilities intended to develop and implement advanced nuclear fuel cycle technologies.

(b) CONTENT OF AGREEMENTS.—If the Secretary determines one or more sites to be suitable in accordance with subsection (a)(2), negotiation of a temporary spent nuclear fuel storage facility agreement shall proceed.

(1) Any temporary spent nuclear fuel storage agreement shall contain such terms and conditions, including financial, institutional and such other arrangements as the Secretary and community determine to be reasonable and appropriate.

(2) Any temporary spent nuclear fuel storage agreement may be amended only with the mutual consent of the parties to the agreement.

SEC. 1811. IMPLEMENTATION OF TEMPORARY SPENT NUCLEAR FUEL STORAGE AGREEMENTS.

(a) IN GENERAL.—Any temporary spent nuclear fuel storage agreement or agreements entered into under this title shall enter into force with respect to the United States if (and only if)—

(1) the Secretary, at least 60 days before the day on which he or she enters into the temporary spent nuclear fuel storage agreement or agreements notifies the House of Representatives and the Senate of his intention to enter into the agreement or agreements, and promptly thereafter publishes notice of such intention in the Federal Register; and

(2) the Governor of the state or states in which the facility is proposed to be located submits written notice to the Secretary that the Governor supports the temporary spent nuclear fuel storage agreement.

TITLE XIX—CLEAN ENERGY INVESTMENT BANK

SEC. 1901. SHORT TITLE.

This title may be cited as the ''Clean Energy Investment Bank Act of 2008''.

SEC. 1902. DEFINITIONS.

In this title:

(1) BANK.—The term ''Bank'' means the Clean Energy Investment Bank of the United States established by section 1903(a).

(2) BOARD.—The term ''Board'' means the Board of Directors of the Bank established under section 1904(b).

(3) CLEAN ENERGY INVESTMENT BANK FUND.—The term ''Clean Energy Investment Bank Fund'' means the revolving fund account established under section 1906(b).

(4) COMMERCIAL TECHNOLOGY.—The term ''commercial technology'' means a technology in general use in the commercial marketplace.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means a project in a State related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(6) INVESTMENT.—The term ''investment'' includes any contribution or commitment to an eligible project in the form of—

(A) loans or loan guarantees;

(B) the purchase of equity shares in the project;

(C) participation in royalties, earnings, or profits; or

(D) furnishing commodities, services or other rights under a lease or other contract.

(7) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 1903. ESTABLISHMENT OF BANK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch a bank to be known as the ''Clean Energy Investment Bank of the United States,'' which shall be an agency of the United States.

(2) GOVERNMENT CORPORATION.—The Bank shall be—

(A) a Government corporation (as defined in section 103 of title 5, United States Code); and

(B) subject to chapter 91 of title 31, United States Code, except as expressly provided in this title.

(b) AUTHORITY.—

(1) IN GENERAL.—The Bank shall assist in the financing, and facilitate the commercial use, of clean energy and energy efficient technologies within the United States.

(2) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Bank may make investments—

(A) in eligible projects on such terms and conditions as the Bank considers appropriate in accordance with this title; or

(B) under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), and any of the regulations promulgated under that Act, as the Bank considers appropriate.

(3) REPAYMENT.—No loan or loan guarantee shall be made under this subsection unless the Bank determines that there is a reasonable prospect of repayment of the principal and interest by the borrower.

(4) PROJECT DIVERSITY.—The Bank shall ensure that a reasonable diversity of projects, technologies, and energy sectors receive assistance under this subsection.

(c) POWERS.—In carrying out this title, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without endorsement or guaranty, and guaranteeing, notes, drafts, checks, bills of exchange, acceptances (including bankers' acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing operations of the Bank and the economic and financial soundness of projects;

(3) use private credit, investment institutions, and the guarantee authority of the Bank as the principal means of mobilizing capital investment funds;

(4) broaden private participation and revolve the funds of the Bank through selling the direct investments of the Bank to private investors whenever the Bank can appropriately do so on satisfactory terms;

(5) conduct the insurance operations of the Bank with due regard to principles of risk management, including efforts to share the insurance risks of the Bank;

(6) foster private initiative and competition and discourage monopolistic practices; and

(7) advise and assist interested agencies of the United States and other organizations, public and private and national and international, with respect to projects and programs relating to the development of private enterprise in the market sector in accordance with this title.

SEC. 1904. ORGANIZATION AND MANAGEMENT.

(a) STRUCTURE OF BANK.—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board may determine.

(b) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There is established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate (referred to in this subsection as ''independent directors''; and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) FEDERAL EMPLOYMENT.—An independent director shall not be an officer or employee of the Federal Government at the time of appointment.

(C) POLITICAL PARTY.—Not more than 3 of the independent directors shall be members of the same political party.

(3) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) STAGGERED TERMS.—The terms of not more than 2 independent directors shall expire in any year.

(B) VACANCIES.—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.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) MEETINGS.—The Board shall meet at the call of the Chairman of the Board.

(C) QUORUM.—Four members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRMAN AND VICE CHAIRMAN.—

(A) IN GENERAL.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) ELIGIBILITY.—The Chairman of the Board shall not be an Executive Director of the Board.

(6) COMPENSATION OF MEMBERS.—An independent director 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 Board.

(7) TRAVEL EXPENSES.—An independent director 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 Board.

(c) PRESIDENT OF THE BANK.—

(1) APPOINTMENT.—The President of the Bank shall be appointed by the Board.

(2) DUTIES.—The President of the Bank shall—

(A) be the Chief Executive Officer of the Bank;

(B) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(d) EXECUTIVE VICE PRESIDENT.—

(1) APPOINTMENT.—The Executive Vice President of the Bank shall be appointed by the Board.

(2) DUTIES.—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(e) STAFF.—

(1) IN GENERAL.—The Board may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this title; and

(B) vest the personnel with such powers and duties as the Board may determine.

(2) CIVIL SERVICE LAWS.—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(3) REAPPOINTMENT.—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled, on removal from the position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(4) ADDITIONAL POSITIONS.—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by law, including positions authorized by section 5108 of title 5, United States Code.

SEC. 1905. FINANCING, GUARANTIES, INSURANCE, CREDIT SUPPORT, AND OTHER PROGRAMS.

(a) INTERGOVERNMENTAL AGREEMENTS.—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments (including agencies, instrumentalities, or political subdivisions of State and local governments) for sharing liabilities assumed by providing financial assistance for eligible projects under this title.

(b) INSURANCE.—

(1) IN GENERAL.—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to ensure protection in whole or in part against any or all of the risks with respect to eligible projects that the Bank has approved.

(2) DUPLICATION OF ASSISTANCE.—The Bank shall not offer any insurance products under this subsection that duplicate or augment any other similar Federal assistance.

(c) GUARANTEES.—

(1) IN GENERAL.—The Bank may issue guarantees of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any guarantee issued under this subsection shall, for budgetary purposes, be considered a loan guarantee (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(d) LOANS AND CREDIT ASSISTANCE.—

(1) IN GENERAL.—The Bank may make loans, provide letters of credit, issue other credit enhancements, or provide other financing for eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) ELIGIBLE PROJECT DEVELOPMENT INVESTMENT ENCOURAGEMENT.—The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, if the Board determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) OTHER INSURANCE FUNCTIONS.—The Bank may—

(1) using agreements and contracts that are consistent with this title—

(A) make and carry out contracts of insurance or agreements to associate or share risks with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights;

(iv) the ceding and acceptance of reinsurance; and

(v) any other matter incident to an insurance business; and

(2) enter into pooling or other risk-sharing agreements with other governmental insurance or financing agencies or groups of those agencies.

(g) EQUITY FINANCE PROGRAM.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under which the Bank may, in accordance with this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, on such terms and conditions as the Bank may determine, for the purpose of providing capital for any project that is consistent with this title.

(2) TOTAL AMOUNT OF EQUITY INVESTMENTS.—

(A) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER EQUITY FINANCE PROGRAM.—

(i) IN GENERAL.—Except as provided in clause (ii), the total amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to the project at the time at which the equity investment of the Bank is made.

(ii) DEFAULTS.—Clause (i) shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the investment of the Bank.

(B) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER MULTIPLE PROGRAMS.—

(i) IN GENERAL.—The equity investment of the Bank under this subsection with respect to any project, when added to any other investments made or guaranteed by the Bank under subsection (c) or (d) with respect to the project, shall not cause the aggregate amount of all the investments to exceed, at the time any such investment is made or guaranteed by the Bank, 75 percent of the total investment committed to the project, as determined by the Bank.

(ii) CONCLUSIVE DETERMINATION.—The determination of the Bank under this subparagraph shall be conclusive for purposes of the authority of the Bank to make or guarantee any investment described in clause (i).

(3) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Bank shall consider the extent to which the equity investment of the Bank will assist in obtaining the financing required for the project.

(4) IMPLEMENTATION.—

(A) IN GENERAL.—The Bank may create such legal vehicles as are necessary for implementation of this subsection.

(B) NON-FEDERAL BORROWERS.—A borrower participating in a legal vehicle created under this paragraph shall be considered a non-Federal borrower for purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(C) SECURITIES.—Income and proceeds of investments made under this subsection may be used to purchase equity or quasi-equity securities in accordance with this section.

(h) RELATIONSHIP TO FEDERAL CREDIT REFORM ACT OF 1990.—

(1) IN GENERAL.—Any liability assumed by the Bank under subsections (c) and (d) shall be discharged pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

(A) IN GENERAL.—No loan guaranteed under subsection (c) or direct loan under subsection (d) shall be made unless—

(i) an appropriation for the cost has been made; or

(ii) the Bank has received from the borrower a payment in full for the cost of the obligation.

(B) BUDGETARY TREATMENT.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with subparagraph (A)(ii).

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

SEC. 1906. ISSUING AUTHORITY; DIRECT INVESTMENT AUTHORITY AND RESERVES.

(a) MAXIMUM CONTINGENT LIABILITY.—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 1905 shall not exceed a total amount of $100,000,000,000.

(b) CLEAN ENERGY INVESTMENT BANK FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Clean Energy Investment Bank Fund'' (referred to in this section as the ''Fund'').

(2) USE.—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 1905 (other than subsections (c) and (d) of section 1905) until the earlier of—

(A) the date on which all liabilities of the Bank have been discharged or expire; or

(B) the date on which all amounts in the Fund have been expended in accordance with this section.

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

(c) PAYMENTS OF LIABILITIES.—Any payment made to discharge liabilities arising from agreements under section 1905 (other than subsections (c) and (d) of section 1905) shall be paid out of the Clean Energy Investment Bank Fund.

(d) SUPPLEMENTAL BORROWING AUTHORITY.—

(1) IN GENERAL.—In order to maintain sufficient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obligations.

(2) MAXIMUM TOTAL AMOUNT.—The total amount of obligations issued under paragraph (1) that is outstanding at any time shall not exceed $2,000,000,000.

(3) REPAYMENT.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.

(4) INTEREST RATE.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection.

(5) PURCHASE OF OBLIGATIONS.—

(A) IN GENERAL.—The Secretary of the Treasury—

(i) shall purchase any obligation of the Bank issued under this subsection; and

(ii) for the purchase, may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.

(B) PURPOSES.—The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any purchase under this paragraph.

SEC. 1907. ADMINISTRATION.

(a) PROTECTION OF INTEREST OF BANK.—The Bank shall ensure that suitable arrangements exist for protecting the interest of the Bank in connection with any agreement issued under this title.

(b) FULL FAITH AND CREDIT.—

(1) OBLIGATION.—A loan guarantee issued by the Bank under section 1905(c) shall constitute an obligation, in accordance with the terms of the guarantee, of the United States.

(2) PAYMENT.—The full faith and credit of the United States is pledged for the full payment and performance of the obligation.

(c) FEES.—

(1) IN GENERAL.—The Bank shall establish and collect fees for services under this title in amounts to be determined by the Bank.

(2) AVAILABILITY OF FEES.—Except as provided in paragraph (3), fees collected by the Bank under paragraph (1) (including fees collected for administrative expenses in carrying out subsections (c) and (d) of section 1905) may be retained by the Bank and may remain available to the Bank, without further appropriation or fiscal year limitation, for payment of administrative expenses incurred in carrying out this title.

(3) FEE TRANSFER AUTHORITY.—Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of a loan or loan guarantee made under subsection (c) or (d) of section 1905 shall be transferred by the Bank to the respective credit program accounts.

SEC. 1908. GENERAL PROVISIONS AND POWERS.

(a) PRINCIPAL OFFICE.—The Bank shall—

(1) maintain its principal office in the District of Columbia; and

(2) be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—On appointment of a majority of the Board by the President, all of the functions and authority of the Secretary of Energy under predecessor programs and authorities similar to those provided under subsections (c) and (d) of section 1905, including those under title XVII of the Energy Policy Act of 2005 (42 U. S.C. 16511 et seq.), shall be transferred to the Board

(2) CONTINUATION PRIOR TO TRANSFER.—Until the transfer, the Secretary of Energy shall continue to administer such programs and activities, including programs and authorities under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(c) AUDITS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.

(2) PERIODIC AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(A) IN GENERAL.—Except as provided in paragraph (3), an independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General of the United States.

(B) REPORT TO BOARD.—The independent certified public accountant shall report the results of the audit to the Board.

(C) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The financial statements of the Bank shall be presented in accordance with generally accepted accounting principles.

(D) REPORTS.—

(i) IN GENERAL.—The financial statements and the report of the accountant shall be included in a report that—

(I) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code; and

(II) the Bank shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.

(ii) REVIEW.—The Comptroller General of the United States may review the audit conducted by the accountant and the report to Congress in such manner and at such times as the Comptroller General considers necessary.

(3) ALTERNATIVE AUDITS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General of the United States shall, if the Comptroller General considers it necessary, audit the financial statements of the Bank in the manner provided under paragraph (2).

(B) REIMBURSEMENT.—The Bank shall reimburse the Comptroller General of the United States for the full cost of any audit conducted under this paragraph.

(4) AVAILABILITY OF RECORDS.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

SEC. 1909. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Congress a complete and detailed report describing the operations of the Bank during the fiscal year.

SEC. 1910. MODIFICATION TO LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(c) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(d) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SEC. 1911. INTEGRATION OF LOAN GUARANTEE PROGRAMS.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) BANK.—The term 'Bank' means the Clean Energy Investment Bank of the United States established by section 1903(a) of the Clean Energy Investment Bank Act of 2008.''.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking ''Secretary'' each place it appears (other than the last place it appears in section 1702(a)) and inserting ''Board''.

(2) CONFORMING AMENDMENTS.—Section 1702(g) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)) is amended—

(A) in the heading for paragraph (1), by striking ''SECRETARY'' and inserting ''BANK''; and

(B) in the heading for paragraph (3), by striking ''SECRETARY'' and inserting ''BANK''.

(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 1909(b)(1) the authority to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

SEC. 1912. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Bank, to remain available until expended, such sums as are necessary to—

(1) replenish or increase the Clean Energy Investment Bank Fund; or

(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this title.

(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than $50,000,000 during the fiscal year for which an appropriation is made.

SA 4923. Mr. DODD 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 223, the table after line 11 is amended to read as follows:

Calendar Year	Percentage for auction for public transportation
2012	3.87
2013	3.87
2014	3.87
2015	4.25
2016	4.37
2017	4.37
2018	5.62
2019	5.90
2020	6.00
2021	6.75
2022	7.12
2023	7.62
2024	8.12
2025	8.12
2026	9.12
2027	9.12
2028	9.12
2029	9.12
2030	9.62
2031	10
2032	10
2033	10
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

On page 458, the table after line 5 is amended to read as follows:

Calendar Year	Percentage for auction for Deficit Reduction Fund
2012	2.88
2013	2.88
2014	2.88
2015	3.25
2016	3.38
2017	3.38
2018	3.63
2019	3.50
2020	4.00
2021	4.75
2022	4.38
2023	4.88
2024	5.38
2025	5.38
2026	6.38
2027	6.38
2028	6.38
2029	6.88
2030	6.88
2031	12.50
2032	9.50
2033	9.50
2034	9.50
2035	9.50
2036	9.50
2037	9.50
2038	9.50
2039	9.50
2040	9.50
2041	9.50
2042	9.50
2043	9.50
2044	9.50
2045	9.50
2046	9.50
2047	9.50
2048	9.50
2049	9.50
2050	9.50

SA 4924. 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:

On page 196, strike line 19 and insert the following:

Not later than 330 days before

On page 196, line 21, strike ''2 percent'' and insert ''0.5 percent''.

On page 197, strike lines 3 through 8.

On page 198, between lines 16 and 17, insert the following:

(c) LIMITATION.—No emission allowance shall be distributed to an owner or operator of an entity described in section 561 under

this subtitle if the owner or operator, or the parent company of the owner or operator, has total annual revenue that is equal to or greater than—

(1) for calendar year 2012, $100,000,000,000; and

(2) for each subsequent calendar year, $100,000,000,000, as adjusted to reflect the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index) since calendar year 2012.

On page 426, strike lines 14 through 16 and insert the following:

section—

(1) for each of calendar years 2012 through 2017, 2.5 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a);

(2) for each of calendar years 2018 through 2030, 2 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a); and

(3) 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 4925. Ms. LANDRIEU 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 21, strike lines 8 through 17.

On page 21, line 18, strike ''(E)'' and insert ''(B)''.

On page 21, line 24, strike ''(F)'' and insert ''(C)''.

On page 22, line 5, strike ''(G)'' and insert ''(D)''.

On page 22, line 9, strike ''(H)'' and insert ''(E)''.

On page 22, line 14, strike ''(I)'' and insert ''(F)''.

On page 27, strike lines 4 through 16.

On page 31, line 8, strike ''or natural-gas''.

Beginning on page 65, strike line 25 and all that follows through page 66, line 19, and insert the following:

ural gas; and

(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.

On page 67, lines 4 and 5, strike ''neither paragraph (2) nor paragraph (5) of subsection (a) requires'' and insert ''subsection (a)(2) does not require''.

On page 69, lines 23 and 24, strike '', natural gas, or natural gas liquid''.

On page 70, lines 15 and 16, strike ''(2), (3), or (5)'' and insert ''(2) or (3)''.

Beginning on page 198, strike line 17 and all that follows through page 201, line 17.

Beginning on page 205, strike line 1 and all that follows through page 206, line 15, and insert the following:

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall allocate 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.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall allocate 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.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall allocate 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.

On page 207, line 2, strike ''or natural gas''.

On page 207, line 10, strike ''or natural gas''.

On page 209, line 17, strike ''or natural gas''.

On page 210, line 19, strike ''or natural gas''.

On page 211, line 7, strike ''or natural gas''.

On page 215, lines 5 and 6, strike ''or natural gas costs, as applicable,'' and insert ''costs''.

SA 4926. Ms. LANDRIEU 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 192, between lines 9 and 10, insert the following:

SEC. 543. INTERNATIONAL COMPETITIVENESS ALLOWANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE MANUFACTURING FACILITY.—

(A) IN GENERAL.—The term ''eligible manufacturing facility'' means a manufacturing facility located in the United States that principally manufactures iron, steel, pulp, paper, cement, rubber, chemicals, fertilizer, 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.

(2) INTERNATIONAL COMPETITIVE ALLOWANCE.—The term ''international competitive allowance'' means an allowance allocated pursuant to the International Competitiveness Allowance Program established under subsection (b).

(3) REFINER OF PETROLEUM-BASED FUEL.—The term ''refiner of petroleum-based fuel'' means an entity that manufactures in the United States petroleum-based liquid or gaseous fuel.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a program, to be known as the ''International Competitiveness Allowance Program'', under which the Administrator may allocate international competitiveness allowances to owners and operators of eligible manufacturing facilities and refiners of petroleum-based fuel in the United States that, in addition to distributions of emission allowances under section 542, continue to be constrained or burdened by the requirements of this Act.

(2) DENOMINATION.—International competitiveness allowances shall be denominated in units of metric tons of carbon dioxide equivalent.

(3) CONSISTENCY WITH OTHER PROGRAMS.—In establishing the International Competitiveness Allowance Program under paragraph (1), the Administrator shall ensure that the program is consistent with the other purposes and requirements of this Act.

(c) QUANTITY FOR ALLOCATION.—

(1) REGULATIONS.—Not later than the earliest date on which the Administrator distributes allowances under any of titles V through XI, the Administrator shall establish, by regulation, a procedure for calculating, for each calendar year, the number of international competitiveness allowances to be allocated to each eligible manufacturing facility and refiner of petroleum-based fuel under the International Competitiveness Allowance Program, in accordance with paragraph (2).

(2) REQUIREMENT.—To the maximum extent practicable, the Administrator shall ensure that the number of international competitiveness allowances allocated to an eligible manufacturing facility or refiner of petroleum-based fuel for a calendar year is sufficient to offset the additional adverse competitive impact the eligible manufacturing facility or refiner of petroleum-based fuel would experience in the absence of the International Competitiveness Allowance Program during that calendar year.

(d) SOURCE.—International competitiveness allowances shall be issued from a special reserve of allowances that is separate from, and established in addition to, the quantity of allowances established under section 201.

(e) TRADING SYSTEM.—The Administrator may establish, by regulation, a system for the sale, exchange, purchase, transfer, and banking of international competitive allowances.

(f) TERMINATION.—The International Competitiveness Allowance Program shall terminate on the later of—

(1) the date on which the Administrator determines that other measures have been implemented to address international competitiveness concerns resulting from this Act; and

(2) January 1, 2014.

SA 4927. Ms. LANDRIEU 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—Identification of Most Prospective Outer Continental Shelf Oil and Natural Gas Areas Under Moratoria

SEC. 1771. DEFINITIONS.

In this subtitle:

(1) MORATORIUM AREA.—

(A) IN GENERAL.—The term ''moratorium area'' means any area on the Outer Continental Shelf covered by—

(i) sections 104 through 106 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521);

(ii) section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432); or

(iii) any area withdrawn from disposition by leasing by the memorandum entitled ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition'' (34 Weekly Comp. Pres. Doc. 1111), and dated June 12, 1998, as modified by the President on January 9, 2007.

(B) EXCLUSIONS.—The term ''moratorium area'' does not include an area of the outer Continental Shelf designated by the National Oceanic and Atmospheric Administration as a national marine sanctuary.

(2) PROSPECTIVE AREA.—The term ''prospective area'' means a portion of any moratorium area that may contain recoverable oil or gas.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1772. IDENTIFICATION OF MOST PROSPECTIVE OUTER CONTINENTAL SHELF OIL AND NATURAL GAS AREAS UNDER MORATORIA.

(a) INVENTORY.—

(1) IN GENERAL.—The Secretary shall identify the 10 most prospective areas for recoverable oil and gas accumulations, including if appropriate the 5 most prospective areas for oil and the 5 most prospective areas for natural gas in the prospective areas that industry would likely explore if allowed.

(2) INFORMATION.—In identifying the prospective areas, the Secretary shall take into account any existing information on the geological potential for oil and gas or acquire new data as appropriate to assist in narrowing down prospective areas.

(3) TECHNOLOGY.—The Secretary may use any available geological, geophysical, economic, engineering, and other scientific technology to obtain accurate estimates of resource potential.

(b) ACQUISITION OF GEOLOGICAL AND GEOPHYSICAL DATA.—

(1) IN GENERAL.—The Secretary may acquire and process new geological and geophysical data or use existing geological and geophysical data for any moratorium area if the Secretary determines that additional information is needed to identify and assess potential prospective areas.

(2) TECHNOLOGY.—In carrying out this subsection, the Secretary shall use any available technology (other than drilling), including 3-D seismic technology, to obtain an accurate estimate of resource potential.

(3) AVAILABILITY OF DATA.—The Secretary may make available newly acquired geological and geophysical data under this subsection on a cost recovery basis to recover the full costs expended for acquisition and processing of new geological and geophysical data.

(c) ADMINISTRATION.—

(1) IN GENERAL.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, to expedite collection of geological and geophysical data under this section, each Federal agency shall conduct and complete any analyses or consultations that are required to carry out this section.

(2) PROTECTED SPECIES.—Before conducting any geological and geophysical survey required under this subtitle in any prospective area, the Secretary shall, at a minimum, implement the mitigation, monitoring, and reporting measures that are used for protected species in the Gulf of Mexico region.

(d) ENVIRONMENTAL AND SOCIOECONOMIC STUDIES.—

(1) IN GENERAL.—The Secretary may conduct, directly or by contract, environmental or socioeconomic studies for any prospective area identified under subsection (a).

(2) INTERAGENCY ACTION.—The Secretary, acting through the Minerals Management Service, may work jointly with the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, or other relevant agencies—

(A) to compile existing environmental and socioeconomic information on prospective areas; or

(B) obtain new environmental or socioeconomic studies for identified prospective areas.

SEC. 1773. SHARING INFORMATION WITH STATES AND OTHER STAKEHOLDERS.

(a) IN GENERAL.—The Secretary shall establish a process—

(1) to share information identified by actions taken under section 1772 to identify 10 most prospective areas; and

(2) to obtain input from States or other stakeholders on the prospective areas.

(b) PROCESS.—The process shall include workshops or meetings with—

(1) the public;

(2) Governors or designated officials from appropriate States; and

(3) other relevant user groups.

SEC. 1774. REPORTS.

(a) IDENTIFICATION OF PROSPECTIVE AREAS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—

(1) an identification of the 10 most prospective oil and gas areas within the moratorium areas using existing information;

(2) a summary of environmental and socioeconomic information relating to the 10 prospective areas; and

(3) a schedule for completion of any environmental or socioeconomic impact studies or consultations planned for those prospective areas.

(b) POTENTIAL OF PROSPECTIVE AREAS.—Not later than 42 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes—

(1) a summary of the potential oil and gas resources in the 10 most prospective areas based on all available and newly acquired information;

(2) a description of the consultation process under section 1773 that will be used to share information and obtain input from stakeholders concerning the 10 most prospective areas; and

(3) recommendations on approaches for recovery of costs expended for acquisition and processing of new geological and geophysical data or conducting other studies for the report.

(c) INPUT.—Not later than 180 days after submission of the report required under subsection (b), the Secretary shall submit to Congress a summary of the input from the process required under section 1773.

SEC. 1775. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this subtitle $450,000,000, to remain available until expended.

SA 4928. Mr. ROCKEFELLER 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 X, add the following:

Subtitle D—Carbon Management Programs

SEC. 1031. FUTURE FUELS CORPORATION.

Subtitle A of title XVI of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1109) is amended by adding at the end the following:

''SEC. 1602. FUTURE FUELS CORPORATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Future Fuels Corporation (referred to in this section as the 'Corporation') is established as a government corporation.

''(2) ADMINISTRATION.—The Corporation shall be subject to—

''(A) this section; and

''(B) chapter 91 of title 31, United States Code.

''(3) BOARD OF DIRECTORS.—

''(A) IN GENERAL.—The Corporation shall be managed by a board of directors composed of 13 individuals who are citizens of the United States, appointed by the President, by and with the advice and consent of the Senate.

''(B) LIMITATION.—For purposes of making appointments under subparagraph (A), the board of directors shall not include more than 7 members affiliated with the same political party as the President at any 1 time.

''(C) CHAIRPERSON.—The board of directors shall annually elect a Chairperson from among the members of the board of directors.

''(D) TERM.—The term of a member of the board of directors shall be 5 years.

''(4) TRANSFERS.—The Secretary shall transfer to the Corporation any amounts made available under subsection (c).

''(b) USE OF FUNDS.—Beginning in fiscal year 2010, funds transferred by the Secretary to the Corporation under subsection (a)(4) shall be expended by the Corporation to—

''(1) promote and deploy coal and coal cofired polygeneration technologies;

''(2) reduce—

''(A) the carbon footprint of coal consumption; and

''(B) the production of coal-based byproducts; and

''(3) conduct widespread carbon sequestration research, development, and deployment activities.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $17,500,000,000 for the period of fiscal years 2008 through 2012.''.

SEC. 1032. CARBON CAPTURE AND STORAGE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking ''**AND SEQUESTRATION**'' and inserting ''**AND STORAGE**'';

(2) in subsection (a), by striking ''and sequestration'' and inserting ''and storage''; and

(3) by striking subsections (c) and (d) and inserting the following:

''(c) PROGRAMMATIC ACTIVITIES.—

''(1) GOAL.—The Secretary shall establish a program under which the Secretary shall conduct activities necessary to achieve the goal of annually sequestering at least 1,000,000 tons of carbon dioxide by January 1, 2015.

''(2) REVIEW OF EXISTING DATA.—Not later than 180 days after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Secretary shall—

''(A) verify and analyze the results of any assessment conducted by any other Federal agency or a State relating to geological storage capacity and the potential for carbon injection rates, including a risk analysis of any potential geologic storage areas assessed; and

''(B) submit to the appropriate committees of Congress a report that describes the results of the verification and analyses under subparagraph (A).

''(3) RECOMMENDATIONS.—As soon as practicable after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Secretary shall submit to the appropriate committees of Congress recommendations on appropriate regulatory and advisory mechanisms for—

''(A) the determination of best technologies;

''(B) the identification and evaluation of state-of-the-art research, development, and deployment strategies for carbon capture and storage technologies;

''(C) the selection and operation of carbon dioxide sequestration sites; and

''(D) the transfer of liability for the sites to the United States.

''(4) INTERSTATE COMPACTS.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop model

interstate compacts to govern the transportation, injection, and storage of carbon dioxide.

''(5) DEMONSTRATION PROJECT.—The Secretary shall conduct geological sequestration demonstration projects involving carbon dioxide sequestration operations in a variety of candidate geological settings, including—

''(A) oil and gas reservoirs;

''(B) unmineable coal seams;

''(C) deep saline aquifers;

''(D) basalt and shale formations; and

''(E) terrestrial sequestration, including restoration project sites provided assistance by the Abandoned Mine Reclamation Fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) .

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $100,000,000 for each of fiscal years 2009 and 2010;

''(B) $105,000,000 for fiscal year 2011;

''(C) $110,000,000 for fiscal year 2012;

''(D) $115,000,000 for fiscal year 2013; and

''(E) $120,000,000 for fiscal year 2014.

''(2) AVAILABILITY OF FUNDS.—Funds made available for a fiscal year under paragraph (1)—

''(A) shall remain available until expended, but not later than September 30, 2014; and

''(B) may be reprogrammed, at the discretion of the Secretary, for expenditure for other demonstration projects under this title only after—

''(i) September 30, 2010; and

''(ii) the Secretary provides notice of the proposed reprogramming to the appropriate committees of Congress.''.

SA 4929. Mr. SMITH (for himself, Mr. WYDEN, and Mr. WARNER) 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 183, between lines 3 and 4, insert the following:

SEC. 537. COMMUNITY COLLEGE SUSTAINABILITY.

(a) SHORT TITLE.—This section may be cited as the ''Community College Sustainability Act''.

(b) DEFINITION.—In this section, the term ''community college'' means a 2–year institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(c) WORKFORCE TRAINING AND EDUCATION IN RENEWABLE ENERGY AND EFFICIENCY, GREEN TECHNOLOGY, AND SUSTAINABLE ENVIRONMENTAL PRACTICES.—From funds made available under subsection (e), the Secretary of Labor shall carry out a sustainability workforce training and education program. In carrying out the program, the Secretary shall award grants to community colleges to provide workforce training and education in industries and practices, such as—

(1) alternative energy, including wind and solar energy;

(2) green construction, green retrofitting, and green design;

(3) green chemistry, green nanotechnology, or green technology;

(4) water and energy conservation;

(5) recycling and waste reduction;

(6) sustainable agriculture and farming; and

(7) sustainable culinary practices.

(d) AWARD CONSIDERATIONS.—Of the funds made available under subsection (c) for a fiscal year, not less than $100,000,000 shall be awarded to community colleges with existing (as of the date of the award) sustainability programs that lead to certificates or degrees in 1 or more of the industries and practices described in paragraphs (1) through (7) of subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and there are appropriated to carry out this section $200,000,000 for fiscal year 2009 and each subsequent fiscal year.

SA 4930. Mr. INHOFE 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—Nuclear Regulatory Commission

SEC. 1771. FUNDING FOR REVIEW OF YUCCA MOUNTAIN LICENSE APPLICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) not otherwise appropriated, the Secretary of the Treasury shall transfer to the Nuclear Regulatory Commission $85,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Nuclear Regulatory Commission shall be entitled to receive, shall accept, and shall use in accordance with subsection (c) the funds transferred under subsection (a), without further appropriation.

(c) USE OF FUNDS.—The Nuclear Regulatory Commission shall use funds transferred under subsection (a) for review by the Commission of the Yucca Mountain license application of the Department of Energy.

SA 4931. Mr. INHOFE (for himself, Mr. VITTER, Mr. CRAIG, Mr. DEMINT, and Mr. CRAPO) 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, add the following:

TITLE XVIII—NUCLEAR WASTE POLICY

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Nuclear Waste Policy Amendments Act of 2008''.

SEC. 1802. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) progress toward the safe disposal of spent nuclear fuel and high-level radioactive waste will help ensure that the expanded use of nuclear energy will contribute to meeting the growing need of the United States for reliable, cost-effective energy;

(2) the Federal Government has the responsibility to provide for permanent disposal of spent nuclear fuel, high-level radioactive waste, and waste generated from United States atomic energy defense activities;

(3) the obligation of the Federal Government to develop a repository provides sufficient grounds for findings by the Nuclear Regulatory Commission that spent nuclear fuel and high-level radioactive waste will be disposed of safely and in a timely manner;

(4) the electricity consumers and nuclear power plant operators of the United States have paid in excess of $27,000,000,000 in fees and interest to fund disposal of spent nuclear fuel and high-level radioactive waste;

(5) the National Research Council of the National Academy of Sciences—

(A) since 1957, has endorsed the concept of deep geologic disposal of high-level radioactive waste as a long-term solution based on scientific and technical analysis; and

(B) maintains that deep geologic disposal remains as the only long-term solution available for the disposal of high-level radioactive waste;

(6) in 2002, the Yucca Mountain site was recommended by the President and approved by Congress for development as a deep geologic repository;

(7) operation of a repository in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is nearly 20 years behind schedule;

(8) the delay has—

(A) resulted in judicial findings of a partial breach of contract on the part of the Federal Government; and

(B) subjected taxpayers to billions of dollars in liability;

(9) the Commission should allow the upgrade of non-nuclear infrastructure at the repository site prior to construction in an effort to accelerate progress and reduce taxpayer liability;

(10) the repository should be licensed to safely use the maximum potential capacity of the repository, based on scientific and technical considerations; and

(11) the development of the repository should incorporate technological advances to improve protection of public health and safety and the environment on a regular basis while retaining the option of retrieval.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the expanded contribution of nuclear energy to meet the growing need of the United States for safe, reliable, and cost-effective energy;

(2) to provide a process for the expeditious and safe development and operation of a repository at the Yucca Mountain site;

(3) to require periodic system improvements based on advances in technology and understanding to enhance the protection of public health and safety and the environment;

(4) to clarify the authority of the Secretary to carry out infrastructure activities without prejudicing the consideration of the Commission with respect to repository applications; and

(5) to provide guidance to the Commission with respect to the consideration by the Commission of spent nuclear fuel and high-level waste disposal during new reactor licensing proceedings.

SEC. 1803. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) REPOSITORY.—The term ''repository'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

Subtitle A—Licensing

SEC. 1811. APPLICATIONS.

Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(1) in the subsection heading, by striking ''APPLICATION'' and inserting ''APPLICATIONS'';

(2) by striking ''If the President'' and inserting the following:

''(1) IN GENERAL.—If the President''; and

(3) by adding at the end the following:

''(2) APPLICATION PROCESSES.—

''(A) IN GENERAL.—The Secretary shall submit, and the Commission shall review, each application described in this paragraph.

''(B) APPLICATION FOR A CONSTRUCTION AUTHORIZATION.—

''(i) REQUIRED INFORMATION.—An application for a construction authorization for a repository at a site shall contain provisions—

''(I) for the establishment of, and preliminary information relating to, a continuing program, including underground repository surveillance, measurement, and testing and research and development of technologies that may improve the safety or operation of the repository—

''(aa) to be carried out during the operation of the repository; and

''(bb) to monitor, evaluate, and confirm repository performance; and

''(II) for the development of a strategy to ensure the ability of the repository to retrieve, for a period of not less than 300 years beginning on the date on which the repository first commences operation, each quantity of spent nuclear fuel and high-level radioactive waste stored at the repository.

''(ii) AUTHORIZED INFORMATION.—An application for a construction authorization shall not be required to contain any information—

''(I) relating to any surface facility other than any surface facility determined by the Secretary to be necessary for the initial operation of the repository; and

''(II) that is required under subparagraph (D) for an application relating to the permanent closure of the repository.

''(C) APPLICATION TO AMEND A CONSTRUCTION AUTHORIZATION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—

''(i) REQUIRED INFORMATION.—An application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste at a repository shall contain provisions for the establishment of, and final information relating to—

''(I) a continuing program, including underground repository surveillance, measurement, and testing, and research and development of technologies that may improve the safety or operation of the repository—

''(aa) to be carried out during the operation of the repository; and

''(bb) to monitor, evaluate, and confirm repository performance;

''(II) a procedure to provide for periodic revisions of the license of the repository that shall be conducted—

''(aa) to modify the license based on the results of the program described in subclause (I); and

''(bb) at intervals of not more than 50 years; and

''(III) a program to ensure the ability of the repository to retrieve, for a period of not less than 300 years beginning on the date on which the repository first commences operation, each quantity of spent nuclear fuel and high-level radioactive waste stored at the repository.

''(ii) AUTHORIZED INFORMATION.—An application to amend a construction authorization for permission to receive and possess spent nuclear fuel and high-level radioactive waste shall not be required to contain—

''(I) any information that was included in an application or considered by the Commission in connection with the issuance of a construction authorization for the repository for which authorization to receive and possess the spent nuclear fuel and high-level radioactive waste is sought; or

''(II) any information that is required under subparagraph (D) for an application relating to the permanent closure of the repository.

''(iii) REQUIREMENTS RELATING TO AUTHORIZATION.—If the Commission approves an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste, the Commission shall impose such requirements relating to the program, periodic amendment, and retrievability as the Commission determines to be appropriate.

''(D) APPLICATION TO PERMANENTLY CLOSE REPOSITORY.—

''(i) AUTHORITY OF SECRETARY.—The Secretary may submit to the Commission an application to permanently close the repository.

''(ii) CONTENTS.—An application to permanently close the repository shall contain information that is sufficient to demonstrate to the Commission that there is a reasonable expectation that the health and safety of the public will be adequately protected from any release generated by any radioactive material disposed of in the repository in accordance with each standard promulgated pursuant to section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note; Public Law 102–486).''.

SEC. 1812. APPLICATION PROCEDURES; INFRASTRUCTURE ACTIVITIES.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134) is amended by striking subsection (d) and inserting the following:

''(d) COMMISSION ACTION.—

''(1) REVIEW OF REGULATIONS.—The Commission shall review and modify each applicable regulation promulgated by the Commission as determined to be necessary by the Commission to ensure that each application described in subsection (b)(2) contains sufficient information for the Commission to determine whether the repository could be operated for a period of not less than 300 years beginning on the date on which the repository first commences operation.

''(2) APPROVAL PROCESS RELATING TO APPLICATION FOR CONSTRUCTION AUTHORIZATION.—

''(A) APPLICATION DEADLINE.—Not later than June 30, 2008, the Secretary shall submit to the Commission an application for a construction authorization for a repository site.

''(B) CONSIDERATION.—The Commission shall consider the application for a construction authorization in accordance with the informal hearing process described in subpart L of part 2 of chapter 1 of title 10, Code of Federal Regulations (as in effect on January 1, 2006).

''(C) AUTHORIZATION OF CONSTRUCTION.—Upon review and consideration of an application for a construction authorization, the Commission shall approve the application if the Commission determines that there is a reasonable expectation that the health and safety of the public will be adequately protected for a period of not less than 300 years beginning on the date on which the repository first commences operation.

''(D) FINAL DECISION DEADLINE.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 3 years after the date on which the Secretary submits to the Commission an application for a construction authorization under subparagraph (A), the Commission shall carry out all activities relating to the consideration of an application for all or part of a repository, including—

''(I) a sufficiency review and docketing of the application;

''(II) the completion of safety and environmental reviews;

''(III) the conduct of hearings; and

''(IV) the issuance of a final decision approving or disapproving the issuance of a construction authorization.

''(ii) EXCEPTION.—The Commission may extend the deadline described in clause (i) by a period of not more than 1 year if, not less than 30 days before the date on which the deadline occurs, the Commission complies with each reporting requirement described in subsection (e)(2).

''(E) ADMINISTRATION.—In carrying out the actions required by this section, the Commission shall—

''(i) issue such partial initial decisions as the Commission determines to be appropriate to expedite the review of applications described in subparagraph (A); and

''(ii) consider each application, in whole or in part, in accordance with law applicable to the application.

''(3) APPROVAL PROCESS RELATING TO APPLICATION TO AMEND A CONSTRUCTION AUTHORIZATION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—

''(A) SUBMISSION OF APPLICATION.—If the Commission approves an application for a construction authorization under paragraph (2), not later than 90 days after the effective date of the construction authorization, the Secretary shall submit to the Commission an application to amend the construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste.

''(B) CONSIDERATION.—

''(i) IN GENERAL.—The Commission shall consider an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste in accordance with—

''(I) the informal hearing process described in subpart L of part 2 of chapter 1 of title 10, Code of Federal Regulations (as in effect on January 1, 2006); and

''(II) discovery procedures to minimize the burden of each party of submitting to the Commission documents that the Commission determines are not necessary for the Commission to approve the application for an authorization to receive and possess spent nuclear fuel and high-level radioactive waste.

''(ii) MATTERS RESOLVED DURING APPROVAL OF CONSTRUCTION AUTHORIZATION.—In considering an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste under clause (i), the Commission shall consider to be resolved each matter resolved during the consideration by the Commission of the construction authorization that is the subject of the application.

''(C) PERMISSION TO RECEIVE AND POSSESS SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Upon review and consideration of an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste, the Commission shall approve the application if the Commission determines that there is a reasonable expectation that the health and safety of the public will be adequately protected for a period of not less than 300 years beginning on the date on which the repository first commences operation.

''(D) FINAL DECISION DEADLINE.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 540 days after the date on which the Secretary submits to the Commission an application to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste under subparagraph (A), the Commission shall issue a final decision approving or disapproving the issuance of a license to receive and possess spent nuclear fuel and high-level radioactive waste.

''(ii) EXCEPTION.—The Commission may extend the deadline described in clause (i) by a

period of not more than 180 days if, not less than 30 days before the date on which the deadline occurs, the Commission complies with each reporting requirement described in subsection (e)(2).

''(4) REVIEW OF REGULATIONS RELATING TO APPLICATIONS FOR PERMANENT CLOSURE.—To conform the application process for the permanent closure of the repository with the requirements of this Act, the Commission shall review and modify each regulation promulgated by the Commission relating to the application process for the permanent closure of a repository.

''(5) INFRASTRUCTURE ACTIVITIES.—

''(A) AUTHORITY OF SECRETARY.—At any time before or after the Commission issues a final decision on an application for a construction authorization under paragraph (2), the Secretary may carry out infrastructure activities that the Secretary determines to be necessary or appropriate to support the construction of a repository at the Yucca Mountain site or transportation to the Yucca Mountain site of spent nuclear fuel and high-level radioactive waste, including—

''(i) safety upgrades;

''(ii) site preparation activities;

''(iii) the construction of—

''(I) a rail line to connect the Yucca Mountain site with the national rail network; and

''(II) any facility necessary for the operation of the rail line described in subclause (I); and

''(iv) the construction, upgrade, acquisition, or operation of—

''(I) electrical grids or facilities;

''(II) related utilities;

''(III) communication facilities;

''(IV) access roads;

''(V) rail lines; and

''(VI) nonnuclear support facilities.

''(B) COMPLIANCE.—

''(i) IN GENERAL.—Subject to clause (ii), in carrying out any infrastructure activity under subparagraph (A), the Secretary shall comply with each applicable requirement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(ii) AUTHORITY OF SECRETARY.—If the Secretary determines that an environmental impact statement, environmental assessment, or other environmental analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is required in carrying out an infrastructure activity under subparagraph (A), the Secretary shall not be required to consider in that statement, assessment, or analysis—

''(I) the need for the action;

''(II) any alternative action; or

''(III) any no-action alternative.

''(iii) OTHER FEDERAL AGENCIES.—

''(I) IN GENERAL.—If a Federal agency is required to consider the potential environmental impact of an infrastructure activity carried out under subparagraph (A), the Federal agency shall, without further action, adopt, to the maximum extent practicable, any environmental impact statement, environmental assessment, or other environmental analysis prepared by the Secretary.

''(II) EFFECT OF ADOPTION OF STATEMENT.—The adoption by a Federal agency of an environmental impact statement, environmental assessment, or other environmental analysis under subclause (I) shall satisfy each applicable responsibility of the Federal agency relating to the applicable infrastructure activity of the Federal agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(C) CONSIDERATION BY COMMISSION.—The Commission shall not consider the fact that the Secretary has undertaken an infrastructure activity under this paragraph as a factor in determining whether to approve, deny, or condition an application—

''(i) for a construction authorization;

''(ii) to amend a construction authorization to receive and possess spent nuclear fuel and high-level radioactive waste; or

''(iii) for any other action relating to the repository.

''(6) PROCEDURES.—In reviewing applications under this subsection, the Commission shall use procedures that ensure the transparent review and resolution of key scientific and technical issues in a timely manner.''.

SEC. 1813. CONNECTED ACTIONS.

Section 114(f)(6) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)(6)) is amended—

(1) by striking ''site, or'' and inserting ''site,''; and

(2) by inserting before the period at the end the following: '', or any action related to construction or operation of a rail transport system for transporting spent nuclear fuel or high-level radioactive waste to the repository''.

SEC. 1814. WASTE CONFIDENCE.

For purposes of a determination by the Commission on whether to grant, amend, or renew any license to construct or operate any civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.)—

(1) the obligation of the Secretary to develop a repository in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurances that spent nuclear fuel and high-level radioactive waste would be disposed of safely and in a timely manner; and

(2) no consideration of the environmental impact of the storage of spent nuclear fuel or high-level radioactive waste on the site of the civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), for the period following the term of the license for the facility, shall be required in any environmental impact statement, environmental assessment, environmental analysis, or other analysis prepared in connection with the issuance, amendment or renewal of a license to construct or operate the facility.

SEC. 1815. DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE.

Section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101) is amended by striking paragraph (12) and inserting the following:

''(12) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

''(A) the highly radioactive material resulting from the reprocessing in the United States of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;

''(B) the highly radioactive material described in section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021c(b)(1)(D) resulting from the operation of facilities licensed under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134); and

''(C) any other highly radioactive material that the Commission, consistent with law, may determine by rule requires permanent isolation.''.

Subtitle B—Administration

SEC. 1821. AIR QUALITY PERMITS.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134) is amended by adding at the end the following:

''(g) AIR QUALITY.—

''(1) IN GENERAL.—The Administrator shall issue, administer, and enforce any air quality permit or requirement applicable to any facility under the jurisdiction of, or any activity carried out by, a Federal agency that is subject to the requirements of this Act.

''(2) PREEMPTION OF STATE LAWS.—No State or political subdivision of a State may issue, administer, or enforce any air quality permit or requirement applicable to any facility under the jurisdiction of, or any activity carried out by, a Federal agency that is subject to the requirements of this Act.''.

SEC. 1822. EXPEDITED AUTHORIZATIONS.

Section 120 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10140) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by inserting '', or the conduct of an infrastructure activity,'' after ''repository'';

(B) by inserting '', State, local, or tribal'' after ''Federal'' each place it appears; and

(C) in the second sentence, by striking ''repositories'' and inserting ''a repository or infrastructure activity'';

(2) in subsection (b), by striking '', and may include terms and conditions permitted by law''; and

(3) by adding at the end the following:

''(c) FAILURE TO GRANT AUTHORIZATION.—An agency or officer that fails to grant authorization by the date that is 1 year after the date of receipt of an application or request from the Secretary subject to subsection (a) shall submit to Congress a written report that explains the reason for the failure to grant the authorization (or to reject the application or request) by that date.

''(d) TREATMENT OF ACTIONS.—For the purpose of applying any Federal, State, local, or tribal law or requirement, the taking of an action relating to a repository or an infrastructure activity shall be considered to be—

''(1) beneficial, and not detrimental, to the public interest and interstate commerce; and

''(2) consistent with the public convenience and necessity.''.

SEC. 1823. APPLICABILITY OF LAW TO CERTAIN MATERIALS.

Subtitle A of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.) is amended by adding at the end the following:

''SEC. 126. APPLICABILITY OF LAW TO CERTAIN MATERIALS.

''Section 6001(a) of the Solid Waste Disposal Act (42 U.S.C. 6961(a)) shall not apply to—

''(1) any material, the title of which is in the possession of the Secretary, if the material is transported or stored in a package, cask, or other container that the Commission has certified for transportation or storage of that type of material; or

''(2) any material located at the Yucca Mountain site for disposal if the management and disposal of the material is managed or disposed of in accordance with a license issued by the Commission.''.

SEC. 1824. AGREEMENT WITH STATE OF NEVADA.

Section 170 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10173) is amended by striking subsection (c) and inserting the following:

''(c) AGREEMENT WITH STATE OF NEVADA.—

''(1) AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a benefits agreement with the Governor of the State of Nevada (referred to in this subsection as the 'State').

''(B) CONSULTATION.—A benefits agreement under this paragraph shall be negotiated in consultation with affected units of local government in the State.

''(C) REQUIREMENT.—A benefits agreement under this paragraph shall require that no funds received under the benefits agreement

shall be used to finance, promote, or assist any activity the goal or effect of which is to slow, interrupt, or prevent the licensing, construction, or operation of a geological repository at Yucca Mountain in the State.

''(2) PAYMENTS.—Subject to paragraph (3), the Secretary may pay to the State, pursuant to a benefits agreement under paragraph (1)—

''(A) $100,000,000 for each fiscal year during the period beginning on the date on which a license application to build a geological repository in the State is submitted to Secretary and ending on the date on which the license is granted;

''(B) $250,000,000 for each fiscal year during the construction phase of the approved geological repository; and

''(C) $500,000,000 for each fiscal year beginning after the date on which spent nuclear fuel is initially stored in the approved geological repository.

''(3) CONDITIONS.—

''(A) SOURCE OF FUNDS.—The Secretary shall use only amounts in the Low- and Zero-Carbon Electricity Technology Fund established by section 902 of the Lieberman-Warner Climate Security Act of 2008 to make payments to the State pursuant to paragraph (2).

''(B) PROHIBITION.—No amounts in the Nuclear Waste Fund established by section 302(c) shall be used to make payments to the State pursuant to paragraph (2).

''(C) DISTRIBUTION TO AFFECTED UNITS OF LOCAL GOVERNMENT.—Of the amount of funds made available to the State for a fiscal year under paragraph (2), the State shall provide—

''(i) 5 percent of the amount to Nye County; and

''(ii) 5 percent of the amount to other affected units of local government.''.

SEC. 1825. AUTHORITY FOR NEW STANDARD CONTRACTS.

Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''(5) Contracts'' and inserting the following:

''(5) REQUIREMENTS RELATING TO CONTRACTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a contract''; and

(3) by adding at the end the following:

''(B) CIVILIAN NUCLEAR POWER REACTORS.—After the date of enactment of the Nuclear Waste Policy Amendments Act of 2008, for any civilian nuclear power reactor for which a license application is filed with the Commission in accordance with section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134), a contract under this section shall—

''(i) not later than 60 days after the date on which the Commission dockets the license application, be entered into by the Secretary;

''(ii) be consistent with the standard contract for disposal of spent nuclear fuel and/or high-level radioactive waste described in section 961.11 of title 10, Code of Federal Regulations (as in effect on January 1, 2006);

''(iii) require that not later than 35 years after the date on which the civilian nuclear power reactor first commences commercial operation, the Secretary take title to, transport, and dispose of the spent nuclear fuel or high-level radioactive waste of the civilian nuclear power reactor; and

''(iv) not contain any provision that provides for the adjustment of the 1.0 mil per kilowatt-hour fee established by paragraph (2).''.

SA 4932. Mr. CRAIG (for himself, Mr. DOMENICI, Mr. BARRASSO, Mr. ALLARD, and Mr. CRAPO) 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 16, strike lines 19 through 24 and insert the following:

(1) ADDITIONAL; ADDITIONALITY.—

(A) IN GENERAL.—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, measured as the difference between—

(i) baseline greenhouse gas fluxes of an offset project; and

(ii) greenhouse gas fluxes of the offset project.

(B) BIOLOGICAL SEQUESTRATION.—The terms ''additional'' and ''additionality'' mean, with respect to biological sequestration, the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to the baseline, measured as the difference between—

(i) the baseline established for the applicable base year; and

(ii) verified net changes in greenhouse gases or carbon stocks.

On page 25, lines 20 and 21, strike ''sections 1313(a) and 1314(b)'' and insert ''section 1313(a)''.

Beginning on page 74, strike line 6 through 9 and insert the following:

TITLE III—REDUCING EMISSIONS THROUGH DOMESTIC OFFSETS

On page 78, lines 4 and 5, strike ''international allowances under section 322 and''.

On page 84, strike lines 7 through 14 and insert the following:

(B) changes in carbon stocks attributed to land use change and forestry activities, including—

(i) afforestation or reforestation of acreage not forested as of October 18, 2007;

(ii) sustainably managed forests resulting in positive changes in carbon stocks, including—

(I) long-lived wood products in use for a period of at least 100 years; and

(II) wood stored in landfills in accordance with guidelines established pursuant to section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)); and

(iii) conservation of grassland and forested land;

On page 98, line 7, strike ''and''.

On page 98, between lines 7 and 8, insert the following:

(C) guidelines established pursuant to section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) for use in the quantification of forestry and agriculture offsets; and

On page 98, line 8, strike ''(C)'' and insert ''(D)''.

On page 98, strike lines 20 through 23 and insert the following:

(B) except in any case in which a forest is managed under a third-party certification system (including but not limited to, the Sustainable Forestry Initiative, the Forest Stewardship Council, and the American Tree Farm System), require that leakage be subtracted from reductions, destruction, avoidance in greenhouse gas emissions or increases in sequestration attributable to a project.

Beginning on page 98, strike line 24 and all that follows through page 99, line 18, and insert the following:

(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 biological sequestration project, determine the greenhouse gas flux or change in carbon stocks using a base year as the baseline carbon stocks, to be established using forest and agriculture inventory quantification methods in accordance with section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b));

(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.

On page 112, between lines 2 and 3, insert the following:

SEC. 312. DOMESTIC FORESTRY CARBON MANAGEMENT TOOLS.

(a) DEFINITION OF RENEWABLE BIOMASS.—Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

''(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(i) planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the date of enactment of the Lieberman-Warner Climate Security Act of 2008 that is—

''(I) actively managed; or

''(II) fallow and nonforested;

''(ii) renewable materials (such as trees, wood, brush, thinnings, chips, and slash) that—

''(I) are removed—

''(aa) to reduce hazardous fuels;

''(bb) to reduce or contain disease or insect infestation; or

''(cc) to restore forest health;

''(II) would not otherwise be used for higher-value products; and

''(III) are removed from National Forest System land or public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) in accordance with—

''(aa) applicable land management plans; and

''(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

''(iii) renewable materials (such as trees, wood, brush, thinnings, chips, and slash) that are removed from non-Federal forest land or from forest land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(I) animal waste and byproducts (including fats, oils, greases, and manure);

''(II) algae; and

''(III) separated yard waste or food waste, including recycled cooking and trap grease.''.

(b) TAX CREDIT RATE PARITY FOR OPEN-LOOP BIOMASS FACILITIES.—

(1) IN GENERAL.—Section 45(b)(4)(A) of the Internal Revenue Code of 1986 (relating to credit rate) is amended by striking ''(3),''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to electricity produced and sold in calendar years beginning after the date of the enactment of this Act.

(c) STEWARDSHIP END-RESULT CONTRACTING PROJECTS.—Section 8 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) by redesignating subsection (h) as subsection (j) and moving that subsection so as to appear at the end of the section; and

(2) by inserting after subsection (g) the following:

''(h) CANCELLATION OR TERMINATION COSTS.—

''(1) IN GENERAL.—Notwithstanding section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) or any other provision of law, the Secretary shall not obligate funds to cover the cost of cancelling a Forest Service stewardship multiyear contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; section 101(e) of division A of Public Law 105–277) until the contract is cancelled.

''(2) COST OF CANCELLATION OR TERMINATION.—The costs of any cancellation or termination of a multiyear stewardship contract may be paid from any appropriations that are made available to the Forest Service.

''(3) ANTI-DEFICIENCY ACT VIOLATIONS.—In a case in which payment or obligation of funds under this subsection would constitute a violation of section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), the Secretary shall seek a supplemental appropriation.''.

Beginning on page 112, strike line 3 and all that follows through page 116, line 16.

On page 150, strike lines 15 through 22 and insert the following:

(3) Increase the quantity of offset allowances.

SA 4933. Mr. CRAIG (for himself and Mr. INHOFE) 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, add the following:

TITLE XVIII—NEXT GENERATION NUCLEAR PLANT

SEC. 1801. NEXT GENERATION NUCLEAR PLANT PROJECT MODIFICATIONS.

(a) PROJECT ESTABLISHMENT.—Section 641 of the Energy Policy Act of 2005 (42 U.S.C. 16021) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through ''The Secretary'' and inserting the following:

''(a) ESTABLISHMENT AND OBJECTIVE.—

''(1) ESTABLISHMENT.—The Secretary''; and

(B) by adding at the end the following:

''(2) OBJECTIVE.—

''(A) DEFINITION OF HIGH-TEMPERATURE, GAS-COOLED NUCLEAR ENERGY TECHNOLOGY.—In this paragraph, the term 'high-temperature, gas-cooled nuclear energy technology' means any nongreenhouse gas-emitting nuclear energy technology that provides—

''(i) an alternative to the burning of fossil fuels for industrial applications; and

''(ii) process heat to generate, for example, electricity, steam, hydrogen, and oxygen for activities such as—

''(I) petroleum refining;

''(II) petrochemical processes;

''(III) converting coal to synfuels and other hydrocarbon feedstocks; and

''(IV) desalination.

''(B) DESCRIPTION OF OBJECTIVE.—The objective of the Project shall be to carry out demonstration projects for the development, licensing, and operation of high-temperature, gas-cooled nuclear energy technologies to support commercialization of those technologies.

''(C) REQUIREMENTS.—The functional, operational, and performance requirements for high-temperature, gas-cooled nuclear energy technologies shall be determined by the needs of marketplace industrial end-users (such as owners and operators of nuclear energy facilities, petrochemical entities, and petroleum entities), as projected for the 40-year period beginning on the date of enactment of this paragraph.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''licensing,'' after ''design,'';

(B) in paragraph (1), by striking ''942(d)'' and inserting ''952(d)''; and

(C) by striking paragraph (2) and inserting the following:

''(2) demonstrates the capability of the nuclear energy system to provide high-temperature process heat to produce—

''(A) electricity, steam, and other heat transport fluids; and

''(B) hydrogen and oxygen, separately or in combination.''.

(b) PROJECT MANAGEMENT.—Section 642 of the Energy Policy Act of 2005 (42 U.S.C. 16022) is amended to read as follows:

''SEC. 642. PROJECT MANAGEMENT.

''(a) DEPARTMENTAL MANAGEMENT.—

''(1) IN GENERAL.—The Project shall be managed in the Department by the Office of Nuclear Energy.

''(2) GENERATION IV NUCLEAR ENERGY SYSTEMS INITIATIVE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Project may be carried out in coordination with the Generation IV Nuclear Energy Systems Initiative.

''(B) REQUIREMENT.—Regardless of whether the Project is carried out in coordination with the Generation IV Nuclear Energy Systems Initiative under subparagraph (A), the Secretary shall establish a separate budget line-item for the Project.

''(3) INTERACTION WITH INDUSTRY.—Any activity to support the Project by an individual or entity in the private industry shall be carried out pursuant to a competitive cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Department and the industry group established under subsection (c).

''(b) LABORATORY MANAGEMENT.—

''(1) IN GENERAL.—The Idaho National Laboratory shall be the lead National Laboratory for the Project.

''(2) COLLABORATION.—The Idaho National Laboratory shall collaborate regarding research and development activities with other National Laboratories, institutions of higher education, research institutes, representatives of industry, international organizations, and Federal agencies to support the Project.

''(c) INDUSTRY GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish a group of appropriate industrial partners in the private sector to carry out cost-shared activities with the Department to support the Project.

''(2) COOPERATIVE AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a cooperative agreement or other assistance agreement with the industry group established under paragraph (1) to manage and support the development, licensing, construction, and initial operation of the Project.

''(B) REQUIREMENT.—The agreement under subparagraph (A) shall contain a provision under which the industry group may enter into contracts with entities in the public sector for the provision of services and products to that sector that reflect typical commercial practices regarding terms and conditions for risk, accountability, performance, and quality.

''(C) PROJECT MANAGEMENT.—

''(i) IN GENERAL.—The industry group shall use commercial practices and project management processes and tools in carrying out activities to support the Project.

''(ii) INTERFACE REQUIREMENTS.—The requirements for interface between the project management requirements of the Department (including the requirements contained in the document of the Department numbered DOE O 413.3A and entitled 'Program and Project Management for the Acquisition of Capital Assets') and the commercial practices and project management processes and tools described in clause (i) shall be defined in the agreement under subparagraph (A).

''(3) COST SHARING.—Activities of industrial partners funded by the Project shall be cost-shared in accordance with section 988.

''(4) PREFERENCE.—Preference in determining the final structure of industrial partnerships under this part shall be given to a structure (including designating as a lead industrial partner an entity incorporated in the United States) that retains United States technological leadership in the Project while maximizing cost sharing opportunities and minimizing Federal funding responsibilities.

''(d) PROTOTYPE PLANT SITING.—The prototype nuclear reactor and associated plant shall be sited at the Idaho National Laboratory in Idaho.

''(e) REACTOR TEST CAPABILITIES.—The Project shall use, if appropriate, reactor test capabilities at the Idaho National Laboratory.

''(f) OTHER LABORATORY CAPABILITIES.—The Project may use, if appropriate, facilities at other National Laboratories.''.

(c) PROJECT ORGANIZATION.—Section 643 of the Energy Policy Act of 2005 (42 U.S.C. 16023) is amended—

(1) in subsection (a)(2), by inserting ''transport and'' before ''conversion'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (A), (B), and (D) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking '', through a competitive process,'';

(ii) in subparagraph (C), by striking ''reactor'' and inserting ''energy system'';

(iii) in subparagraph (D), by striking ''hydrogen or electricity'' and inserting ''energy transportation, conversion, and''; and

(iv) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting the clauses appropriately;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(D) by striking ''The Project shall be'' and inserting the following:

''(1) IN GENERAL.—The Project shall be''; and

(E) by adding at the end the following:

''(2) OVERLAPPING PHASES.—The phases described in paragraph (1) may overlap for the Project or any portion of the Project, as necessary.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''powerplant'' and inserting ''power plant'';

(B) in paragraph (2), by adding at the end the following:

''(E) INDUSTRY GROUP.—The industry group established under section 642(c) may enter into any necessary contracts for services, support, or equipment in carrying out an agreement with the Department.''; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking ''RESEARCH'';

(ii) in the matter preceding subparagraph (A), by striking ''Research'';

(iii) by striking ''NERAC'' each place it appears and inserting ''NEAC'';

(iv) in subparagraph (A), by striking clause (i) and inserting the following:

''(i) review program plans for the Project prepared by the Office of Nuclear Energy and all progress under the Project on an ongoing basis; and'';

(v) in subparagraph (B), by striking ''or appoint'' and inserting ''by appointing''; and

(vi) in subparagraph (D)—

(I) by striking ''On a determination'' and inserting the following:

''(i) IN GENERAL.—On a determination'';

(II) in clause (i) (as designated by subclause (I))—

(aa) by striking ''subsection (b)(1)'' and inserting ''subsection (b)(1)(A)''; and

(bb) by striking ''subsection (b)(2)'' and inserting ''subsection (b)(1)(B)''; and

(III) by adding at the end the following:

''(ii) SCOPE.—The scope of the review conducted under clause (i) shall be in accordance with an applicable cooperative agreement or other assistance agreement (such as a technology investment agreement) between the Secretary and the industry group established under section 642(c).''.

(d) NUCLEAR REGULATORY COMMISSION.—Section 644 of the Energy Policy Act of 2005 (42 U.S.C. 16024) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(2) REQUIREMENT.—To the maximum extent practicable, in carrying out subparagraphs (B) and (C) of paragraph (1), the Nuclear Regulatory Commission shall independently review and, as appropriate, use the results of analyses conducted for or by the license applicant.''; and

(2) by striking subsection (c) and inserting the following:

''(c) ONGOING INTERACTION.—The Nuclear Regulatory Commission shall establish a separate program office for advanced reactors—

''(1) to develop and implement regulatory requirements consistent with the safety bases of the type of nuclear reactor developed by the Project, with the specific objective that the requirements shall be applied to follow-on commercialized high-temperature, gas-cooled nuclear reactors;

''(2) to avoid conflicts in the availability of resources with licensing activities for light water reactors;

''(3) to focus and develop resources of the Nuclear Regulatory Commission for the review of advanced reactors;

''(4) to support the effective and timely review of preapplication activities and review of applications to support applicant needs; and

''(5) to provide for the timely development of regulatory requirements, including through the preapplication process, and review of applications for advanced technologies, such as high-temperature, gas-cooled nuclear technology systems.''.

(e) PROJECT TIMELINES AND AUTHORIZATION OF APPROPRIATIONS.—Section 645 of the Energy Policy Act of 2005 (42 U.S.C. 16025) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) SUMMARY OF AGREEMENT.—Not later than December 31, 2009, the Secretary shall submit to Congress a report that contains a summary of each cooperative agreement or other assistance agreement (such as a technology investment agreement) entered into between the Secretary and the industry group under section 642(a)(3), including a description of the means by which the agreement will provide for successful completion of the development, design, licensing, construction, and initial operation and demonstration period of the prototype facility of the Project.

''(b) OVERALL PROJECT PLAN.—

''(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall submit to Congress an overall plan for the Project, to be prepared jointly by the Secretary and the industry group established under section 642(c), pursuant to a cooperative agreement or other assistance agreement (such as a technology investment agreement).

''(2) INCLUSIONS.—The plan under paragraph (1) shall include—

''(A) a summary of the schedule for the design, licensing, construction, and initial operation and demonstration period for the nuclear energy system prototype facility and hydrogen production prototype facility of the Project;

''(B) the process by which a specific design for the prototype nuclear energy system facility and hydrogen production facility will be selected;

''(C) the specific licensing strategy for the Project, including—

''(i) resource requirements of the Nuclear Regulatory Commission; and

''(ii) the schedule for the submission of a preapplication, the submission of an application, and application review for the prototype nuclear energy system facility of the Project;

''(D) a summary of the schedule for each major event relating to the Project; and

''(E) a time-based cost and cost-sharing profile to support planning for appropriations.''; and

(2) in subsection (d), in the matter preceding paragraph (1), by striking ''research and construction activities'' and inserting ''research and development, design, licensing, construction, and initial operation and demonstration activities''.

SA 4934. Mr. CRAIG 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 475, between lines 5 and 6, insert the following:

(d) EFFECTIVE PERIOD.—

(1) IN GENERAL.—This Act and the amendments made by this Act shall not take effect until the later of—

(A) the date on which the National Academy of Sciences submits to the Administrator and Congress a certification that the National Academy of Sciences has determined, with not less than 90 percent certainty, that the implementation of this Act will reduce global average temperature by not less than 0.5 degrees Celsius by January 1, 2050, as compared to the global average temperature that would have existed on that date in the absence of this Act; and

(B) the date on which the Administrator certifies that the cost of implementing this Act will not exceed the ratio that—

(i) $10,000,000,000,000 in reduced gross domestic product of the United States; bears to

(ii) the total number of degrees of globally averaged temperature increase avoided by 2050.

(2) TERMINATION.—The authorities provided by this Act and the amendments made by this Act shall terminate on the date that is 10 years after the date of enactment of this Act if the Administrator determines that China or India has not adopted a climate change proposal similar in scope and effect to this Act by that date.

SA 4935. Mr. CARDIN (for himself, Mr. ALEXANDER, and Mr. WARNER) 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 474, line 14, strike ''and''.

On page 475, strike line 5 and insert the following:

ties of the covered entities; and

(12) the energy policy of the United States, including—

(A) a review of relevant analyses of the current and long-term energy policies of, and conditions in, the United States;

(B) an identification of the sources and trends, by country of origin, of energy used by the United States;

(C) an identification of problems that might threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(D) an analysis of potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(E) recommendations to ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

SA 4936. Mr. CARDIN (for himself and Ms. MIKULSKI) 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—Climate Science Fund

SEC. 1241. CLIMATE SCIENCE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Climate Science Fund'' (referred to in this section as the ''Fund'').

(b) PURPOSES.—The purposes of the Fund shall be—

(1) to support focused research initiatives directed toward the assimilation of climate monitoring observations into research and operational models for climate, weather, and ecosystems;

(2) to expand global data collection, monitoring, and analysis activities of the atmosphere, oceans, cryosphere, land cover and use, and terrestrial and freshwater ecosystems—

(A) to provide continuous, reliable, useable, and accessible information on—

(i) the state, change, and variability of the climate system; and

(ii) the response of the biosphere; and

(B) for the purposes of—

(i) prediction of climate and weather, and the ecological response of those changes; and

(ii) the reduction of uncertainties in that prediction;

(3) to design, deploy, and maintain hydrologic and ecologic observing systems suitable for detecting climate change and the influence of climate change on water and natural resources;

(4) to strengthen global, regional, and local data collection and monitoring of greenhouse gas concentrations and aerosol concentrations—

(A) for the purpose of verifying greenhouse gas levels; and

(B) to reduce uncertainties associated with interannual variability in the global carbon cycle and the radiative influence of other atmospheric constituents in the forcing of climate change;

(5) to maintain and enhance regional and local ground observing networks for the purposes of—

(A) developing and maintaining long-term climate records;

(B) climate monitoring; and

(C) predicting climate and weather patterns;

(6) to strengthen intergovernmental coordination for environmental data acquisition, archiving, and dissemination;

(7) to improve the use of climate information for decisionmaking through an integrated program of research and assessment that—

(A) transitions research to operations and operational production; and

(B) delivers local and regional climate services that can be used to enhance adaptive management options;

(8) to support emerging climate science research priorities identified by the Committee on Environment and Natural Resources; and

(9) to increase funding for—

(A) climate and ocean observing systems;

(B) ground-based terrestrial and freshwater aquatic long-term monitoring systems;

(C) atmospheric and deposition monitoring networks;

(D) data quality control, storage, and access; and

(E) climate and environmental modeling workforce development.

(c) SUBMISSION OF GLOBAL CHANGE RESEARCH PROGRAM BUDGET REQUIREMENTS TO ADMINISTRATOR.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the National Science and Technology Council, in consultation with the Committee on Environment and Natural Resources, shall submit to the Administrator the budget requirements for global change research in the United States for each fiscal year.

(d) DEPOSITS IN FUND.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established for that calendar year pursuant to section 201(a) sufficient to generate proceeds equal to the amount specified in the budget submitted for the applicable fiscal year under subsection (c); and

(2) deposit those proceeds in the Fund.

(e) USE OF FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the proceeds of auctions under this section shall—

(1) be credited as offsetting collections to carry out the United States Global Change Research Program;

(2) be available for expenditure only to pay the costs of carrying out the United States Global Change Research Program;

(3) be available only to the extent provided in advance in an appropriations Act; and

(4) remain available until expended.

SA 4937. Mr. CARDIN (for himself, Mr. CARPER, and Mr. WARNER) 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 41, line 13, insert ''(including any designated recipient (as defined in section 5307(a) of title 49, United States Code) and any recipient or subrecipient (as defined in section 5311(a) of title 49, United States Code))'' after ''grants to entities''.

On page 41, line 15, strike ''commercial''.

On page 41, line 16, strike ''efficiency of those commercial'' and insert ''efficiency and direct and indirect greenhouse gas emissions of those''.

On page 41, line 20, strike ''commercial''.

On page 42, line 7, strike ''efficiency of a commercial'' and insert ''efficiency and direct and indirect greenhouse gas emissions of a''.

On page 42, line 14, strike ''commercial''.

On page 42, line 22, strike ''commercial''.

On page 330, line 11, strike ''commercial''.

On page 331, lines 5 and 6, strike ''commercial''.

On page 331, line 7, insert ''and direct and indirect greenhouse gas emissions'' after ''efficiency''.

On page 331, line 10, strike ''commercial''.

On page 331, line 18, insert ''and reductions of direct and indirect greenhouse gas emissions'' after ''efficiency''.

On page 331, line 23, strike ''commercial''.

SA 4938. Mr. CARDIN 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 section 611, and insert the following:

SEC. 611. PUBLIC TRANSPORTATION AND TRANSPORTATION ALTERNATIVES.

(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 transportation alternatives including public transportation and 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 and transportation alternatives
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

Calendar Year	Percentage for auction for public transportation and transportation alternatives
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 and associated measures through activities eligible under that section, including—

(A) planning activities;

(B) transit enhancements, including pedestrian and bicycle infrastructure;

(C) improvements to lighting, heating, cooling, or ventilation systems in stations and other facilities that reduce direct or indirect greenhouse gas emissions;

(D) adjustments to signal timing or other vehicle controlling systems that reduce direct or indirect greenhouse gas emissions;

(E) purchasing or retrofitting rolling stock to improve efficiency or reduce greenhouse gas emissions; and

(F) 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 to reduce direct or indirect greenhouse gas emissions and 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) or State or local government authorities, including regional planning organizations and Metropolitan Planning Organizations, to assist in reducing the direct and indirect greenhouse gas emissions of the systems of the regional transportation sector, 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;

(C) programs to establish or expand telecommuting or car pool projects that do not include new roadway capacity;

(D) transportation and land-use scenario analyses and stakeholder engagement to support development of integrated transportation plans; and

(E) improvements in travel and land-use data collection and in travel models to better measure greenhouse gas emissions and emissions reductions.

(2) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—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 using methods developed and promulgated by the Administrator, in concert with the Secretary of Transportation.

(B) METHODS.—The methods described in subparagraph (A) shall be promulgated not later than 24 months after the date of enactment of this Act.

(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, regional, or local transportation plan that shall—

(1) include all modes of surface transportation;

(2) utilize integrated transportation data collection, monitoring, planning, and modeling methods that consider land use and account for non-motorized and sub-zone trips;

(3) report every three years on estimated direct and indirect transportation sector greenhouse gas emissions;

(4) be designed to reduce greenhouse gas emissions from the transportation sector through setting specific reduction targets, managing motor vehicle usage; and

(5) be certified by the Administrator as consistent with the purposes of this Act.

(k) TRANSPORTATION SECTOR TECHNICAL CAPACITY AND STANDARDS.—

(1) STUDY.—Not later than 180 days after the date of enactment of this Act, to maximize greenhouse gas emission reductions from the transportation sector—

(A) the National Academy of Sciences Transportation Research Board shall submit to the Administrator and the Secretary of Transportation a report containing recommendations for improving research and tools to assess the effect of transportation plans and land use plans on motor vehicle usage rates and transportation sector greenhouse gas emissions; and

(B) the Comptroller General of the United States shall submit to the Administrator and the Secretary of Transportation a report describing any shortcomings of current government data sources necessary—

(i) to assess greenhouse gas emissions from the transportation sector; and

(ii) to establish plans and policies to effectively reduce greenhouse gas emissions from the transportation sector.

(2) TECHNICAL STANDARDS.—Not later than 2 years after the date of enactment of this Act, based on any recommendations contained in the reports submitted under paragraph (1), the Administrator and the Secretary of Transportation shall promulgate standards for transportation data collection, monitoring, planning, and modeling.

SA 4939. Mr. CARDIN 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.

Beginning on page 223, strike the table that follows line 11 and insert the following:

Calendar Year	Percentage for auction for public transportation
2012	3
2013	3
2014	3
2015	3
2016	3
2017	3
2018	3
2019	3
2020	3
2021	3
2022	3.75
2023	3.75
2024	3.75
2025	3.75
2026	3.75
2027	3.75
2028	3.75
2029	3.75
2030	3.75
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.

SA 4940. Mr. SMITH (for himself, Mr. WYDEN, Ms. CANTWELL, and Mr. WARNER) 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 290, strike line 16 and all that follows through page 291, line 4 and insert the following:

(a) DEFINITIONS.—In this section:

(1) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

(A) IN GENERAL.—The term ''marine and hydrokinetic renewable energy'' means energy derived from—

(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

(ii) free-flowing water in rivers, lakes, and streams;

(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that use nonmechanical structures to accelerate the flow of water for electric power production purposes; or

(iv) differentials in ocean temperature (ocean thermal energy conversion).

(B) EXCEPTIONS.—The term ''marine and hydrokinetic renewable energy'' does not include any energy that is derived from any source that uses a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.

(2) NONHYDROELECTRIC DAM.—

(A) IN GENERAL.—The term ''nonhydroelectric dam'' means any nonhydroelectric dam if—

(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements;

(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this Act and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this Act; and

(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

(B) CERTIFICATION.—The Federal Energy Regulatory Commission shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria described in subparagraph (A)(iii).

(C) EFFECT ON STANDARDS.—Nothing in this paragraph affects the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act (16 U.S.C. 792 et seq.).

(3) RENEWABLE-ENERGY SOURCE.—The term ''renewable-energy source'' means energy from 1 or more of the following sources:

(A) Solar energy.

(B) Wind.

(C) Geothermal energy.

(D) Hydropower (including incremental hydropower and nonhydroelectric dams).

(E) Biomass.

(F) Marine and hydrokinetic renewable energy.

(G) Landfill gas.

(H) Livestock methane.

(I) Fuel cells powered with a renewable-energy source.

SA 4941. Mr. BOND 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 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON FAILURE OF EMERGENCY OFF-RAMPS TO PREVENT SIGNIFICANTLY HIGHER HOME HEATING BILLS CAUSED BY THIS ACT.

(a) DEFINITIONS.—In this section:

(1) INTERAGENCY CONSULTATION.—The term ''interagency consultation'' means consultation with the Secretary of Health and Human Services and the Administrator.

(2) REGION OF THE COUNTRY.—The term ''region of the country'' means any of—

(A) the northeastern region of the United States, comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and the District of Columbia;

(B) the midwestern region of the United States, comprised of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin;

(C) the Great Plains region of the United States, comprised of the States of Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota;

(D) the southern region of the United States, comprised of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia;

(E) the mountain west region of the United States, comprised of the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming; and

(F) the western region of the United States, comprised of the States of Alaska, California, Hawaii, Oregon, and Washington.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (c) of the failure of emergency off-ramp provisions under this subtitle to prevent significantly higher home heating bills caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes such a significant home heating bill increase.

(c) DETERMINATION OF SIGNIFICANTLY HIGHER HOME HEATING BILLS CAUSED BY THIS ACT.—Not less than annually, the Secretary of Energy, after interagency consultation, shall determine whether implementation of emergency off-ramp provisions under this subtitle have failed to prevent the implementation of this Act from causing the average retail price to households of natural gas or heating oil, nationwide or in any region of the country, to increase more than 20 percent since the date of enactment of this Act.

SA 4942. Mr. BOND 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 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON FAILURE OF EMERGENCY OFF-RAMPS TO PREVENT SIGNIFICANT MANUFACTURING JOB LOSS DUE TO HIGHER ELECTRICITY OR NATURAL GAS PRICES CAUSED BY THIS ACT.

(a) DEFINITIONS.—In this section:

(1) INTERAGENCY CONSULTATION.—The term ''interagency consultation'' means consultation with the Secretary of Energy and the Administrator.

(2) REGION OF THE COUNTRY.—The term ''region of the country'' means any of—

(A) the northeastern region of the United States, comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and the District of Columbia;

(B) the midwestern region of the United States, comprised of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin;

(C) the Great Plains region of the United States, comprised of the States of Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota;

(D) the southern region of the United States, comprised of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia;

(E) the mountain west region of the United States, comprised of the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming; and

(F) the western region of the United States, comprised of the States of Alaska, California, Hawaii, Oregon, and Washington.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (c) of the failure of emergency off-ramp provisions under this subtitle to prevent significant manufacturing job loss caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes such a significant manufacturing job loss.

(c) DETERMINATION OF SIGNIFICANT MANUFACTURING JOB LOSS CAUSED BY THIS ACT.—Not less than annually, the Secretary of Labor, after interagency consultation, shall determine whether implementation of emergency off-ramp provisions under this subtitle have failed to prevent the implementation of this Act from causing, since the date of enactment of this Act, the loss of more than 10,000 manufacturing-related jobs nationwide or 5,000 manufacturing-related jobs in any region of the country in electricity or natural gas intensive sectors, including auto assembly, metal casting, or production of cement, steel, aluminum, paper, plastics, chemicals, or fertilizer.

SA 4943. Mr. BOND (for himself and Mr. VOINOVICH) 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, add the following:

TITLE XVIII—CLEAN ENERGY SOLUTIONS RESEARCH, DEVELOPMENT, AND DEPLOYMENT

SEC. 1801. DEFINITIONS.

In this title:

(1) ADVANCED BIOFUEL.—The term ''advanced biofuel'' has the meaning given the term in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(2) ADVANCED VEHICLE BATTERY.—The term ''advanced vehicle battery'' means an electrochemical energy storage system powered directly by electrical current that provides motive power to an electric vehicle, hybrid electric vehicle, or plug-in hybrid electric vehicle.

(3) ELECTRIC VEHICLE.—The term ''electric vehicle'' means an on-road light-duty or nonroad vehicle that uses an advanced vehicle battery or a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

(4) HYBRID ELECTRIC VEHICLE.—The term ''hybrid electric vehicle'' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

(5) IGCC.—The term ''IGCC'' means integrated coal gasification combined cycle.

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means a hybrid electric vehicle that—

(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)).

(7) RENEWABLE FUEL.—The term ''renewable fuel'' means any fuel—

(A) at least 85 percent of the volume of which consists of ethanol or advanced biofuel; or

(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (part 80 of title 40 Code of Federal Regulations (as in effect on the date of enactment of this Act))), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 1802. COORDINATION WITH EXISTING PROGRAMS.

In carrying out this title, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall take into consideration the ongoing research, development, demonstration, and deployment activities associated with this title to avoid duplication of the ongoing activities while expanding and accelerating activities as required by this title.

SEC. 1803. PROGRESS REPORT.

Not later than 1 year after the date of enactment of this Act and every 2 calendar years thereafter, the Secretary shall submit to each committee of Congress with jurisdiction over greenhouse gas emissions and global climate change a report and detailed analysis of the status of implementation of this title with an emphasis on the widespread commercial availability, affordability, and maintenance of products that use the technologies and activities advanced under this title.

Subtitle A—Reduced Carbon Emissions Through Clean Vehicles

SEC. 1811. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from fossil-based transportation fuel usage by aggressively promoting advanced vehicle battery technology and domestic manufacturing capability necessary for widespread commercial viability of hybrid electric vehicles, plug-in hybrid electric vehicles, and electric vehicles.

SEC. 1812. ADVANCED VEHICLE BATTERY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall—

(1) expand and accelerate research and development efforts for advanced vehicle batteries; and

(2) emphasize lower cost enablers for abuse-tolerant batteries with the appropriate balance of power and energy capacity to meet market requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2010 through 2014.

SEC. 1813. DOMESTIC ADVANCED VEHICLE BATTERY MANUFACTURING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to improve domestic manufacturing equipment and assembly process capabilities for advanced vehicle batteries and components that—

(1) reduce manufacturing time;

(2) reduce manufacturing energy intensity;

(3) reduce negative environmental impact or byproducts; or

(4) increase spent battery or component recycling.

(b) INCLUSION.—The Secretary shall include in the program established under subsection (a) grants to support the development and deployment of domestic high-speed, automated, production-scale advanced vehicle battery and component manufacturing equipment.

(c) COST SHARING.—The Secretary shall require that not less than 20 percent of the cost of a project funded by a grant under this section be provided by a non-Federal source.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2010 through 2014.

SEC. 1814. DOMESTIC ADVANCED VEHICLE BATTERY MANUFACTURING SUPPLY BASE EXPANSION.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to expand the domestic manufacturing supply base for advanced vehicle batteries and components with a particular emphasis on facilities that manufacture or assemble—

(1) cell materials, including—

(A) substrates and active materials for electrodes;

(B) carbonaceous and graphite additives;

(C) separators;

(D) electrolytes; and

(E) roll stock aluminum and copper; and

(2) system components, including—

(A) power electronics;

(B) drivetrain electromechanical devices;

(C) a secure supply of raw battery materials; and

(D) battery management systems, including software development.

(b) COST SHARING.—The Secretary shall require that not less than 20 percent of the cost of a project funded by a grant under this section be provided by a non-Federal source.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $650,000,000 for each of fiscal years 2010 through 2014.

SEC. 1815. OPERATING PLAN.

Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105

of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds authorized for sections 1812, 1813, and 1814.

Subtitle B—Reduced Carbon Emissions Through Renewable and Hydrogen Fuel Infrastructure Expansion

SEC. 1821. STATEMENT OF POLICY.

It is the policy of the United States to reduce emissions from fossil-based transportation fuel use by aggressively deploying renewable fuel infrastructure to achieve the widespread use of renewable fuels.

SEC. 1822. EXPANDED RENEWABLE FUEL INFRASTRUCTURE GRANTS.

(a) INFRASTRUCTURE DEVELOPMENT GRANTS.—The Secretary shall expand and accelerate the program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel.

(b) LIMITATIONS.—Assistance provided under this section shall not exceed the greater of—

(1) 50 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(2) $50,000 for a combination of equipment at any 1 retail outlet location.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2010 through 2014.

SEC. 1823. HYDROGEN FUELING PUMPS.

(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a program under which the Secretary of Transportation shall provide grants with the goal of establishing, by calendar year 2013, at least 100 publicly available hydrogen fueling pumps at retail gas stations in at least 2 selected regions.

(b) REQUIRED CONTRIBUTION.—As a condition of receiving a grant under subsection (a) for a hydrogen fueling pump, the owner or operator of a service station shall be required to contribute, or obtain funding from a State or local government entity for, at least 10 percent of the cost of the hydrogen fueling pump.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation to carry out this section $85,000,000 for each of fiscal years 2009 through 2013.

SEC. 1824. FEDERAL ACQUISITION OF HYDROGEN FUEL CELL VEHICLES.

There is authorized to be appropriated to the Administrator of General Services for the acquisition of hydrogen fuel cell vehicles for use by Federal agencies $85,000,000 for each of fiscal years 2012 through 2014.

Subtitle C—Reduced Carbon Emissions Through Electricity Transmission and Management Efficiency

SEC. 1831. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from electric power production through electricity transmission, distribution, and management efficiency gains.

SEC. 1832. ELECTRICITY TRANSMISSION, DISTRIBUTION, AND MANAGEMENT EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) SUPERCONDUCTING TRANSMISSION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop high-temperature superconducting power equipment that, in comparison to conventional copper wires—

(A) increases electricity carrying capacity;

(B) increases fault current limiting and overload protection;

(C) reduces energy loss due to electrical resistance;

(D) reduces equipment footprints; or

(E) reduces environmental impacts.

(2) REQUIRED EFFORTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts to improve—

(A) the nanoscale engineering of high-temperature superconducting wire;

(B) the production of high-temperature superconducting wire in long lengths in a cost-effective manner;

(C) the coating and preparation of underlying high-temperature superconducting wire metal substrate;

(D) the joining of high-temperature superconducting conductors to normal conductors; and

(E) the minimization of electrical loss due to alternating currents.

(b) TRANSFORMERS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop efficiency improvements in electricity distribution transformers.

(2) REQUIRED EFFORTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts—

(A) to improve initial and life-cycle costs;

(B) to improve utilization; and

(C) to make metallurgical advances in transformer components.

(c) GRID COMMUNICATION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall expand and accelerate efforts to conduct research and develop cost-effective improvements in grid communication technology.

(2) REQUIRED COMPONENTS.—In expanding and accelerating efforts described in paragraph (1), the Secretary shall include efforts to research and develop—

(A) remote sensors (including nanosensors) to be used in the electrical grid to enable the timely control, identification, and correction of temperature, faults, and other adverse online effects;

(B) smart meters that have the capability to be used to carry out real-time data acquisition and dynamic energy management;

(C) grid management, distribution, and operation systems; and

(D) interoperability standards to ensure the integration of smart grid sensor, meter, and management systems.

(d) END-USE TECHNOLOGIES.—The Secretary shall expand and accelerate efforts to conduct research and develop consumer technologies to reduce electricity usage, with a particular emphasis on smart thermostats that enable consumers to change energy usage based on—

(1) the time of day;

(2) peak energy usage times; or

(3) any other information made available through grid communication technology.

(e) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds made available for this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2010 through 2014.

SEC. 1833. ELECTRICITY TRANSMISSION, DISTRIBUTION, AND MANAGEMENT EFFICIENCY TECHNOLOGY DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants for the deployment of electricity transmission, distribution, and management efficiency technologies.

(b) PRIORITY.—In providing grants under this section, the Secretary shall give priority to applications with proposed projects that—

(1) reduce congestion in transmission corridors; or

(2) relieve demand for electricity generation growth in areas with inadequate access to—

(A) renewable energy sources; or

(B) low-carbon fuel sources.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any grant made by the Secretary in carrying out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $450,000,000 for each of fiscal years 2010 through 2014.

SEC. 1834. STATE CONSIDERATION OF HIGH-TEMPERATURE SUPERCONDUCTIVITY POWER EQUIPMENT.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by sections 532(a) and 1307(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1665, 1791)) is amended—

(1) by redesignating paragraphs (16) and (17) (as added by section 1307(a) of that Act) as paragraphs (18) and (19), respectively; and

(2) by adding at the end the following:

''(20) RECOVERY OF COSTS RELATING TO DEPLOYMENT OF POWER EQUIPMENT.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any costs of the electric utility relating to the deployment of high-temperature superconductivity power equipment.''.

Subtitle D—Reduced Carbon Emissions Through Residential and Commercial Energy Efficiency

SEC. 1841. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from electric power production through more efficient residential and commercial energy using technologies.

SEC. 1842. RESIDENTIAL AND COMMERCIAL ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop methods—

(1) to reduce installation costs of geothermal heat pumps for new and existing residences and businesses;

(2) to improve the widespread availability and reliability of high-efficiency heat pump water heaters;

(3) to advance the efficiency and cost-effectiveness of fluorescent, high-intensity discharge, and light-emitting diode lamps; and

(4) to improve small-scale battery and energy storage technologies.

(b) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds made available for this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2010 through 2014.

Subtitle E—Reduced Carbon Emissions Through Increased Renewable Energy Storage

SEC. 1851. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions through the increased ability to store energy generated from renewable energy sources.

SEC. 1852. RENEWABLE ENERGY STORAGE RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop large megawatt level and smaller distributed electricity storage systems—

(1) to reduce electricity transmission congestion;

(2) to manage peak loads;

(3) to make renewable electricity sources more dispatchable; and

(4) to increase the reliability of the electric grid.

(b) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act and with the submission of the budget of the United States Government by the President under section 1105 of title 31, United States Code, for each fiscal year thereafter, the Secretary shall submit to the appropriate authorizing and appropriations committees of Congress an operating plan for spending the full amount of funds authorized for this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2010 through 2014.

SEC. 1853. RENEWABLE ENERGY STORAGE DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall provide grants for the deployment of large megawatt level and smaller distributed electricity storage systems.

(b) PRIORITY.—In providing grants under this section, the Secretary shall give priority, in descending order of importance, to applications with proposed projects that—

(1) make renewable electricity sources more dispatchable;

(2) reduce electricity transmission congestion;

(3) increase the reliability of the electric grid; or

(4) manage peak loads.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any grant made under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2010 through 2014.

SEC. 1854. STATE CONSIDERATION OF ENERGY STORAGE FOR ELECTRIC POWER.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 1834) is amended by adding at the end the following:

''(21) RECOVERY OF COSTS RELATING TO DEPLOYMENT OF STORAGE SYSTEMS.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any costs of the electric utility relating to the deployment of energy storage systems for electric power.''.

Subtitle F—Reduced Carbon Emissions Through Clean Coal Technologies

SEC. 1861. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from technology improvements to coal-fired power plants that will reduce the quantity of coal burned and carbon dioxide emitted per unit of power produced.

SEC. 1862. CLEAN COAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop technologies that reduce carbon dioxide emissions from coal-fired facilities with an emphasis on commercial viability and reliability.

(b) SHORT-, MEDIUM- AND LONG-TERM TECHNOLOGY AREAS.—The Secretary shall emphasize technologies that reduce carbon dioxide emissions in the short-, medium-, and long-term time frames, including—

(1) innovations for existing power plants that reduce carbon dioxide emissions by energy efficiency increases or by capturing carbon emissions, including technologies that—

(A) reduce the quantity of fuel combusted per unit of electricity output;

(B) reduce parasitic power loss from carbon control technology;

(C) improve compression of the separated and captured carbon dioxide;

(D) reuse or reduce water consumption and withdrawal; and

(E) capture carbon dioxide post-combustion from flue gas, such as through the use of ammonia-based, aqueous amine or ionic liquid solutions or other methods;

(2) new combustion systems, including—

(A) oxyfuel combustion that burns fuel in the presence of oxygen and recirculated flue gas instead of air producing a concentrated stream of carbon dioxide that can be readily captured for storage or use;

(B) chemical looping combustion that burns fuel in the presence of a solid oxygen carrier instead of air producing concentrated stream of carbon dioxide that can be readily captured for storage or use;

(C) high-temperature and pressure steam systems, such as ultra supercritical steam generation, that result in high net plant efficiency and reduced fuel consumption, thus producing less carbon dioxide per unit of energy;

(D) other innovative carbon dioxide control technologies appropriate for new combustion systems; and

(E) high temperature and high pressure materials that will result in much higher plant efficiencies and carbon dioxide emission reductions;

(3) innovations for IGCC systems that build on the ability of the IGCC to separate pollutants and carbon emissions from gas streams, including—

(A) advanced membrane technology for carbon dioxide separation;

(B) improved air separation systems;

(C) improved compression for the separated and captured carbon dioxide; and

(D) other innovative carbon dioxide control technologies appropriate for IGCC systems;

(4) advanced combustion turbines, including—

(A) ultra low emission hydrogen turbines; and

(B) oxycoal combustion turbines; and

(5) sequestration of captured carbon in geological formations, including—

(A) plume tracking;

(B) carbon dioxide leak detection and mitigation;

(C) carbon dioxide fate and transport models; and

(D) site evaluation instrumentation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for innovations at power plants in operation as of the date of enactment of this Act $450,000,000 for the period of fiscal years 2009 through 2020;

(2) for new combustion systems $450,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $850,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $350,000,000 for the period of fiscal years 2009 through 2025;

(5) for carbon storage $400,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1863. CLEAN COAL DEMONSTRATION.

(a) IN GENERAL.—The Secretary shall expand and accelerate the demonstration of technologies that reduce carbon dioxide emissions from coal-fired facilities by demonstrating, at a minimum—

(1) through facilities in operation as of the date of enactment of this Act—

(A) post-combustion carbon dioxide capture at pilot scale at not less than 2 facilities, the award of contracts for which shall be completed by 2010;

(B) oxycoal combustion at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) post-combustion carbon dioxide capture at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) heat rate and efficiency improvements at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012; and

(E) water consumption reduction at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A) and (C) at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) heat rate and efficiency improvements at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014;

(H) water consumption reduction at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014; and

(I) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A), (C), and (F) at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(2) through new coal combustion facilities that include carbon capture—

(A) oxycoal combustion at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) post-combustion carbon dioxide capture at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) oxycoal combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) supercritical pulverized coal combustion with advanced emission controls and partial carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(E) oxycoal supercritical circulating fluidized bed combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (B) or (F) at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(H) ultra supercritical (1290°F) pulverized coal combustion with near-zero emission

controls and 90 percent carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(I) oxycoal combustion with an advanced oxygen separation system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(J) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(K) chemical looping combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018; and

(L) ultra advanced supercritical (1400°F) combustion with near-zero emission controls and 90 percent integrated carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018;

(3) through IGCC with carbon capture—

(A) partial carbon dioxide capture without a water gas shift system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) using G class turbine at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2012;

(C) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2014; and

(D) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2016.

(4) through advanced turbines using—

(A) monitoring systems for advanced IGCC gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) advanced oxygen separation of at least 2,000 tons per day in size integrated with a combustion turbine at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) an oxyfuel turbine of at least 50 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2015;

(D) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine at not less than 1 facility, the award of contracts for which shall be completed by 2015; and

(E) an oxyfuel turbine of at least 400 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2020; and

(5) for storage of carbon dioxide captured through—

(A) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2010;

(B) field tests of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2012; and

(C) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2014.

(b) SEQUESTRATION OF CAPTURED CARBON DIOXIDE.—In any demonstration referred to in subsection (a) that demonstrates carbon dioxide capture, the carbon dioxide capture shall be used for enhanced oil recovery, sequestered in geologically appropriate formations, or permanently sequestered or reused, with funds made available to carry out each such demonstration for the respective purpose of the demonstration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for demonstrations through facilities in operation as of the date of enactment of this Act $850,000,000 for the period of fiscal years 2009 through 2025;

(2) for new combustion systems $1,950,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $2,950,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $400,000,000 for the period of fiscal years 2009 through 2025; and

(5) for carbon storage $1,350,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1864. IDENTIFICATION OF CLEAN COAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall take such steps as are necessary to carry out this subtitle.

(b) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this Act and every 2 years thereafter, the Secretary shall institute a public comment period of at least 45 days to assist the determination of the specific research, development, and demonstration projects required under this subtitle.

(c) APPLICATIONS.—Not later than 120 days after the end of each public comment period required under subsection (b), the Secretary shall—

(1) publicly identify the specific types of projects that the Secretary intends to pursue to carry out this subtitle;

(2) establish selection criteria for the specific types of projects identified under paragraph (1); and

(3) establish an application process that allows persons that are interested in participating in projects identified under paragraph (1) to provide such information as the Secretary determines to be necessary.

On page 310, lines 1 through 3, strike ''part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.)'' and insert ''subtitle C of title X''.

Beginning on page 318, strike line 6 and all that follows through page 320, line 7, and insert the following:

SEC. 1021. CARBON SEQUESTRATION AND CAPTURE.

(a) DEFINITIONS.—In this section:

(1) ANTHROPOGENIC.—The term ''anthropogenic'' means produced or caused by human activity.

(2) CARBON DIOXIDE.—The term ''carbon dioxide'' means anthropogenically sourced carbon dioxide that is of sufficient purity and quality as to not compromise the safety and efficiency of any reservoir in which the carbon dioxide is stored.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means any department, agency, or instrumentality of the United States.

(4) GEOLOGICAL STORAGE.—The term ''geological storage'' means permanent or short-term underground storage of carbon dioxide in a reservoir.

(5) PERSON.—

(A) IN GENERAL.—The term ''person'' means an individual, corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(B) INCLUSIONS.—The term ''person'' includes an officer, employee, and agent of any corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(6) RESERVOIR.—

(A) IN GENERAL.—The term ''reservoir'' means any subsurface sedimentary stratum, formation, aquifer, or cavity or void (whether natural or artificially created) that is suitable for, or capable of being made suitable for, the injection and storage of carbon dioxide.

(B) INCLUSIONS.—The term ''reservoir'' includes—

(i) an oil and gas reservoir;

(ii) a saline formation or coal seam; and

(iii) the seabed and subsoil of a submarine area.

(7) STATE.—

(A) IN GENERAL.—The term ''State'' means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands;

(vii) the Federated States of Micronesia;

(viii) the Republic of the Marshall Islands;

(ix) the Republic of Palau; and

(x) the United States Virgin Islands.

(B) INCLUSIONS.—The term ''State'' includes all territorial water, seabed, and subsoil of submarine areas of each State.

(8) STATE REGULATORY AGENCY.—The term ''State regulatory agency'' means the agency designated by the Governor of a State to administer a carbon dioxide storage program of the State.

(9) STORAGE FACILITY.—

(A) IN GENERAL.—The term ''storage facility'' means—

(i) an underground reservoir, underground equipment, and surface structures and equipment used in an operation to store carbon dioxide in a reservoir; and

(ii) any other facilities that the Administrator may include by regulation or permit.

(B) EXCLUSIONS.—The term ''storage facility'' does not include pipelines used to transport the carbon dioxide from 1 or more capture facilities to the storage and injection site.

(10) STORAGE OPERATOR.—The term ''storage operator'' means any person or other entity authorized by the Administrator or State regulatory agency to operate a storage facility.

(11) UNDERGROUND RESERVOIR.—The term ''underground reservoir'', with respect to a storage facility, includes any necessary and reasonable areal buffer and subsurface monitoring zones that are—

(A) designated by the Administrator or State regulatory agency for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide; and

(B) selected to protect against pollution, invasion, and escape or migration of the stored carbon dioxide.

(b) STATE CARBON DIOXIDE GEOLOGICAL STORAGE PROGRAMS.—

(1) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall—

(i) not later than 180 days after the date of enactment of this Act, publish in the Federal Register proposed regulations for State carbon dioxide storage programs; and

(ii) not later than 180 days after the date of publication of the proposed regulations under clause (i), promulgate final regulations for State carbon dioxide storage programs that meet the requirements described in paragraph (2)(A), including such modifications as the Administrator determines to be appropriate.

(B) UPDATING.—The Administrator may periodically review and, as necessary, revise the regulations promulgated under this subsection.

(2) STATE REGULATORY AUTHORITY.—

(A) IN GENERAL.—The regulations promulgated under paragraph (1)(A)(ii) shall establish minimum requirements that States shall meet in order to be approved to administer a carbon dioxide storage program under subsection (c)(1), including—

(i) a prohibition on carbon dioxide storage in the State that is not authorized by a permit issued by the State;

(ii) inspection, monitoring, recordkeeping, and reporting requirements; and

(iii) authority for the State regulatory agency to issue a permit, after public notice and hearing, approving a storage facility for the proposed geological storage of carbon dioxide if the State regulatory authority determines that—

(I) the horizontal and vertical boundaries of the geological storage facility designated by the permit are appropriate for the storage facility;

(II) the storage facility and reservoir are suitable and feasible for the injection and storage of carbon dioxide;

(III) a good faith effort has been made to obtain the consent of a majority of the owners having property interests affected by the storage facility, and that the storage operator intends to acquire any remaining interest by eminent domain or by a method otherwise allowed by law;

(IV) the use of the storage facility for the geological storage of carbon dioxide will not result in the unpermitted migration of carbon dioxide into other formations containing fresh drinking water or oil, gas, coal, or other commercial mineral deposits that are not owned by the storage operator; and

(V) the proposed storage would—

(aa) not unduly endanger human health or the environment; and

(bb) be in the public interest.

(B) STATE AUTHORITY.—A State regulatory agency approved under subsection (c)(1) to administer a carbon dioxide storage program shall issue such orders, permits, certificates, rules, and regulations, including establishment of such appropriate and sufficient financial sureties as are necessary, for the purpose of regulating the drilling, operation, and well plugging and abandonment and removal of surface buildings and equipment of the storage facility in order to protect the storage facility against pollution, invasion, and the escape or migration of carbon dioxide.

(C) EMINENT DOMAIN.—A storage operator may be empowered by a State to exercise the right of eminent domain under State law to acquire all surface and subsurface rights and interests necessary or useful for the purpose of operating the storage facility, including easements and rights-of-way across land that are necessary to transport carbon dioxide among components of the storage facility.

(D) VARIANCE IN CONDITIONS.—The regulations promulgated under paragraph (1)(A)(ii) shall permit or provide for consideration of varying geological, hydrological, and historical conditions in different States and in different areas within a State.

(E) ENHANCED RECOVERY OPERATIONS.—

(i) IN GENERAL.—Upon the approval of a State to administer a carbon dioxide storage program under subsection (c)(1), the State regulatory agency designated by the State may develop rules to allow the conversion into a storage facility of an enhanced recovery operation that is in existence as of the date on which administration of the program by the State is approved.

(ii) OIL AND GAS RECOVERY.—Nothing in this section applies to or otherwise affects the use of carbon dioxide as a part of or in conjunction with any enhanced recovery method the sole purpose of which is enhanced oil or gas recovery.

(c) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—

(1) APPROVAL OF STATE CARBON DIOXIDE STORAGE PROGRAMS.—

(A) APPLICATION.—

(i) IN GENERAL.—After promulgation of the regulations under subsection (b)(1)(A)(ii), each State may submit to the Administrator an application that demonstrates, to the satisfaction of the Administrator, that the State—

(I) has adopted, after providing for reasonable notice and an opportunity for public comment, and will implement, a carbon dioxide storage program that meets the requirements of the regulations; and

(II) will keep such records and make such reports with respect to the activities of the State under the carbon dioxide storage program as the Administrator may require by regulation.

(ii) REVISIONS.—Not later than the expiration of the 270-day period beginning on the date on which any regulation promulgated under subsection (b)(1)(A)(ii) is revised or amended with respect to a requirement applicable to State carbon dioxide storage programs, each State with a carbon dioxide storage program approved under subparagraph (B) shall submit, in such form and in such manner as the Administrator may require, a notice to the Administrator that demonstrates, to the satisfaction of the Administrator, that the State carbon dioxide storage program meets the revised or amended requirement.

(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after the date on which a State submits to the Administrator an application under subparagraph (A)(i) or a notice under subparagraph (A)(ii), and after a reasonable (as determined by the Administrator) opportunity for discussion, the Administrator shall by regulation approve, disapprove, or approve in part and disapprove in part, the carbon dioxide storage program proposed by the State.

(C) EFFECT OF APPROVAL.—If the Administrator approves the carbon dioxide storage program of a State under subparagraph (B), the State shall have primary enforcement responsibility for carbon dioxide storage in the State until such time as the Administrator determines, by regulation, that the State no longer meets the requirements of subparagraph (A)(i).

(D) PUBLIC PARTICIPATION.—Before making a determination under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the determination.

(2) STATES WITHOUT PRIMARY ENFORCEMENT RESPONSIBILITY.—

(A) IN GENERAL.—If a State fails to submit an application under paragraph (1)(A)(i) by the date that is 270 days after the date of promulgation of regulations under subsection (b)(1)(A)(ii), the Administrator shall by regulation prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the terms and conditions of subsection (b)(2).

(B) DISAPPROVAL.—If the Administrator disapproves all or a portion of the program of a State under paragraph (1)(B), if the Administrator determines under paragraph (1)(C) that a State no longer meets the requirements of subclause (I) or (II) of paragraph (1)(A)(i), or if a State fails to submit a notice before the expiration of the period specified in paragraph (1)(A)(ii), the Administrator shall by regulation, not later than 90 days after the date of the disapproval, determination, or expiration (as the case may be), prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the requirements of subsection (b)(2).

(C) APPLICABILITY.—A program prescribed by the Administrator under subparagraph (B) shall apply in a State only to the extent that a program adopted by the State that the Administrator determines meets the requirements of this section or subsection (b)(2) is not in effect.

(D) PUBLIC PARTICIPATION.—Before promulgating any regulation under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the regulation.

(d) ENFORCEMENT OF PROGRAM.—

(1) NOTIFICATION.—

(A) IN GENERAL.—In any case in which the Administrator determines, during a period during which a State has primary enforcement responsibility for carbon dioxide storage, that any person who is subject to a requirement of the carbon dioxide storage program is violating the requirement, the Administrator shall notify the State and the person violating the requirement of the violation.

(B) FAILURE TO ENFORCE.—If, after the date that is 30 days after the Administrator notifies a State of a violation under subparagraph (A), the State has not commenced appropriate enforcement action, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to—

(I) correct the matter; and

(II) comply with the requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(C) VIOLATIONS IN CERTAIN STATES.—In any case in which the Administrator determines, during a period during which a State does not have primary enforcement responsibility for carbon dioxide storage, that any person subject to any requirement of any applicable carbon dioxide storage program in the State is violating the requirement, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to comply with requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(2) ADMINISTRATIVE ORDERS AND APPEALS.—

(A) IN GENERAL.—In any case in which the Administrator has the authority to bring a civil action under this subsection with respect to any regulation or other requirement of this section, the Administrator may, in addition to bringing the civil action, issue an order under this paragraph that—

(i) assesses a civil penalty of not more than $10,000 for each day of violation for any past or current violation, up to a maximum aggregate civil penalty of $125,000, for each covered entity;

(ii) requires compliance with the regulation or other requirement; or

(iii) accomplishes each of the actions described in clauses (i) and (ii).

(B) TIMING.—An order under this paragraph shall be issued by the Administrator only after an opportunity (provided in accordance with this paragraph) for a hearing.

(C) NOTICE.—Before issuing any order under subparagraph (A), the Administrator shall provide to the person to whom the order applies—

(i) written notice of the intent of the Administrator to issue the order; and

(ii) the opportunity to request, within the 30-day period beginning on the date of receipt by the person of the notice, a hearing on the order.

(D) REQUIREMENTS.—A hearing described in subparagraph (C)(ii)—

(i) shall not be subject to section 554 or 556 of title 5, United States Code; but

(ii) shall provide to each interested person a reasonable opportunity to be heard and to present evidence.

(E) NOTICE AND COMMENT.—The Administrator shall provide public notice of, and a reasonable opportunity to comment on, any proposed order.

(F) SPECIFIC NOTICE.—Any person who comments on any proposed order under subparagraph (E) shall be given notice of any hearing under this paragraph and of any order.

(G) EFFECTIVE DATE.—Any order issued under this paragraph shall become effective on the date that is 30 days after the date of issuance of the order, unless an appeal is taken pursuant to subparagraph (K).

(H) CONTENTS OF ORDER.—Any order issued under this paragraph—

(i) shall state with reasonable specificity the nature of the violation; and

(ii) may specify a reasonable period to achieve compliance.

(I) CONSIDERATIONS.—In assessing any civil penalty under this paragraph, the Administrator shall take into consideration all appropriate factors, including—

(i) the seriousness of the violation;

(ii) the economic benefit (if any) resulting from the violation;

(iii) any history of similar violations;

(iv) any good-faith efforts to comply with the applicable requirements;

(v) the economic impact of the penalty on the violator; and

(vi) such other matters as justice may require.

(J) OTHER ACTIONS.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting a civil action under a provision of law other than this section, or has issued an order under this paragraph assessing a civil penalty, shall not be subject to a civil action under paragraph (3).

(K) APPEALS.—Any person against whom an order is issued may file an appeal of the order, not later than 30 days after the date of issuance of the order, with—

(i) the United States District Court for the District of Columbia; or

(ii) the United States district court for the district in which the violation is alleged to have occurred.

(L) DISTRIBUTION OF COPIES.—An appellant shall simultaneously send a copy of an appeal filed under subparagraph (K) by certified mail to the Administrator and to the Attorney General.

(M) RECORD.—The Administrator shall promptly file in the appropriate court described in subparagraph (K) a certified copy of the record on which an order was based.

(N) JUDICIAL ACTION.—A court having jurisdiction over an order issued under this paragraph shall not—

(i) set aside or remand the order unless the court determines that—

(I) there is not substantial evidence on the record, taken as a whole, to support the finding of a violation; or

(II) the assessment by the Administrator of a civil penalty, or a requirement for compliance, constitutes an abuse of discretion; or

(ii) impose additional civil penalties for the same violation unless the court determines that the assessment by the Administrator of a civil penalty constitutes an abuse of discretion.

(O) FAILURE TO PAY.—

(i) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after an order becomes effective under subparagraph (G), or after a court, in a civil action brought under subparagraph (K), has entered a final judgment in favor of the Administrator, the Administrator may request the Attorney General to bring a civil action in an appropriate United States district court to recover the amount assessed, plus costs, attorneys' fees, and interest at currently prevailing rates, calculated from the date on which the order is effective or the date of the final judgment, as the case may be.

(ii) NO REVIEW OF AMOUNT.—In a civil action brought under clause (i), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

(P) AUTHORITY OF ADMINISTRATOR.—The Administrator may, in connection with administrative proceedings under this paragraph—

(i) issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum; and

(ii) request the Attorney General to bring a civil action to enforce any subpoena issued under this subparagraph.

(Q) ENFORCEMENT.—The United States district courts shall have jurisdiction to enforce, and impose sanctions with respect to, subpoenas issued under subparagraph (P).

(3) CIVIL AND CRIMINAL ACTIONS.—

(A) IN GENERAL.—A civil action referred to in subparagraph (B) or (C) of paragraph (1) shall be brought in the appropriate United States district court.

(B) AUTHORITY; JUDGEMENT.—A court described in subparagraph (A)—

(i) shall have jurisdiction to require compliance with any requirement of an applicable carbon dioxide storage program or with an order issued under paragraph (2); and

(ii) may enter such judgment as the protection of public health may require.

(C) PENALTIES.—Any person who violates any requirement of an applicable carbon dioxide storage program or an order requiring compliance under paragraph (2)—

(i) shall be subject to a civil penalty of not more than $25,000 for each day of such violation; and

(ii) if the violation is willful, may, in addition to or in lieu of the civil penalty under clause (i), be imprisoned for not more than 3 years, fined in accordance with title 18, United States Code, or both.

(4) EFFECT ON STATE AUTHORITY.—

(A) IN GENERAL.—Nothing in this subsection diminishes or otherwise affects any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) (relating to the storage of carbon dioxide.

(B) OTHER REQUIREMENTS.—No law (including a regulation) described in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this Act.

(e) FINANCIAL ASSURANCES FOR STORAGE OPERATORS.—

(1) IN GENERAL.—Each storage operator shall be required by the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) to have and maintain financial assurances of such type and in such amounts as are necessary to cover public liability claims relating to the storage facility of the storage operator.

(2) MAINTENANCE OF FINANCIAL ASSURANCES.—The financial assurances required under paragraph (1) shall be maintained by the storage operator until such time as the operator obtains a certificate of completion of injection operations under subsection (f).

(3) AMOUNT.—The amount of financial assurances required under paragraph (1) shall be the maximum amount of liability insurance available at a reasonable cost and on reasonable terms from private sources (including private insurance, private contractual indemnities, self-insurance, or a combination of those measures), as determined by the Administrator.

(f) CESSATION OF STORAGE OPERATIONS.—Upon a showing by a storage operator that a storage facility is reasonably expected to retain mechanical integrity and remain in place, the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) shall issue a certificate of completion of injection operations to the storage operator.

(g) LIABILITY OF STORAGE OPERATORS FOR RELEASE OF CARBON DIOXIDE.—

(1) IN GENERAL.—The Administrator shall agree to indemnify and hold harmless a storage operator (and if different from the storage operator, the owner of the storage facility) that has maintained financial assurances under subsection (e) from liability arising from the leakage of carbon dioxide at any storage facility operated by the storage operator, to the extent that the liability is in excess of the level of financial protection required of the storage operator.

(2) COMPLETION OF OPERATIONS.—Upon the issuance of certificate of completion of injection operations by a State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority)—

(A) the Administrator shall be vested with complete and absolute title and ownership of the storage facility and any stored carbon dioxide at the facility;

(B) the storage operator and all generators of any injected carbon dioxide shall be released from all further liability associated with the project; and

(C)(i) any performance bonds posted by the storage operator shall be released; and

(ii) continued monitoring of the storage facility, including remediation of any well leakage, shall become the responsibility of the Administrator.

(h) FUNDING.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall collect an annual assessment from each storage operator for each storage facility that has not obtained a certificate of completion of injection operations.

(2) ASSESSMENT AMOUNT.—The amount of the assessment for a storage facility for a fiscal year shall be equal to the product obtained by multiplying—

(A) the per-ton assessment for the fiscal year calculated under paragraph (4); and

(B) the total number of tons of carbon dioxide injected for storage by the storage operator during the preceding fiscal year at all storage facilities operated by the storage operator during the fiscal year.

(3) AGGREGATE AMOUNT.—The aggregate amount of assessments collected from all storage operators under paragraph (1) for any fiscal year shall be equal to the sum of, with respect to the fiscal year—

(A) any indemnification payments required to be made pursuant to subsection (g)(1);

(B) any costs associated with storage facilities to which the Administrator has taken title pursuant to subsection (g)(2), including costs associated with any—

(i) inspection, monitoring, recordkeeping, and reporting requirements of those facilities;

(ii) remediation of carbon dioxide leakage; or

(iii) plugging and abandoning of remaining wells; and

(C) any costs associated with public liability of storage facilities to which the Administrator has taken title pursuant to subsection (g)(2).

(4) CALCULATION OF ASSESSMENT.—The assessment under this subsection per ton of carbon dioxide for a fiscal year shall be equal to the quotient obtained by dividing—

(A) the aggregate amount of assessments calculated under paragraph (3) for the fiscal year; by

(B) the aggregate number of tons of carbon dioxide injected for storage during the preceding fiscal year by all storage operators.

(5) INFORMATION.—The Administrator shall require the submission of such information by each storage operator on an annual basis as is necessary to make the calculations required under this subsection.

(i) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The Administrator shall promulgate regulations for permitting commercial-scale underground injection of carbon dioxide for purposes of geological sequestration under this section.

(2) SAFE DRINKING WATER ACT.—Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) shall not be used as a basis for permitting commercial-scale underground injection or storage of carbon dioxide.

Beginning on page 329, strike line 1 and all that follows through page 330, line 3.

At the end of title X, add the following:

Subtitle D—Clean Coal Technology Incentives

SEC. 1031. SHORT TITLE.

This subtitle may be cited as the ''Energy Security and Climate Enhancement Through Clean Coal Technology Act of 2008''.

SEC. 1032. MODIFICATION OF SPECIAL RULES FOR ATMOSPHERIC POLLUTION CONTROL FACILITIES.

(a) IN GENERAL.—Subsection (d) of section 169 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.—Notwithstanding paragraph (1), the term 'pollution control facility' includes any mechanical or electronic system which—

''(A) which is a new identifiable treatment facility (as defined in paragraph (4)),

''(B) which is—

''(i) installed after December 31, 2007, and

''(ii) used in connection with an electric generation plant or other property which is primarily coal fired, and

''(C) which is certified by the owner or operator of the plant or other property, in such form and manner as prescribed by the Secretary, to reduce carbon dioxide emissions per net megawatt hour of electricity generation by—

''(i) optimizing combustion,

''(ii) optimizing sootblowing and heat transfer,

''(iii) upgrading steam temperature control capabilities,

''(iv) reducing exit gas temperatures (air heater modifications)

''(v) predrying low rank coals using power plant waste heat,

''(vi) modifying steam turbines or change the steam path/blading,

''(vii) replacing single speed motors with variable speed drives for fans and pumps,

''(viii) improving operational controls, including neural networks, or

''(ix) any other means approved by the Secretary, in consultation with the Secretary of Health and Human Services.''.

(b) DEDUCTION NOT ADJUSTED FOR PURPOSES OF DETERMINING ALTERNATIVE MINIMUM TAX.—Paragraph (5) of section 56(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''The preceding sentences of this paragraph shall not apply to any pollution control facility described in section 169(d)(6).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 1033. EXTENSION AND MODIFICATION OF PRODUCTION CREDIT FOR CLOSED-LOOP BIOMASS.

(a) IN GENERAL.—Clause (ii) of section 45(d)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(iii) owned by the taxpayer which after before January 1, 2014 is originally placed in service and modified, or is originally placed in service as a facility, to use closed-loop biomass to co-fire (or, in the case of an integrated gasification combined cycle facility, to co-process) with coal, with other biomass, or with both.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

SEC. 1034. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 46, the qualifying new clean coal power plant credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

''In the case of a plant which either has—			The applicable percentage is:
a design net heat rate below—	or	a carbon dioxide emission rate of—	
7,580 Btu/kWh (45% efficiency)		1,577 lbs/MWh or less	30 percent
7,760 Btu/kWh (44% efficiency)		1,613 lbs/MWh or less	28 percent
7,940 Btu/kWh (43% efficiency)		1,650 lbs/MWh or less	26 percent
8,120 Btu/kWh (42% efficiency)		1,690 lbs/MWh or less	20 percent
8,322 Btu/kWh (41% efficiency)		1,731 lbs/MWh or less	10 percent
8,530 Btu/kWh (40% efficiency)		1,774 lbs/MWh or less	10 percent

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying new clean coal power plant—

''(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING NEW CLEAN COAL POWER PLANT.—The term 'qualifying new clean coal power plant' means a facility which—

''(A) which meets the requirements of section 48A(e),

''(B) which either—

''(i) has a design net heat rate of below 8,530 Btu/kWh, or

''(ii) has a carbon dioxide emission rate of 1,774 lbs/MWh or less, and

''(C) which—

''(i) is designed to capture carbon dioxide emissions, or

''(ii)(I) is designed to include a built-in space for future carbon dioxide capture hardware (and improved foundations and ironwork necessary to accommodate the additional hardware),

''(II) includes an engineering feasibility study identifying a system, including associated cost and performance parameters, to retrofit carbon capture equipment, and

''(III) includes a site or sited identified where carbon dioxide may be stored or used for commercial purposes.

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is a part of a qualifying new clean coal power plant.

''(d) QUALIFYING NEW CLEAN COAL POWER PLANT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying new clean coal power plant program, under which the Secretary shall certify projects eligible for the credit under subsection (a)

''(2) APPLICATION.—An application under for certification under this section shall contain such information as the Secretary may require in order to make a determination to accept or reject an application for certification as meeting the requirements of this section. Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

''(3) AGGREGATE CREDITS.—The aggregate or projects certified by the Secretary under this subsection shall not exceed an aggregate capacity for electricity generation of more than 6,000 megawatts.''.

''(e) RECAPTURE OF CREDIT.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain any of the requirements of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the qualifying new clean coal power plant credit.''.

(2) Section 49(a)(1)(C) of such Code is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any property which is part of a qualifying new clean coal power plant under section 48C.''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

''Sec. 48C. Qualifying new clean coal power plant credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1035. INVESTMENT CREDIT FOR EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE EMISSIONS.

''(a) GENERAL RULE.—For purposes of section 46, the qualifying carbon dioxide equipment credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PROPERTY.—The term 'eligible property' means equipment installed on a qualified coal-fired electric power generating unit to capture, transport, and store carbon dioxide produced at such generating unit, including equipment to separate and pressurize carbon dioxide for transport (including hardware to operate such equipment) and equipment to transport, inject, and monitor such carbon dioxide, as further specified and identified, by rule, by the Secretary.

''(2) QUALIFIED COAL-FIRED ELECTRIC GENERATION UNIT.—The term 'qualified coal-fired electric generation unit' means a unit which, after installation of eligible property, is designed to capture and store in a geologic formation not less than 500,000 metric tons of carbon dioxide per year.

''(d) AGGREGATE CREDITS.—The credits allowed under subsection (a) shall apply only to the first 9,000 megawatts of capacity of qualified coal-fired electric power generating units certified by the Secretary under subsection (e).

''(e) CERTIFICATION.—

''(1) CERTIFICATION PROCESS.—The Secretary shall establish a certification process to determine the extent to which eligible property has been installed on a qualified coal-fired electric power generating unit, and to make such other determinations as the Secretary deems appropriate. The Secretary shall prepare an application for certification.

''(2) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application for certification shall contain such information as the Secretary may require in order to establish credit entitlement. Any information contained in an application shall be protected as provided in section 552(b)(4) of title 5, United States Code.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following new paragraph:

''(6) the qualifying carbon dioxide equipment credit.''.

(2) Section 49(a)(1)(C) of such Code, as amended by this Act, is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) the basis of any eligible property under section 48D.''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act is amended by inserting after the item relating to section 48C the following new section:

''Sec. 48D. Equipment used to capture, transport, and store carbon dioxide emissions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1036. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION IN THE GENERATION OF ELECTRICITY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45Q. CREDIT SEQUESTERING CARBON DIOXIDE IN THE GENERATION OF ELECTRICITY.

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $30 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility during the credit period, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility during the credit period, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED FACILITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified facility' means any industrial facility—

''(A) which is owned by the taxpayer,

''(B) at which carbon capture equipment is placed in service,

''(C) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year, and

''(D) which is certified by the Secretary under paragraph (2).

''(2) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a program under which facilities which use coal for the generation of electricity are certified for purposes of this section.

''(B) LIMITATION.—The total aggregate generating capacity of all facilities certified by the Secretary under this paragraph shall not exceed 9,000 megawatts.

''(c) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emissions of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(d) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means, with respect to any qualified facility, the 10-year period beginning on the date on which qualified carbon dioxide for which a credit was allowed under subsection (a) was first captured.

''(2) ONLY CARBON DIOXIDE CAPTURED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(4) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(5) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(6) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(7) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(8) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2007' for '1990'.''.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for sequestering carbon dioxide in the generation of electricity.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply carbon dioxide captured after the date of the enactment of this Act.

SEC. 1037. CLEAN ENERGY COAL BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to qualified tax credit bonds) is amended by adding at the end the following new section:

''SEC. 54C. CLEAN ENERGY COAL BONDS.

''(a) CLEAN ENERGY COAL BOND.—For purposes of this subchapter—

''(1) IN GENERAL.—The term 'clean energy coal bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean energy coal bond limitation under subsection (b)(2);

''(B) 100 percent of the available project proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects;

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form; and

''(D) in lieu of the requirements of section 54A(d)(2), the issue meets the requirements of subsection (c).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means a qualified clean coal project (as defined in subsection (f)(1)) placed in service by a qualified borrower.

''(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean energy coal bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean energy coal bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean energy coal bond;

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds; and

''(iii) reimbursement is not made later than 18 months after the date the original expenditure is paid or the date the project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

''(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean energy coal bond.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national clean energy coal bond limitation of $5,000,000,000.

''(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

''(c) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance. the qualified issuer reasonably expects—

''(A) 100 percent or more of the available project proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond;

''(B) a binding commitment with a third party to spend at least 10 percent of such available project proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a clean energy bond the available project proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower; and

''(C) such projects will be completed with due diligence and the available project proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(d) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

''(1) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

''(2) CLEAN ENERGY BOND LENDER.—The term 'clean energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(3) PUBLIC POWER ENTITY.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).

''(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a clean energy bond lender;

''(B) a cooperative electric company; or

''(C) a public power entity.

''(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C); or

''(B) a public power entity.

''(e) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED CLEAN COAL PROJECT.—For purposes of this section, the term 'qualified clean coal project' means—

''(A) an atmospheric pollution control facility (within the meaning of section 169(d)(5)(C));

''(B) a closed-loop biomass facility (within the meaning of section 45(d)(2));

''(C) a qualified new clean coal power plant (within the meaning of section 48C(d)(1));

''(D) qualifying carbon dioxide equipment described in section 48D(c)(1); or

''(E) a qualified facility (within the meaning of section 450(c)).

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(g) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2018.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a clean energy coal bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a clean energy coal bond, a purpose specified in section 54C(f)(1).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 54C. Clean energy coal bonds.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2008.

SA 4944. Mr. LEVIN 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—Clarification of Use of Amounts Deposited Into Funds

SEC. 1771. CLARIFICATION.

Notwithstanding any other provision of law (including regulations), amounts deposited in any fund established pursuant to this Act for the purpose of technology development shall be in addition to, and shall not supplant, funds otherwise made available for that purpose in an appropriations Act.

SA 4945. Mr. LEVIN 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 489, between lines 3 and 4, insert the following:

(c) AUTHORITY TO ESTABLISH STANDARDS FOR MOBILE SOURCES.—Nothing in this Act confers on the Federal Government or any State government any authority to establish any form of standard, limitation, prohibition, or cap relating to greenhouse gas emissions for mobile sources.

SA 4946. Mr. LEVIN 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 192, strike line 20 and insert the following:

generators in the United States, and an additional quantity to fossil fuel-fired electricity generators that sell electricity at a price regulated by a State entity, or rural electric cooperatives.

On page 193, strike the table before line 1 and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in the United States	Percentage for distribution among fossil fuel-fired electricity generators in the United States with regulated prices
2012	18	1
2013	18	1
2014	18	1
2015	18	1
2016	17.75	1
2017	17.5	1
2018	17.25	1
2019	16.25	2
2020	15	3
2021	13.5	3
2022	11.25	4
2023	10.25	5
2024	9	6
2025	8.75	6
2026	5.75	7
2027	4.5	8
2028	4.25	8
2029	3	9
2030	2.75	9.

On page 196, between lines 14 and 15, insert the following:

(d) FOSSIL FUEL-FIRED ELECTRICITY GENERATORS IN THE UNITED STATES WITH REGULATED PRICES.—

(1) IN GENERAL.—The emission allowances allocated for a calendar year by section 551 for fossil fuel-fired electricity generators in the United States with regulated prices shall be distributed in the same manner as emission allowances are distributed under subsections (a) through (c).

(2) ADJUSTMENT.—The Administrator shall adjust emission allowances distributed to other non-covered entities under this Act by an across-the-board adjustment so as to ensure that the total percentage of emission allowances allocated under this Act equals 100 percent.

SA 4947. Mr. LEVIN 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 423, after line 25, insert the following:

SEC. 1308. RESPONSE TO CERTAIN ACTIONS ARISING OUT OF WORLD TRADE ORGANIZATION PROCEEDINGS.

(a) IN GENERAL.—The United States Trade Representative shall provide timely notice to Congress, through the Chairman and Ranking Members of the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives, of proceedings before the World Trade Organization challenging the consistency of any aspect of this subtitle with respect to international agreements to which the United States is a party. The notice shall include—

(1) the commencement of any such proceeding;

(2) any decision by a dispute settlement panel or body with respect to such a proceeding;

(3) the status of any implementation period provided for the United States to bring a measure into conformity with the recommendations or rulings of the Dispute Settlement Body of the World Trade Organization and arising out of any such a proceeding, as well as the timetables associated with any such implementation period;

(4) authorization of any foreign country to engage in retaliatory actions in response to the failure of the United States to implement any recommendation or ruling of the Dispute Settlement Body of the World Trade Organization; and

(5) the commencement of retaliatory actions by any foreign country against products of the United States arising out of any such proceeding.

(b) NOTICE TO ADMINISTRATOR.—The United States Trade Representative shall provide notice to the Administrator of the Environmental Protection Agency of any retaliatory action by a foreign country pursuant to authorization by the Dispute Settlement Body of the World Trade Organization and in response to a finding that the United States has failed to implement any recommendation or ruling of the Dispute Settlement Body relating to a proceeding described in subsection (a).

(c) SUSPENSION OF RESERVE ALLOWANCE.—Upon receipt of any notification described in subsection (b), the Administrator shall suspend application of the international reserve allowance program established under section 1306 and shall promptly publish notification of the termination of the program.

(d) CESSATION OF EMISSION ALLOWANCE AND OFFSET.—Notwithstanding any other provision of this Act, effective with the publication of the notification described in subsection (c), any obligation of an affected domestic producer of competitive goods to submit an emission allowance or offset under section 202 to account for emissions associated with the production of an affected domestic product shall cease to apply.

(e) DISTRIBUTION TO AFFECTED DOMESTIC PRODUCERS.—Notwithstanding any other provision of this Act, effective in the first calendar year following any termination of the international reserve allowance program, as described in subsection (c), and continuing through 2050, the Administrator shall establish a program to distribute a quantity of emission allowances established pursuant to section 201(a) to each entity that was an affected domestic producer of competitive goods during the last year of operation of the international reserve allowance program. The quantity of emission allowances distributed to each such entity shall be sufficient to offset any additional costs arising out of the requirements of this Act (other than costs arising out of any obligation terminated pursuant to subsection (d)) in the production of an affected domestic product, including costs arising from the purchase of electricity or from allowance requirements imposed upon the producers of inputs used to produce an affected domestic product.

(f) REGULATIONS.—Following publication of notice of any termination of the international reserve allowance program, as described in subsection (c), the Administrator shall promulgate such regulations as the Administrator determines to be necessary to implement the requirements of this section.

(g) DEFINITIONS.—For purposes of this title:

(1) AFFECTED DOMESTIC PRODUCERS OF COMPETITIVE GOODS.—The term ''affected domestic producers of competitive goods'' means any manufacturing entity in the United States that makes products like or directly competitive with any product treated as a covered good.

(2) AFFECTED DOMESTIC PRODUCT.—The term ''affected domestic product'' means a product produced by any manufacturing entity in the United States that is like or directly competitive with any product treated as a covered good.

SA 4948. Mr. LEVIN 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 481, strike line 14 and insert the following:

(b) PRESIDENTIAL DETERMINATION OF ECONOMIC SECURITY EMERGENCY.—For purposes of this section, the President shall determine that an economic security emergency exists in any situation in which the price charged for an emission allowance under this Act is prohibitively expensive, as determined by the Board, by regulation.

(c) CONSULTATION.—In making an emergency dec-

On page 482, strike lines 2 through 4 and insert the following:

After making an emergency declaration under section 1711—

(1) the President shall declare, by proclamation, each action required to minimize the emergency; and

(2) if the emergency declaration was made as a result of an economic security emergency, all compliance obligations under title

II shall be suspended until such date as the proclamation is terminated under section 1715.

SA 4949. Ms. STABENOW (for herself, Mr. CRAPO, Mr. BROWNBACK, Mr. SALAZAR, Mrs. DOLE, Mr. JOHNSON, Mr. CONRAD, Ms. KLOBUCHAR, 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:

On page 26, strike lines 23 through 25 and insert the following:

(B) EXCLUSIONS.—The term ''manufacture'' does not include—

(i) the creation of a greenhouse gas through anaerobic decomposition; or

(ii) the creation of a greenhouse gas from manure or enteric fermentation.

On page 28, line 4, insert '', destroys, or avoids'' after ''reduces''.

On page 28, line 6, strike ''from sources or sinks''.

On page 28, between lines 8 and 9, insert the following:

(____) OFFSET PROJECT REPRESENTATIVE.—The term ''offset project representative'' means an individual or entity designated as an offset project representative in a petition for an offset project submitted under section 304.

Beginning on page 77, strike line 9 and all that follows through page 121, line 15, and insert the following:

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 and the Secretary of Agriculture shall promulgate regulations authorizing the certification and issuance of offset allowances in accordance with this subtitle

(b) USE.—The regulations under subsection (a) shall provide that, beginning with calendar year 2012, owners and operators of covered entities may satisfy the allowance submission requirements of the owners and operators under section 202 for each calendar year by submitting a carbon dioxide equivalent quantity of domestic offset allowances of up to 1,000,000,000 tons.

(c) CARRYOVER.—If the carbon dioxide equivalent quantity of domestic offset allowances submitted for a calendar year pursuant to this subtitle is less than 1,000,000,000 tons, notwithstanding subsection (b), the carbon dioxide equivalent quantity of domestic offset allowances that may be submitted by covered entities under this subtitle for the subsequent calendar year shall not exceed the sum of—

(1) 1,000,000,000 tons; and

(2) the difference between—

(A) 1,000,000,000 tons; and

(B) the carbon dioxide equivalent tons of offset allowances and emission allowances submitted by covered entities for the preceding calendar year under this subtitle.

(d) REDUCTION.—Beginning in calendar year 2030, the Administrator may reduce the quantity of tons of carbon dioxide equivalents available for offsets under this section except that the quantity may not be reduced to less than 85 percent of the quantity of tons specified in subsection (b).

(e) EXCHANGE FOR OFFSETS FROM STATE AND REGIONAL REGULATORY PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall issue offset allowances for projects that address emissions of greenhouse gas that would otherwise not have been covered under the limitations on emissions of greenhouse gases under this Act and meet the requirements of this subtitle for offset allowances—

(A) issued under a State or regional greenhouse gas regulatory program; or

(B) are registered under or meet the standards of—

(i) the Climate Registry;

(ii) the California Climate Action Registry;

(iii) the Climate Action Reserve;

(iv) the GHG Registry;

(v) the Chicago Climate Exchange;

(vi) the GHG Clean Projects Registry; or

(vii) any other Federal or private reporting program.

(2) NONAPPLICABILITY.—This subsection shall not apply to offset allowances that have expired or been retired or canceled under a program described in paragraph (1).

(f) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) authorize the issuance and certification of offset allowances for greenhouse gas emission reductions, destruction, or avoidance, 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, enforceable, verifiable, additional, and permanent reductions in greenhouse gas emissions or increases in sequestration;

(3) require that the offset project representative for an offset project establish the project baseline and register emission reductions with the offset 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.

(g) OFFSET ALLOWANCES REWARDED.—The Administrator shall issue to the offset project representative offset allowances for qualifying emission reductions, destruction, or avoidance and biological sequestrations from an offset project that satisfies the applicable requirements of this subtitle.

(h) 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.

SEC. 303. ELIGIBLE OFFSET PROJECT TYPES.

(a) IN GENERAL.—An offset allowance from agricultural, forestry, or other land use-related projects 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) TYPES OF ELIGIBLE OFFSET PROJECTS.—

(1) LIST OF ELIGIBLE AGRICULTURAL AND FORESTRY OFFSET PROJECT TYPES.—

(A) TYPES.—The Secretary of Agriculture, in consultation with the Administrator, shall maintain a list of types of agricultural and forestry offset projects eligible to generate offset allowances under this subtitle, which list shall include—

(i) agricultural, grassland, 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 on flooding of rice paddies;

(VI) reduction in carbon emissions from organic soils;

(VII) reduction in greenhouse gas emissions from manure and effluent; and

(VIII) reduction in greenhouse gas emissions due to changes in animal management practices, including dietary modifications;

(ii) changes in carbon stocks attributed to land use change and forestry activities, including—

(I) afforestation or reforestation of acreage not forested as of October 18, 2007; and

(II) forest management resulting in an increase in forest carbon stores;

(III) management of peatland or wetland; and

(IV) conservation of grassland and forested land;

(iii) manure management and disposal, including—

(I) waste aeration; and

(II) biogas capture and combustion; and

(iv) any combination of any of the offset project types described in this subparagraph.

(B) ADDITIONS TO THE LIST OF ELIGIBLE AGRICULTURAL AND FORESTRY OFFSET PROJECT TYPES.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary of Agriculture, in consultation with the Administrator, after public notice and opportunity for comment, shall add types of offset projects to the list provided under subparagraph (A) if those types of projects meet standards for environmental integrity that are consistent with the purposes of this Act.

(ii) ADDITIONAL TYPES.—The Secretary of Agriculture, in consultation with the Administrator, shall also consider petitions to add types of offset projects to the list provided under subparagraph (A) if those types of projects meet standards for environmental integrity consistent with the purposes of this Act.

(c) LIST OF OTHER ELIGIBLE OFFSET PROJECT TYPES.—

(1) TYPES.—The Administrator shall maintain a list of types of offset projects not related to agriculture and forestry that are eligible to generate offset allowances under this subtitle, which list shall include—

(A) the capture or reduction of fugitive greenhouse gas emissions for which no covered facility is required under section 202(a) to submit any emission allowances, offset allowances, or international emission allowances;

(B) methane capture or combustion at nonagricultural facilities, including landfills, waste-to-energy facilities, and coal mines;

(C) reduction, destruction, or avoidance of sulfur hexafluoride emissions from sources of the emissions, including electrical transformation and distribution equipment;

(D) the capture and geological sequestration of greenhouse gas emissions that would not otherwise have been covered under the limitation on the emission of greenhouse gases under this Act;

(E) any other category proposed to the Administrator by petition; and

(F) any combination of any of the offset project types described in this paragraph.

(2) ADDITIONS TO THE LIST OF ELIGIBLE OFFSET PROJECTS NOT RELATED TO AGRICULTURE AND FORESTRY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Administrator, after public notice and opportunity for comment, shall add types of offset projects to the list provided under paragraph (1) if those types of projects meet standards for environmental integrity that are consistent with the purposes of this Act.

(B) ADDITIONAL TYPES.—The Administrator shall also consider petitions to add types of offset projects to the list provided under subparagraph (A) if those types of projects meet standards for environmental integrity consistent with the purposes of this Act.

(d) ADOPTION OF COMMON PROCEDURES.—

(1) IN GENERAL.—The program established under this section shall include the use of a separate set of procedures for rapidly approving and issuing allowances to types of projects listed under subsection (b) or (c), to the maximum extent practicable, if the Administrator and the Secretary of Agriculture for types of agricultural and forestry offset projects, determines that—

(A) there are broadly accepted standards or methodologies for quantifying and verifying the long-term greenhouse gas emission and mitigation benefits of the projects; and

(B) the procedures meet the requirements of this subtitle.

(2) CATEGORIES OF PROJECTS.—The procedures described in paragraph (1) shall apply to—

(A) methane capture and combustion at nonagricultural facilities, including landfills and coal mines;

(B) manure management and disposal, including waste aeration and biogas capture and combustion;

(C) reduction of sulfur hexafluoride emissions from sources of the emissions, including electrical transformation and distribution equipment;

(D) such other categories of projects as the Administrator, in consultation with the Secretary of Agriculture for types of agricultural and forestry offset projects, may specify by regulation, subject to public notice and comment; and

(E) afforestation or reforestation of acreage not forested as of October 18, 2007, if the afforestation or reforestation uses native plant species.

(e) REQUIREMENTS FOR OFFSET METHODOLOGIES.—

(1) ISSUANCE.—Not later than three 2 years after the date of enactment of this Act, after public notice and opportunity for comment—

(A) the Secretary of Agriculture shall issue a methodology for each category listed pursuant to subsection (b); and

(B) the Administrator shall issue a methodology for each category listed pursuant to subsection (c).

(2) SPECIFIC REQUIREMENTS.—The methodology for each category issued under paragraph (1) shall—

(A) specify requirements for—

(i) determining additional emission reductions, destruction, avoidance, or sequestrations from a project;

(ii) accounting for emission leakage associated with an offset project;

(iii) accounting for a reversal, and managing for the risk of reversal, from an offset project involving biological sequestration; and

(iv) monitoring, verifying, and reporting the operation of an offset project;

(B) in the case of an agricultural and forestry offset project, take into account methodologies developed under section 1245 of the Food Security Act of 1985;

(C) include—

(i) a procedure for determining that the emission reductions, destruction, avoidance, 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 emissions leakage from the offset project, based on scientifically sound methods, as determined by the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects;

(iii) a description of scientifically sound methods, as determined by the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, 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 reduction, destruction, avoidance, or sequestrations that are additional;

(v)(I) a threshold of uncertainty in the quantification of emission reductions, destruction, avoidance, 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 an offset project representative may petition for different uncertainty factors if the offset project representative demonstrates to the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, 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, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, that are sufficient to ensure that an offset project—

(I) will be eligible to generate offset allowances only if, in the judgment of the Administrator and the Secretary of Agriculture, the project is additional; and

(II) is not required by existing government regulations, as determined by the Administrator and the Secretary of Agriculture;

(vii) a procedure to estimate leakage and ensure that the issuance of offset allowances is reduced an amount equivalent to the quantity of that leakage;

(viii) 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

(ix) a protocol for use in reporting emissions reductions, destruction, avoidance, or sequestrations (and any reversals) at least annually for the duration of the crediting period of the offset project pursuant to section 305(b).

(3) REVISION.—

(A) REVISION BY THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall revise each methodology issued under paragraph (1)(A), after public notice and opportunity for comment, not more once than every 10 years.

(B) REVISION BY THE ADMINISTRATOR.—The Administrator shall revise each methodology issued under paragraph (1)(B), after public notice and opportunity for comment, no more than once every 10 years.

(4) PROJECT CONFORMITY.—

(A) IN GENERAL.—If an offset project is approved pursuant to section 304 under a methodology that subsequently is revised under paragraph (3), the project shall remain subject to the prior methodology for the duration of the crediting period of the project pursuant to section 305(b).

(B) NEW CREDITING PERIOD.—An offset project described in subparagraph (A) may not be approved for a new crediting period unless the offset project representative demonstrates to the Administrator that the offset project is in conformity with a methodology that is in effect as of the date on which the petition for the offset project is filed.

(f) TECHNOLOGIES.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects, 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 with respect to paragraph (1) shall be valid for not more than 10 years after the date of the determination.

(g) METHODOLOGY TESTING.—The Administrator and the Secretary of Agriculture may not issue a methodology under this section until the Administrator or the Secretary of Agriculture, as applicable, determines that—

(1) the methodology has been tested by 3 independent expert teams on at least 3 different offset projects to which that methodology would apply; and

(2) the emission reductions, destruction, avoidance, 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.—An offset project representative—

(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 reduction, destruction, avoidance, or sequestrations supporting the offset allowances have actually occurred.

(b) PETITION PROCESS.—A project petition shall consist of—

(1) a copy of the monitoring and quantification plan prepared for the offset project, as described in subsection (d);

(2) in the case of an offset project involving biological sequestration, a greenhouse gas initiation certification, as described under subsection (f);

(3) a designation of the individual or entity that shall be the offset project representative for the offset project;

(4) a monitoring and quantification plan from a third party verifier; and

(5) 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 120 days after the date on which the Administrator receives a complete petition under subsection (b), the Administrator, in conjunction with the Secretary of Agriculture, shall—

(A) determine whether the monitoring and quantification plan satisfies the applicable requirements of this subtitle;

(B) determine whether any greenhouse gas initiation certification indicates a significant deviation in accordance with subsection (f)(3); and

(C) notify the offset project representative 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.—An offset project representative shall make use of the standardized tools and methods described in this section to monitor, quantify, and discount reductions, destruction, or avoidance 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, destruction, or avoidance of greenhouse gas emissions or increases in sequestration as described by 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 offset project representative for the duration of the offset project.

(4) PLAN REQUIREMENTS.—Subject to section 302, the Administrator and 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 to the offset project representative;

(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 (g) 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 (h) to be used to determine additionality, estimate the baseline carbon, and discount for leakage;

(H) what site-specific data, if any, will be used in monitoring and quantification;

(I) a description of procedures for use in managing and storing data, including quality-control standards and methods, such as redundancy in case record are lost;

(J) subject to the requirements of this subtitle, any other information identified by the Administrator and the Secretary of Agriculture as being necessary to meet the objectives of this subtitle; and

(K) in the case of an offset project involving biological sequestration, 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) THIRD PARTY VALIDATION OF MONITORING AND QUANTIFICATION PLAN.—

(1) OFFSET VALIDATION.—A validation report for an offset project shall be completed by a verifier accredited in accordance with section 305(c)(3).

(2) SCOPE OF VALIDATION.—The Administrator, in conjunction with the Secretary of Agriculture, shall specify the required components of a validation report, including components covering—

(A) whether the information, data, and documentation contained within a monitoring and quantification plan are sufficient for the analysis required by the certified methodology;

(B) any errors, omissions, or disagreements with the quantification plan;

(C) any net emission reductions or increases in sequestration;

(D) any determination of additionality;

(E) any calculation of leakage;

(F) any assessment of reversal risk and required set-aside;

(G) if it is a sequestration project, whether the land use information is sufficient to track past land use for the required 10 year-period and if there is a significant deviation under subsection (f)(3);

(H) any potential conflicts of interests between a verifier and project developer; and

(I) any other provision that the Administrator considers to be necessary to achieve the purpose of this subtitle.

(f) GREENHOUSE GAS INITIATION CERTIFICATION.—

(1) IN GENERAL.—In reviewing a petition submitted under subsection (b), the Administrator, in conjunction with the Secretary of Agriculture, 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 subtitle shall include—

(A) in the case of an agricultural project—

(i) 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

(ii) 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.

(B) in the case of a forestland project, a procedure for use in determining whether the quantity of carbon sequestered on or in land, if a project was carried out, significantly changed during the 10-year period prior to initiation of the project.

(3) DETERMINATION OF SIGNIFICANT DEVIATION.—Based on standards developed by the Secretary of Agriculture and the Administrator—

(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, in conjunction with the Secretary of Agriculture, shall adjust the number of allowances awarded in order to account for the deviation.

(g) DEVELOPMENT OF MONITORING AND QUANTIFICATION TOOLS FOR OFFSET PROJECTS.—

(1) IN GENERAL.—Subject to section 302, the Administrator and the Secretary of Agriculture for agricultural and forestry offset projects, 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 subsections (b) and (c) of section 303.

(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;

(C) guidelines established pursuant to section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) for use in the quantification of forestry and agriculture offsets; and

(D) in the case of an agricultural and forestry offset project, certified protocols for technologies, instruments, and methods to use in the measurement, monitoring, and verification of emission reductions and increased sequestration, that shall—

(i) be developed and updated (by regulation) by the Secretary of Agriculture in conjunction with the Consortium for Agricultural Soil Mitigation of Greenhouse Gases;

(ii) includes scientifically-based determination of the uncertainty value to be assigned to the use of that technology, instrument, or method; and

(iii) be used by the Secretary of Agriculture to meet the requirements of section 303(e)(2)(C)(iii)(I) and subsection (i) of this section; and

(E) any other process or tool considered to be acceptable by the Administrator, in consultation with the Secretary of Agriculture for agricultural and forestry offset projects.

(h) DEVELOPMENT OF ACCOUNTING AND DISCOUNTING METHODS.—

(1) IN GENERAL.—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 sections 303(b) and (c); and

(B) require that leakage be subtracted from reductions, destruction, avoidance 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 biological sequestration project or agricultural emission reduction project, determine the greenhouse gas flux or enhanced carbon stock on the basis of similarity for—

(i) a specific time period; and

(ii) a specific geographic area; and

(B) in the case of a nonbiological 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) in the case of offset projects not involving sequestration, 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.

(i) UNCERTAINTY FOR AGRICULTURAL AND FORESTRY PROJECTS.—

(1) IN GENERAL.—The Secretary of Agriculture shall develop standardized methods for use in determining and discounting for uncertainty, if appropriate, for offset project types 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 an offset project representative

to monitor and quantify changes in greenhouse gas fluxes or carbon stocks; and

(B) the robustness and rigor of methods used by an offset project representative to determine additionality and leakage.

(j) ACQUISITION OF NEW DATA AND REVIEW OF METHODS FOR AGRICULTURAL AND FORESTRY PROJECTS.—The Secretary of Agriculture, in collaboration with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, 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 Secretary of Agriculture that is necessary to meet the objectives of this subtitle.

(k) COORDINATION WITH OTHER PROVISIONS.—In determining the quantity of offset allowances to issue to an offset project, the Administrator, in conjunction with the Secretary of Agriculture, shall ensure that a project does not receive allowances under subtitle C and offset allowances for the same ton of greenhouse gases emissions reduced, destroyed, avoided, or sequestered.

SEC. 305. OFFSET VERIFICATION AND ISSUANCE OF ALLOWANCES.

(a) IN GENERAL.—An offset project representative may claim offset allowances 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 any offset project to the Administrator, in conjunction with the Secretary of Agriculture.

(b) CREDITING PERIOD.—The crediting period for an approved offset project shall be—

(1) in the case of an offset project not involving afforestation or reforestation—

(A) a 10-year nonrenewable period; or

(B) a 7-year period, which may be renewed pursuant to the procedures under section 2404 for another 7 years not more than twice; and

(2) in the case of an offset project involving afforestation or reforestation, a period of 30 years for the 1 or more components of the project involving afforestation or reforestation.

(c) 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, destruction, or avoidance, or increases in sequestration;

(II) calculation of leakage; and

(III) identification of any reversals;

(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, in conjunction with the Secretary of Agriculture, shall specify the required components of a verification report, including—

(A) the quantity of offsets generated;

(B) the quantity of discounts applied;

(C) an assessment of quantitative errors or omissions (and the effect of the errors or omissions on offsets);

(D) any potential conflicts of interests between a verifier and an offset project representative or other project developer; and

(E) 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, in conjunction with the Secretary of Agriculture.

(d) REGISTRATION AND ISSUING 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, in conjunction with the Secretary of Agriculture—

(A) determine whether the offsets satisfy the applicable requirements of this subtitle; and

(B) notify the offset 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 to the offset project representative.

(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 RISK FACTOR DETERMINATION.—

(1) IN GENERAL.—In approving a biological sequestration offset project pursuant to section 304, the Administrator, in consultation with the Secretary of Agriculture if applicable, shall determine for the project the percentage probability that the project will experience a reversal over at least a 30 year-period of time but not more than a 100 year-period, taking into account insurance standards for comparable activities in the agricultural or forestry industry, depending on the offset project type.

(2) APPLICATION OF THE REVERSAL RISK FACTOR.—When issuing offset allowances for a biological sequestration offset project pursuant to section 305, the Administrator shall transfer the quantity of allowances the Administrator otherwise would issue to the offset project representative for that calendar year a quantity that is equal to the product obtained by multiplying—

(A) the percentage probability determined for the project pursuant to paragraph (1); and

(B) the quantity of allowances issued for the project under section 304.

(b) ESTABLISHMENT OF BIOLOGICAL SEQUESTRATION OFFSET ALLOWANCE BUFFER RESERVE.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a biological sequestration offset allowance buffer reserve.

(2) TRANSFER OF OFFSETS.—The Administrator shall convey to the buffer reserve the offset allowances that are transferred pursuant to subsection (a)(2).

(3) STATUS OF OFFSET ALLOWANCES IN RESERVE.—Offset allowances in the offset reserve may not be used to satisfy allowance submission requirements.

(c) REVERSAL CERTIFICATION.—

(1) REQUIRED CERTIFICATION.—The offset project representative for a biological sequestration offset project shall be required to submit to the Administrator a reversal certification not later than 1 year after the date of the approval of the project and once every 3 years thereafter for a period of 30 years after the date of approval of the offset project.

(2) REQUIREMENTS.—A reversal certification submitted in accordance with this subsection shall describe—

(A) whether any unmitigated reversal relating to the offset project has occurred during the year preceding the year for which the certification is submitted;

(B) the quantity of each unmitigated reversal; and

(C) whether the unmitigated reversal was intentional or unintentional.

(3) FAILURE TO PROVIDE CERTIFICATION.—The Administrator shall treat the failure of an offset project representative to provide a required certification pursuant to this subsection as an intentional reversal of the entire offset project under subsection (d)(3).

(d) USE OF OFFSET ALLOWANCE RESERVE.—

(1) ANNUAL REVERSAL REVIEW.—The Administrator, in conjunction with the Secretary of Agriculture, shall determine annually whether—

(A) any offset projects have experienced a reversal; and

(B) reversals that have occurred were intentional or unintentional, including through auditing of certifications provided pursuant to subsection (c).

(2) UNINTENTIONAL REVERSALS.—If the Administrator, in conjunction with the Secretary of Agriculture, determines that an unintentional reversal has occurred with respect to an offset project, the Administrator shall cancel a quantity of offset allowances in the biological sequestration offset allowance buffer reserve corresponding to the quantity of the reversal.

(3) EXCESS REVERSALS.—If the quantity of a reversal exceeds the quantity of allowances in the biological sequestration offset allowance buffer reserve, the offset project representative shall compensate the buffer reserve by submitting a quantity of offset allowances or emissions allowances equal to the difference between—

(A) the quantity of the reversal; and

(B) the quantity of allowances in the buffer reserve.

(e) INTENTIONAL REVERSALS.—If the Administrator, in conjunction with the Secretary of Agriculture, determines that an intentional reversal has occurred with respect to an offset project, the Administrator shall require the relevant offset project representative to submit to the buffer reserve a quantity of offset allowances or emission allowances equal to the quantity of the reversal.

(f) REVIEW OF BUFFER RESERVE.—

(1) IN GENERAL.—Not later than 5 years after date of enactment of this Act and every 5 years thereafter, the Administrator shall assess the adequacy of the content of offset allowances in the buffer reserve in light of the actual experience of reversals.

(2) ADJUSTMENT.—On the basis of the review conducted under paragraph (1), the Administrator may adjust the reversal risk factor determinations implemented under subsection (a).

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 appeals process.

SEC. 308. TIMING AND THE PROVISION OF OFFSET ALLOWANCES.

An offset project that commences operation on or after the effective date of the governing rules described in section 307(a) shall be eligible to generate offset allowances under this subtitle, and receive emission allowances under the program established pursuant to title VII, if the offset project meets the other applicable requirements of this subtitle.

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) if the offset project involves biological sequestration, a reversal certification submitted pursuant to section 306(b); and

(3) subject to the requirements of this subtitle, any other information identified by the Administrator, in conjunction with the Secretary of Agriculture, as being necessary to achieve the purposes of this subtitle.

SEC. 310. ENVIRONMENTAL CONSIDERATIONS.

(a) COORDINATION TO MINIMIZE NEGATIVE EFFECTS.—In promulgating regulations under this subtitle, the Administrator and 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.

(b) 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—

(1) 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

(2) the cost of those incentives, programs, or policies.

(c) COORDINATION TO ENHANCE ENVIRONMENTAL BENEFITS.—In promulgating regulations under this subtitle, the Administrator and the Secretary of Agriculture, in conjunction with the Secretary of Interior, shall—

(1) 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

(2) coordinate actions taken under this paragraph, to the maximum extent practicable, with existing programs that have overlapping outcomes to maximize environmental benefits.

(d) USE OF NATIVE PLANT SPECIES IN OFFSET PROJECTS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations for the selection, use, and storage of native and nonnative plant materials—

(1) to ensure native plant materials are given primary consideration, in accordance with applicable Department of Agriculture guidance for use of native plant materials;

(2) to prohibit the use of Federal- or State-designated noxious weeds; and

(3) 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 and the Secretary of Agriculture shall review and revise, as necessary to achieve the purposes of this Act, the regulations promulgated by each of the Administrator and the Secretary under this subtitle.

Subtitle B—Offsets and Emission Allowances From Other Countries

SEC. 321. PRESIDENTIAL RULEMAKING.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator and the Secretary of State, shall promulgate regulations approving the use of offset allowances and emission allowances from other countries under this subtitle.

(b) USE.—The regulations under subsection (a) shall provide that, beginning with calendar year 2012, owners and operators of covered entities may satisfy the allowance submission requirements of the owners and operators under section 202 for a calendar year by submitting a carbon dioxide equivalent quantity of offset and emission allowances of up to 1,000,000,000 tons.

(c) CARRYOVER.—If the sum of the carbon dioxide equivalent quantity of offset allowances and emission allowances submitted for a calendar year pursuant to this subtitle is less than 1,000,000,000 tons, notwithstanding subsection (b), the carbon dioxide equivalent quantity of offset allowances and emissions allowances that may be submitted by covered entities under this subtitle for the subsequent calendar year shall not exceed the sum of—

(1) 1,000,000,000 tons; and

(2) the difference between—

(A) 1,000,000,000 tons; and

(B) the carbon dioxide equivalent quantity of offset allowances and emission allowances submitted by covered entities for the preceding calendar year under this subtitle.

(d) REDUCTION.—Beginning in calendar year 2030, the Administrator may reduce the quantity of tons of carbon dioxide equivalents available for offsets under this section except that the quantity may not be reduced to less than 85 percent of the quantity of tons specified in subsection (b).

(e) LIMITATION OF OFFSETS FROM THE CLEAN DEVELOPMENT MECHANISM.—Notwithstanding any other provision of this Act, the owner or operator of a covered entity may satisfy not more than 5 percent of the total allowance submission requirement of the covered entity under section 202 for a calendar year by submitting offset allowances from projects or other activities registered under the Clean Development Mechanism of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(f) OTHER REQUIREMENTS.—The regulations promulgated under this subtitle shall—

(1) ensure the development and continued health of a robust market for domestic offsets; and

(2) take into consideration—

(A) protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, including the Clean Development Mechanism established under that Convention;

(B) the continuing international negotiations under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992;

(C) the geographic distribution of offset projects;

(D) how the regulations can be designed to promote the adoption of emissions control policies by countries that do not have mandatory absolute tonnage limits in place as of the date of enactment of this Act;

(E) how the regulations can be designed to promote international offset activities in the economic interest of the United States, as evidenced by contributions to employment in the United States; and

(F) the benefits of ensuring that covered entities have certainty about and access to international offset allowances and emission allowances as promptly as practicable after the date of enactment of this Act and an ongoing basis thereafter.

(g) PRESIDENTIAL REVIEW IN 2030.—During calendar year 2030, the President shall submit to Congress a report that—

(1) analyzes the appropriateness of the 1,000,000,000-ton limitation on use of offset allowances and emission allowances under this subtitle; and

(2) provides recommendations as to whether and how to adjust the limitation.

SEC. 322. OFFSET ALLOWANCES ORIGINATING FROM PROJECTS OR OTHER ACTIVITIES IN OTHER COUNTRIES.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator and the Secretary of State, shall promulgate regulations establishing a system for registering and issuing offset allowances for projects or other activities that reduce, destroy, or avoid greenhouse gas emissions or increase sequestration of carbon dioxide in countries other than the United States.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall ensure that emission reductions represented by the allowances are real, additional, permanent, verifiable, and enforceable.

(c) 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.

(d) EXCLUSION.—Notwithstanding any other provision of this Act, activities that receive allowances under section 323 or 324 shall not be eligible to receive offset allowances under this section.

SEC. 323. OFFSET ALLOWANCES FOR INTERNATIONAL FOREST CARBON ACTIVITIES.

(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 use 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 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, if practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that is supportive of the internationally-recognized rights of indigenous and other forest-dependent people living in the affected areas; and

(D) in a manner that enhances the capability, if consistent with the applicable laws in the country involved, of local communities to exercise the right of free prior informed consent regarding projects or other activities; and

(2) the emission reductions or sequestrations are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage.

(c) NATIONAL LEVEL ACTIVITIES.—

(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 the capacity to participate in international forest carbon activities at a national level, including—

(i) sufficient historical data on changes in national forest carbon stocks;

(ii) the technical capacity to monitor and measure forest carbon fluxes with an acceptable level of uncertainty; and

(iii) the institutional capacity to reduce emissions from deforestation and degradation;

(B) capped greenhouse gas emissions or otherwise established a credible national baseline or emission reference baseline;

(C) achieved national-level reductions of deforestation and degradation below a historical reference baseline, taking into consideration the average annual deforestation and degradation rates of the country during a period of at least 5 years;

(D) implemented an emission reduction program for the forest sector; and

(E) 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 periodically review and update the list of the names of countries included under paragraph (1).

(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 offset allowances; and

(B) considered to satisfy the additionality criterion.

(d) SUBNATIONAL LEVEL ACTIVITIES.—With respect to foreign countries other than the foreign countries described in subsection (c), the Administrator—

(1) shall recognize project-scale international forest carbon activities as eligible for offset allowances, 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.

(e) OTHER INTERNATIONAL FOREST CARBON ACTIVITIES.—An international forest carbon activity other than a reduction in deforestation or forest degradation shall be eligible for offset 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.

(f) DISCOUNT.—

(1) INITIAL DISCOUNT.—If, after the date that is 10 years after the date of enactment of this Act, the Administrator determines that a foreign country that, in the aggregate, generates greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions has not capped those emissions, established an emissions reference scenario based on historical data, or otherwise reduced total forest emissions of that foreign country, the Administrator shall apply a discount to distributions of offset allowances to that country under this section.

(2) SUBSEQUENT DISCOUNT.—If, after the date that is 15 years after the date of enactment of this Act, the Administrator determines that a foreign country that, in the aggregate, generates greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions has not capped those emissions, established an emissions reference scenario based on historical data, or otherwise reduced total forest emissions of that foreign country, the Administrator shall cease distributions of offset allowances to that country under this section.

(g) 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 any greenhouse gas emissions registry.

(h) 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.

(i) REVIEWS.—Not later than 3 years after the date of enactment of this Act and every 5 years thereafter, the Administrator, in consultation with the Secretary of State, shall conduct a review of the activities undertaken pursuant to this subtitle, including the effects of the activities on indigenous and forest-dependent peoples residing in affected areas.

SEC. 324. EMISSION ALLOWANCES FROM OTHER COUNTRIES WITH EMISSIONS CAPS.

(a) RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the President, in conjunction with the Administrator and the Secretary of State, 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 facility 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.

SEC. 325. 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—Agriculture and Forestry Program in the United States

SEC. 331. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 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 agriculture and forestry sectors of the United States (including entities engaged in organic farming—

(1) as a reward for—

(A) achieving reductions in greenhouse gas emissions from the operations of the entities;

(B) achieving increases in greenhouse gas sequestration on land owned or managed by the entities; and

(C) conducting pilot projects or other research regarding innovative use in measuring—

(i) greenhouse gas emission reductions;

(ii) sequestration; or

(iii) other benefits and associated costs of the pilot projects;

(2) to place in a buffer reserve pursuant to section 306 or otherwise use to carry out this section; and

(3) to assist with the increased costs of fertilizer in the United States attributed to increased costs of natural gas due to fuel switching as a result of this Act.

(b) 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 TYPES.—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 baseline 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 Secretary of Agriculture 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 Secretary of Agriculture 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 technologies and other barriers, prototypes, first-of-a-kind risk coverage, and initial market barriers; and

(bb) under limited categories of activities that are dependent on forward progress.

(c) REQUIREMENT.—The Secretary of Agriculture shall distribute emission allowances under this section in a manner that ensures that entities 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.

(d) COORDINATION WITH SUBTITLE A.—

(1) IN GENERAL.—Subject to paragraph (2), an individual or entity carrying out an activity under this subtitle that also qualifies as an offset project pursuant to subtitle A may petition (pursuant to the regulations under subtitle A) to receive offset allowances for reductions, destruction, avoidance, or sequestration of greenhouse gas emissions for which the individual or entity does not receive emission allowances under this section.

(2) NONDUPLICATION.—A project may not receive both allowances under this subtitle and offset allowances for the same ton of greenhouse gas emissions reduced, destroyed, avoided, or sequestered.

Beginning on page 424, strike line 4 and all that follows through page 438, line 2, and insert the following:

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 activities 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. INTERNATIONAL FOREST CARBON ACTIVITIES 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 or recognize existing programs under which the Administrator shall provide emission allowances allocated pursuant to subsections (b) and (c) to assist developing countries in the efforts of the developing countries to achieve emissions reductions or increased sequestration of carbon dioxide from international forest carbon activities.

(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).

(c) EARLY ACTION.—Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate for early action distribution for each of calendar years 2010 and 2011 not more than 10 percent of the aggregate quantity of emission allowances allocated under subsection (b) for each of calendar years 2012 through 2022.

(d) CARRYOVER.—If the sum of the emission allowances for a calendar year is not allocated for distribution in the calendar year, the Administrator shall carry over to the next calendar year the residual emission allowances.

(e) ENSURING MARKET READINESS IN DEVELOPING COUNTRIES.—

(1) IN GENERAL.—The Administrator shall—

(A) set aside a portion of the allowances to be allocated under subsections (b) and (c) for the purpose of ensuring market readiness in forested developing countries; and

(B) auction those allowances with the proceeds deposited into a market readiness account.

(2) ELIGIBILITY FOR PROCEEDS.—The regulations promulgated pursuant to subsection (a) shall delineate the requirements for developing countries to be eligible to receive proceeds from the auction of emission allowances under paragraph (1) to be used for the preparation of a national reduced deforestation and forest degradation strategy (referred to in this section as a ''REDD strategy''), including—

(A) developing a reliable estimate of the national forest carbon stocks and sources of forest emissions of the developing country;

(B) defining the national emission reference baseline for the developing country based on past emission rates;

(C) specifying options for reducing emissions; and

(D) implementing mechanisms that will support policies, programs, and projects to reduce emissions.

(f) INCENTIVE PAYMENTS FOR LOW-COST EMISSION REDUCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the regulations promulgated pursuant to subsection (a) shall delineate the requirements for forested developing countries or other entities to be eligible to receive emission allowances under subsections (b) and (c) to implement the national REDD strategy of the countries or to implement low-cost emission reduction projects in the forest sector.

(2) REQUIREMENTS.—Under the regulations promulgated under paragraph (1)—

(A) emission allowances under this section shall be awarded in a manner that favors—

(i) achievement of the greatest quantity of carbon sequestration or emission reductions for the lowest cost; and

(ii) broad geographical distribution of projects;

(B) no allowances for emission reduction under this section shall be awarded to countries, or entities for projects in countries, that meets the criteria established under section 1313(c)(1)(A), as determined by the Administrator, after the 2-year period beginning on the date the Administrator determines that those criteria apply;

(C) no allowances shall be issued in a calendar year beginning more than 5 years after the date of enactment of this Act to a project or activity in a country that generates greenhouse gas emissions accounting for more than 1 percent of global greenhouse gas emissions;

(D) no allowances shall be issued in a calendar year beginning more than 10 years after the date of enactment of this Act to a project or activity in a country that generates greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions; and

(E) unless the Administrator determines that provision of allowances to a project or activity in a country that would otherwise be subject to the exclusions in subparagraph (C) or (D) is in the interest of building needed capacity or reducing international leakage, allowances may be issued to the project or activity subject to other criteria in this subsection.

(g) 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 international forest carbon activities, including requirements that those activities shall be designed, carried out, and managed—

(A) in accordance with widely-accepted environmentally sustainable forestry practices;

(B) to promote native species and restoration of native forests, if practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that is supportive of the internationally-recognized rights of indigenous and other forest-dependent people living in the affected areas; and

(D) in a manner that enhances the capability, if consistent with the applicable laws in the country involved, of local communities to exercise the right of free, prior informed consent regarding projects or other activities.

(2) QUALITY CRITERIA FOR INTERNATIONAL FOREST CARBON ALLOCATIONS.—The regulations promulgated pursuant to paragraph (1) shall include requirements intended to ensure that the international forest carbon activity for which emission allowances are provided under this section results in real, permanent, additional, verifiable, and enforceable emission reductions, with reliable measuring and monitoring and appropriate accounting for leakage.

(h) 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 determines that—

(1) the peatland or other natural land is capable of storing carbon; and

(2) the project for storage of carbon in the peatland or other natural land is capable of meeting the quality criteria described in subsection (a).

SEC. 1313. LIMITATION ON DOUBLE COUNTING.

Notwithstanding any other provision of this Act, activities that receive credit under

subtitle B of title III shall not be eligible to receive emission allowances under this subtitle.

SEC. 1314. 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.

SA 4950. Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. WYDEN, and Ms. CANTWELL) 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:

Strike section 412 and insert the following:

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 and operation by the United States of any financial market for emission allowances, based on the following core principles:

(1) The market shall—

(A) be designed to prevent, detect, and remedy 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 Federal and State regulators, investors, and covered entities subject to compliance obligations under this Act.

(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—

(i) the price of emission allowances; or

(ii) prices in related markets; and

(C) promote just and equitable principles of trade.

(3) Market transparency measures shall be designed to prevent the disclosure of information the disclosure of which would be detrimental to the operation of an effective emission allowance market.

(4) The market shall be subject to effective and comprehensive oversight, which integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and comparable 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.

(8) To reduce the potential threats of market manipulation and the concentration of market power, the market shall be subject to position limitations or position accountability measures, as necessary and appropriate.

(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) The Chairperson of the Board.

(7) 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 any 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, including covered entities;

(iv) State regulatory authorities; and

(v) 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) PROHIBITIONS.—

(1) IN GENERAL.—It shall be unlawful for any individual or entity—

(A) to knowingly provide to the President (or a designee) any false information relating to the price or quantity of emission allowances sold, purchased, transferred, banked, or borrowed by the individual or entity, with the intent to fraudulently affect data complied by the Administrator or any other entity;

(B) directly or indirectly, to use in connection with the purchase or sale of an emission allowance any manipulative or deceptive device or contrivance (within the meaning of section 10(b) of the Securities and Exchange Act of 1934 (15 U.S.C. 78j(b)), in contravention

of such regulations as are promulgated to protect public interest or consumers; or

(C) to cheat or defraud, or to attempt to cheat or defraud, another market participant, client, or customer.

(2) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the President shall delegate the authority to promulgate regulations in accordance with paragraph (1) to 1 or more entities represented in the Working Group.

(3) PENALTIES.—An individual or entity that violates an applicable provision of paragraph (1) or a regulation promulgated pursuant to paragraph (2) shall be subject to a fine of not more than $1,000,000 or imprisonment for not more than 10 years, or both, for each such violation.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection establishes any private right of action.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4951. Mrs. FEINSTEIN (for herself, Ms. SNOWE, and Ms. COLLINS) 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 37, strike line 6 and all that follows through page 38, line 7, and insert the following:

(1) in new or renovated buildings that demonstrate exemplary performance, which shall, at a minimum, place the energy performance of the building in the top 25 percent for similar new or renovated buildings with reference to an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d); and

(2) in retrofitted existing buildings that demonstrated substantial improvement in the energy performance of the buildings by achieving a minimum increase of 30 percent in energy performance as measured by 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 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 result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program referred to in subsection (b)(1), including at a minimum benefits such as location efficiency and reductions in embodied energy of construction materials.

On page 38, line 25, insert ‘‘, manufacturers,’’ after ‘‘retailers’’.

On page 39, line 14, insert ‘‘, manufacturer,’’ after ‘‘retailer’’.

On page 39, line 18, insert ‘‘, manufacturer,’’ after ‘‘retailer’’.

On page 40, line 6, insert ‘‘, manufacturer,’’ after ‘‘retailer’’.

On page 40, line 9, strike ‘‘, not to exceed 10 years,’’.

On page 63, between lines 7 and 8, insert the following:

SEC. 127. IMPACT EVALUATION AND MEASUREMENT AND VERIFICATION RULES.

(a) DEFINITIONS.—In this section:

(1) IMPACT EVALUATION.—The term ‘‘impact evaluation’’ means the evaluation of the energy savings and greenhouse gas emissions reductions induced by a specific program, project, or policy.

(2) MEASUREMENT AND VERIFICATION.—The term ‘‘measurement and verification’’ means data collection, monitoring, and analysis associated with the calculation of total energy savings and greenhouse gas emissions reductions from individual sites or projects.

(b) RULES.—

(1) IN GENERAL.—The Administrator, in consultation with States, utilities, and other stakeholders, shall develop and enforce uniform rules for impact evaluation, measurement, and verification of the energy savings and avoided greenhouse gas emissions of energy efficiency programs and projects.

(2) SCOPE.—The rules shall be used by States, utilities, and other entities receiving allowances or allowance proceeds under this Act based on energy savings and greenhouse gas emission reductions or for use in energy efficiency programs or projects.

(c) REQUIREMENTS.—

(1) ENFORCEABILITY, VERIFIABILITY, AND ADDITIONALITY.—To the maximum extent practicable, the Administrator shall develop rules under subsection (b) so that the rules—

(A) are enforceable; and

(B) give reasonable assurance that energy savings and avoided greenhouse gas emissions from measures implemented under the scope of this section are verifiable and would not have occurred without the allowances or proceeds under this Act.

(2) ADDITIONAL CHARACTERISTICS.—To the maximum extent practicable, the Administrator shall ensure that rules under subsection (b)—

(A) are complete and transparent;

(B) balance risk management, certainty of estimated impacts, and implementation costs; and

(C) provide sufficient direction relating to methodologies and assumptions, including measure persistence, market transformation impacts, and the extent to which the savings would have occurred without the allowances or proceeds under this Act, to ensure reasonable uniformity among various States and entities and consistency in results.

(3) USE OF EXISTING PROTOCOLS.—To the maximum extent practicable, in developing rules under subsection (b), the Administrator shall consider and harmonize with existing domestic and international protocols.

(d) REQUIREMENTS.—The Administrator shall promulgate the rules under subsection (b) not later than 2 years after the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

On page 215, between lines 9 and 10, insert the following:

(iii) CONSUMER AND BUSINESS PROGRAMS.—

(I) IN GENERAL.—Except as otherwise provided in this clause, each local distribution entity, with oversight from the appropriate State utility commission in accordance with State law, shall use at least 30 percent of the proceeds from the sale of emission allowances to fund programs to encourage, assist, and provide incentives to consumers and businesses to improve energy efficiency and reduce energy use, with an emphasis on consumers and businesses that are not directly receiving energy-efficiency assistance under other provisions of this Act.

(II) DESIGNATION.—In each State in which the State designates a program administrator other than the local distribution entity, the local distribution entity shall transfer the funds described in subclause (I) to the program administrator designated by the State.

(III) EXCEPTION.—Notwithstanding subclause (I), a regulatory agency with authority over a local distribution entity (including a governing board of a municipally owned or cooperatively owned local distribution company) may reduce the percent in subclause (I) if the agency determines that the local distribution entity is able to maximize cost-effective energy savings at a lower percentage.

On page 216, line 7, strike ‘‘and’’ at the end.

On page 216, line 14, strike the period at the end and insert ‘‘; and’’.

On page 216, between lines 14 and 15, insert the following:

(D) the amount of energy saved or generated as a result of energy efficiency, demand response, and distributed generation programs supported by sales of emission allowances, and a description of the methodologies used to estimate the savings.

On page 221, strike line 6 and insert the following:

(c) USE.—

(1) IN GENERAL.—During any calendar year, a State shall

On page 221, between lines 10 and 11, insert the following:

(2) PRIORITY.—In carrying out this section, States shall give priority to assisting manufacturing and coal industries to improve the energy efficiency of those industries.

On page 242, strike lines 1 through 6 and insert the following:

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for annually scoring achievements by States in reducing greenhouse gas emissions and energy use over the preceding 3 years, including through State policies such as climate policies, building energy codes, and ratepayer-funded energy efficiency programs.

(2) REQUIREMENT.—Scoring under paragraph (1) shall—

(A) be designed to encourage State policies and programs to reduce greenhouse gas emissions and increase energy efficiency; and

(B) reward existing State policies and programs.

(3) CREDIT FOR LONG-TERM SAVINGS.—A significant portion of the scoring for calendar years 2012 through 2018 shall recognize expected reductions in greenhouse gas emissions and energy use in States due to adoption of, and compliance with, building energy codes.

Beginning on page 284, strike line 16 and all that follows through page 285, line 11, and insert the following:

(1) in new or renovated buildings that demonstrate exemplary performance, which shall, at a minimum, place the energy performance of the building in the top 25 percent for similar new or renovated buildings with reference to an established performance benchmarking metric selected by the Climate Change Technology Board; and

(2) in retrofitted existing buildings that demonstrated substantial improvement in the energy performance of the buildings by achieving a minimum increase of 30 percent in energy performance as measured by 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 improvement using an established performance benchmarking metric selected by the Climate Change Technology Board.

(c) PRIORITY.—In distributing the allowances, the Administrator shall give priority to projects that result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star

program referred to in subsection (b)(1), including at a minimum benefits such as location efficiency and reductions in embodied energy of construction materials.

On page 286, line 7, insert '', manufacturers,'' after ''retailers''.

On page 286, line 9, insert '', manufacturers,'' after ''retailers''.

On page 286, line 16, insert ''and distribution of the reward among entities eligible for the reward'' after ''product-type''.

On page 286, line 21, insert '', manufacturer,'' after ''retailer''.

On page 287, line 10, insert '', manufacturer,'' after ''retailer''.

On page 287, line 13, strike '', but not to exceed 10 years,''.

On page 288, strike lines 17 through 24 and insert the following:

(a) ESTABLISHMENT.—

(1) 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 energy and resource use efficiency in the operations and processes of the owners and operators.

(2) MEASUREMENT.—Energy and resource use efficiency improvements described in paragraph (1) shall be measured relative to the energy and resource use that would have happened if not for the Efficient Manufacturing Program.

On page 292, between lines 16 and 17, insert the following:

Subtitle E—Energy-Efficient Products and Services Deployment Program

SEC. 841. 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, 0.15 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Energy-Efficient Products and Services Deployment Program established under section 842.

SEC. 842. ENERGY-EFFICIENT PRODUCTS AND SERVICES DEPLOYMENT PROGRAM.

(a) ESTABLISHMENT.—There is established an energy-efficient products and services deployment program to provide design, building construction, product installation, management, or implementation of other strategies to improve energy productivity by individuals, entities, Federal, State, or local government agencies, and consortia of businesses and organizations that demonstrate strong capability to capture energy savings described in subsection (b).

(b) ENERGY SAVINGS.—At a minimum, energy savings captured under subsection (a) shall be energy savings—

(1) that have not been and, as determined by the Climate Change Technology Board, are not expected to be otherwise captured under this Act;

(2) that span multiple States; and

(3) the results of which can be accounted for and are distinguishable from those of other programs under this Act.

(c) INCENTIVES.—The program established under subsection (a) shall deliver incentives for individuals and entities in the private sector to pursue, innovate, and compete for energy efficiency improvement opportunities.

(d) CRITERIA.—The Climate Change Technology Board, in consultation with the Administrator and other appropriate agencies, shall establish objective eligibility criteria for energy efficiency projects to be funded under this section, including criteria to ensure that the projects are verified and would not have otherwise been carried out without the award of funds under this section.

(e) CONTRACTS.—An award for deploying 1 or more highly energy-efficient products or services that meet the criteria established under this section shall be in the form of a contract to provide an annual payment for verified energy savings in an amount equal to the product obtained by multiplying—

(1) the amount bid by the individual or entity proposing to deploy the highly energy-efficient product or service; and

(2) the energy savings during the projected useful life of the 1 or more highly energy-efficient products or services, but not to exceed 15 years, as determined by the Climate Change Technology Board.

On page 303, strike line 23 and insert the following:

(a) IN GENERAL.—The Administrator shall deposit all proceeds of auc-

On page 304, between lines 3 and 4, insert the following:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funds described in subsection (a) shall be used for programs that are expected to reduce the emission of greenhouse gases.

SA 4952. Mrs. FEINSTEIN (for herself, Ms. KLOBUCHAR, Ms. SNOWE, and Mr. WARNER) 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 32, strike lines 7 to 14 and insert the following:

(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) builds upon the regulations completed pursuant to the mandate contained in the sixth paragraph of ''Administrative Provisions, Environmental Protection Agency'' of Division F of P.L. 110–161;

(2) makes changes necessary to achieve the purposes described in section 101; and

(3) requires emission reporting to begin by not later than calendar year 2011.

SA 4953. Mr. MCCONNELL (for himself and Mr. CHAMBLISS) 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 161, between lines 6 and 7, insert the following:

SEC. 530. ACTION UPON HIGHER GASOLINE PRICES CAUSED BY THIS ACT.

(a) DETERMINATION OF HIGHER GASOLINE PRICES CAUSED BY THIS ACT.—Not less than annually, the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator, shall determine whether implementation of this Act has caused the average retail price of gasoline to increase since the date of enactment of this Act.

(b) ADMINISTRATOR ACTION.—Notwithstanding any other provision of this Act, upon a determination under subsection (a) of higher gasoline prices caused by this Act, the Administrator shall suspend such provisions of this Act as the Administrator determines are necessary until implementation of the provisions no longer causes a gasoline price increase.

SA 4954. Mr. JOHNSON (for himself and Mr. CONRAD) 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 193, strike the table that appears before line 1 and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	20
2013	20
2014	20
2015	20
2016	19.75
2017	19.5
2018	19.25
2019	18.25
2020	17
2021	15.5
2022	13.25
2023	12.25
2024	11
2025	10.75
2026	7.75
2027	6.5
2028	6.25
2029	5
2030	4.75.

Beginning on page 193, strike line 9 and all that follows through page 194, line 12, and insert the following:

(b) CALCULATION.—

(1) IN GENERAL.—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—

(A) the quantity of emission allowances allocated pursuant to section 551; and

(B) subject to paragraph (2), the quotient obtained by dividing—

(i) 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

(ii) the average annual quantity of carbon dioxide equivalents emitted by all fossil fuel-fired electricity generators during those 3 calendar years.

(2) INITIAL BASELINE FOR NEW ENTRANTS.—For purposes of the calculation under paragraph (1), in the case of a fossil fuel-fired electricity generator that commences operation on or after January 1, 2009, the value described in subparagraph (B) of paragraph (1) for each of the first 3 calendar years for which the generator is in operation shall be the average annual quantity of carbon dioxide equivalent emitted by all fossil-fired electricity generators during those 3 calendar years.

Strike the table that appears on page 203 after line 2 and insert the following:

Calendar year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	1.5
2013	1.75
2014	1.75
2015	2
2016	2.25
2017	2.5
2018	3
2019	4
2020	4
2021	4
2022	5
2023	5
2024	6
2025	6
2026	7
2027	8
2028	8
2029	9
2030	10
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.

SA 4955. Mr. DORGAN (for himself, Mr. WARNER, and Mr. SALAZAR) 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 293, between lines 17 and 18, insert the following:

(3) QUALIFYING TRANSMISSION LINE.—The term ''qualifying transmission line'' means a transmission line that—

(A)(i) is placed into commercial service after the date of enactment of this Act;

(ii) transmits renewable electricity; and

(iii) to the maximum extent practicable, employs advanced grid technologies; or

(B)(i) provides incremental increases in transmission capacity for renewable electricity; and

(ii) to the maximum extent practicable, employs advanced grid technologies

(4) QUALIFYING TRANSMITTER OF RENEWABLE ELECTRICITY.—The term ''qualifying transmitter of renewable electricity'' means an entity that constructs qualifying transmission lines.

On page 293, line 18, strike ''(3)'' and insert ''(5)''.

On page 293, line 23, strike ''(4)'' and insert ''(6)''.

On page 294, line 7, strike ''(5)'' and insert ''(7)''.

On page 297, between lines 9 and 10, insert the following:

SEC. 905. ADDITIONAL FUNDS.

(a) IN GENERAL.—For the period of calendar years 2009 through 2018, of the proceeds of the auctions conducted under section 1402(a), $5,000,000,000 shall be allocated by the Administrator to the Low- and Zero-Carbon Electricity Technology Fund in accordance with the schedule described in subsection (b).

(b) SCHEDULE.—Of the amount made available under subsection (a), the Administrator shall allocate—

(1) $1,000,000,000 for calendar year 2012;

(2) $1,000,000,000 for calendar year 2013;

(3) $1,000,000,000 for calendar year 2014;

(4) $500,000,000 for calendar year 2015;

(5) $500,000,000 for calendar year 2016;

(6) $500,000,000 for calendar year 2017; and

(7) $500,000,000 for calendar year 2018.

Beginning on page 297, strike line 24 and all that follows through page 298, line 3, and insert the following:

(1) the production of electricity from new zero- or low-carbon generation;

(2) facility establishment or conversion by manufacturers and component suppliers of zero- or low-carbon generation technology; and

(3) the construction of additional transmission capacity to increase the quantity of renewable electricity on the electrical grid.

On page 298, strike lines 5 through 17 and insert the following:

(a) IN GENERAL.—The Climate Change Technology Board shall make awards under this section to domestic producers of new zero- or low-carbon generation, domestic facilities and operations of manufacturers and component suppliers of zero- or low-carbon generation technology, and domestic transmitters of renewable electricity—

(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;

(2) in the case of qualifying manufacturers of zero- or low-carbon generation technology, based on the criteria described in section 909; and

(3) in the case of qualifying transmitters of renewable electricity, based on the quantity and distance of renewable electricity transmitted from remote areas that contain high renewable energy potential.

On page 300, between lines 10 and 11, insert the following:

(3) MINIMUM AMOUNT.—Of the amounts used by the Climate Change Technology Board to make awards to entities for zero- or low-carbon generation under this subtitle, not less than ½ of the amounts shall be used each fiscal year to make awards to entities for the generation of renewable energy.

On page 301, between lines 10 and 11, insert the following:

(c) CONSTRUCTION OF TRANSMISSION CAPACITY TO INCREASE AVAILABILITY OF RENEWABLE ELECTRICITY.—

(1) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program to direct, for each of calendar years 2012 through 2050, funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904 to builders of qualifying transmission lines based on the percentage of the qualifying transmission lines of the builders that are dedicated to the transmission of energy from renewable energy sources to the grid.

(2) MINIMUM AMOUNT.—In carrying out the program established under paragraph (1), for each of calendar years 2012 through 2050, of the funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904, the Climate Change Technology Board shall ensure that not less than 5 percent of the funds are used for the construction of qualifying transmission lines.

On page 304, strike lines 4 through 7 and insert the following:

SEC. 913. ADDITIONAL FUNDS.

(a) IN GENERAL.—For the period of calendar years 2009 through 2018, of the proceeds of the auctions conducted under section 1402(a), $5,000,000,000 shall be allocated by the Administrator to the Advanced Research Projects Agency—Energy—

(1) to be used by the Administrator to carry out renewable energy projects; and

(2) in accordance with the schedule described in subsection (b).

(b) SCHEDULE.—Of the amount made available under subsection (a), the Administrator shall allocate—

(1) $1,000,000,000 for calendar year 2012;

(2) $1,000,000,000 for calendar year 2013;

(3) $1,000,000,000 for calendar year 2014;

(4) $500,000,000 for calendar year 2015;

(5) $500,000,000 for calendar year 2016;

(6) $500,000,000 for calendar year 2017; and

(7) $500,000,000 for calendar year 2018.

SEC. 914. USE OF FUNDS.

(a) LIMITATION ON DISBURSEMENT.—No amounts deposited in the energy transformation acceleration fund pursuant to section 912 shall be disbursed, except pursuant to an appropriation Act.

(b) ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.—Section 5012(c)(1)(A) of the America COMPETES Act (42 U.S.C. 16538(c)(1)(A)) is amended—

(1) in clause (ii), by striking ''and'' after the semicolon; and

(2) by adding at the end the following:

''(iv) the advancement of renewable energy technologies that do not emit greenhouse gases; and''.

SA 4956. Mr. ENZI (for himself, Mr. BOND, Mr. INHOFE, and Mr. VOINOVICH) 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 310, lines 1 through 3, strike ''part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.)'' and insert ''subtitle C of title X''.

Beginning on page 318, strike line 6 and all that follows through page 320, line 7, and insert the following:

SEC. 1021. CARBON SEQUESTRATION AND CAPTURE.

(a) DEFINITIONS.—In this section:

(1) ANTHROPOGENIC.—The term ''anthropogenic'' means produced or caused by human activity.

(2) CARBON DIOXIDE.—The term ''carbon dioxide'' means anthropogenically sourced carbon dioxide that is of sufficient purity and quality as to not compromise the safety and efficiency of any reservoir in which the carbon dioxide is stored.

(3) FEDERAL AGENCY.—The term ''Federal agency'' means any department, agency, or instrumentality of the United States.

(4) GEOLOGICAL STORAGE.—The term ''geological storage'' means permanent or short-term underground storage of carbon dioxide in a reservoir.

(5) PERSON.—

(A) IN GENERAL.—The term ''person'' means an individual, corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(B) INCLUSIONS.—The term ''person'' includes an officer, employee, and agent of any corporation, company (including a limited liability company), association, partnership, State, municipality, or Federal agency.

(6) RESERVOIR.—

(A) IN GENERAL.—The term ''reservoir'' means any subsurface sedimentary stratum, formation, aquifer, or cavity or void (whether natural or artificially created) that is suitable for, or capable of being made suitable for, the injection and storage of carbon dioxide.

(B) INCLUSIONS.—The term ''reservoir'' includes—

(i) an oil and gas reservoir;

(ii) a saline formation or coal seam; and

(iii) the seabed and subsoil of a submarine area.

(7) STATE.—

(A) IN GENERAL.—The term ''State'' means—

(i) each of the several States of the United States;

(ii) the District of Columbia;

(iii) the Commonwealth of Puerto Rico;

(iv) Guam;

(v) American Samoa;

(vi) the Commonwealth of the Northern Mariana Islands;

(vii) the Federated States of Micronesia;

(viii) the Republic of the Marshall Islands;

(ix) the Republic of Palau; and

(x) the United States Virgin Islands.

(B) INCLUSIONS.—The term ''State'' includes all territorial water, seabed, and subsoil of submarine areas of each State.

(8) STATE REGULATORY AGENCY.—The term ''State regulatory agency'' means the agency designated by the Governor of a State to administer a carbon dioxide storage program of the State.

(9) STORAGE FACILITY.—

(A) IN GENERAL.—The term ''storage facility'' means—

(i) an underground reservoir, underground equipment, and surface structures and equipment used in an operation to store carbon dioxide in a reservoir; and

(ii) any other facilities that the Administrator may include by regulation or permit.

(B) EXCLUSIONS.—The term ''storage facility'' does not include pipelines used to transport the carbon dioxide from 1 or more capture facilities to the storage and injection site.

(10) STORAGE OPERATOR.—The term ''storage operator'' means any person or other entity authorized by the Administrator or State regulatory agency to operate a storage facility.

(11) UNDERGROUND RESERVOIR.—The term ''underground reservoir'', with respect to a storage facility, includes any necessary and reasonable areal buffer and subsurface monitoring zones that are—

(A) designated by the Administrator or State regulatory agency for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide; and

(B) selected to protect against pollution, invasion, and escape or migration of the stored carbon dioxide.

(b) STATE CARBON DIOXIDE GEOLOGICAL STORAGE PROGRAMS.—

(1) REGULATIONS.—

(A) IN GENERAL.—The Administrator shall—

(i) not later than 180 days after the date of enactment of this Act, publish in the Federal Register proposed regulations for State carbon dioxide storage programs; and

(ii) not later than 180 days after the date of publication of the proposed regulations under clause (i), promulgate final regulations for State carbon dioxide storage programs that meet the requirements described in paragraph (2)(A), including such modifications as the Administrator determines to be appropriate.

(B) UPDATING.—The Administrator may periodically review and, as necessary, revise the regulations promulgated under this subsection.

(2) STATE REGULATORY AUTHORITY.—

(A) IN GENERAL.—The regulations promulgated under paragraph (1)(A)(ii) shall establish minimum requirements that States shall meet in order to be approved to administer a carbon dioxide storage program under subsection (c)(1), including—

(i) a prohibition on carbon dioxide storage in the State that is not authorized by a permit issued by the State;

(ii) inspection, monitoring, recordkeeping, and reporting requirements; and

(iii) authority for the State regulatory agency to issue a permit, after public notice and hearing, approving a storage facility for the proposed geological storage of carbon dioxide if the State regulatory authority determines that—

(I) the horizontal and vertical boundaries of the geological storage facility designated by the permit are appropriate for the storage facility;

(II) the storage facility and reservoir are suitable and feasible for the injection and storage of carbon dioxide;

(III) a good faith effort has been made to obtain the consent of a majority of the owners having property interests affected by the storage facility, and that the storage operator intends to acquire any remaining interest by eminent domain or by a method otherwise allowed by law;

(IV) the use of the storage facility for the geological storage of carbon dioxide will not result in the unpermitted migration of carbon dioxide into other formations containing fresh drinking water or oil, gas, coal, or other commercial mineral deposits that are not owned by the storage operator; and

(V) the proposed storage would—

(aa) not unduly endanger human health or the environment; and

(bb) be in the public interest.

(B) STATE AUTHORITY.—A State regulatory agency approved under subsection (c)(1) to administer a carbon dioxide storage program shall issue such orders, permits, certificates, rules, and regulations, including establishment of such appropriate and sufficient financial sureties as are necessary, for the purpose of regulating the drilling, operation, and well plugging and abandonment and removal of surface buildings and equipment of the storage facility in order to protect the storage facility against pollution, invasion, and the escape or migration of carbon dioxide.

(C) EMINENT DOMAIN.—A storage operator may be empowered by a State to exercise the right of eminent domain under State law to acquire all surface and subsurface rights and interests necessary or useful for the purpose of operating the storage facility, including easements and rights-of-way across land that are necessary to transport carbon dioxide among components of the storage facility.

(D) VARIANCE IN CONDITIONS.—The regulations promulgated under paragraph (1)(A)(ii) shall permit or provide for consideration of varying geological, hydrological, and historical conditions in different States and in different areas within a State.

(E) ENHANCED RECOVERY OPERATIONS.—

(i) IN GENERAL.—Upon the approval of a State to administer a carbon dioxide storage program under subsection (c)(1), the State regulatory agency designated by the State may develop rules to allow the conversion into a storage facility of an enhanced recovery operation that is in existence as of the date on which administration of the program by the State is approved.

(ii) OIL AND GAS RECOVERY.—Nothing in this section applies to or otherwise affects the use of carbon dioxide as a part of or in conjunction with any enhanced recovery method the sole purpose of which is enhanced oil or gas recovery.

(c) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—

(1) APPROVAL OF STATE CARBON DIOXIDE STORAGE PROGRAMS.—

(A) APPLICATION.—

(i) IN GENERAL.—After promulgation of the regulations under subsection (b)(1)(A)(ii), each State may submit to the Administrator an application that demonstrates, to the satisfaction of the Administrator, that the State—

(I) has adopted, after providing for reasonable notice and an opportunity for public comment, and will implement, a carbon dioxide storage program that meets the requirements of the regulations; and

(II) will keep such records and make such reports with respect to the activities of the State under the carbon dioxide storage program as the Administrator may require by regulation.

(ii) REVISIONS.—Not later than the expiration of the 270-day period beginning on the date on which any regulation promulgated under subsection (b)(1)(A)(ii) is revised or amended with respect to a requirement applicable to State carbon dioxide storage programs, each State with a carbon dioxide storage program approved under subparagraph (B) shall submit, in such form and in such manner as the Administrator may require, a notice to the Administrator that demonstrates, to the satisfaction of the Administrator, that the State carbon dioxide storage program meets the revised or amended requirement.

(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after the date on which a State submits to the Administrator an application under subparagraph (A)(i) or a notice under subparagraph (A)(ii), and after a reasonable (as determined by the Administrator) opportunity for discussion, the Administrator shall by regulation approve, disapprove, or approve in part and disapprove in part, the carbon dioxide storage program proposed by the State.

(C) EFFECT OF APPROVAL.—If the Administrator approves the carbon dioxide storage program of a State under subparagraph (B), the State shall have primary enforcement responsibility for carbon dioxide storage in the State until such time as the Administrator determines, by regulation, that the State no longer meets the requirements of subparagraph (A)(i).

(D) PUBLIC PARTICIPATION.—Before making a determination under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the determination.

(2) STATES WITHOUT PRIMARY ENFORCEMENT RESPONSIBILITY.—

(A) IN GENERAL.—If a State fails to submit an application under paragraph (1)(A)(i) by the date that is 270 days after the date of promulgation of regulations under subsection (b)(1)(A)(ii), the Administrator shall by regulation prescribe (and may from time to time by regulation revise) a program applicable to the State that meets the terms and conditions of subsection (b)(2).

(B) DISAPPROVAL.—If the Administrator disapproves all or a portion of the program of a State under paragraph (1)(B), if the Administrator determines under paragraph (1)(C) that a State no longer meets the requirements of subclause (I) or (II) of paragraph (1)(A)(i), or if a State fails to submit a notice before the expiration of the period specified in paragraph (1)(A)(ii), the Administrator shall by regulation, not later than 90 days after the date of the disapproval, determination, or expiration (as the case may be), prescribe (and may from time to time by regulation revise) a program applicable to the

State that meets the requirements of subsection (b)(2).

(C) APPLICABILITY.—A program prescribed by the Administrator under subparagraph (B) shall apply in a State only to the extent that a program adopted by the State that the Administrator determines meets the requirements of this section or subsection (b)(2) is not in effect.

(D) PUBLIC PARTICIPATION.—Before promulgating any regulation under subparagraph (B) or (C), the Administrator shall provide an opportunity for a public hearing with respect to the regulation.

(d) ENFORCEMENT OF PROGRAM.—

(1) NOTIFICATION.—

(A) IN GENERAL.—In any case in which the Administrator determines, during a period during which a State has primary enforcement responsibility for carbon dioxide storage, that any person who is subject to a requirement of the carbon dioxide storage program is violating the requirement, the Administrator shall notify the State and the person violating the requirement of the violation.

(B) FAILURE TO ENFORCE.—If, after the date that is 30 days after the Administrator notifies a State of a violation under subparagraph (A), the State has not commenced appropriate enforcement action, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to—

(I) correct the matter; and

(II) comply with the requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(C) VIOLATIONS IN CERTAIN STATES.—In any case in which the Administrator determines, during a period during which a State does not have primary enforcement responsibility for carbon dioxide storage, that any person subject to any requirement of any applicable carbon dioxide storage program in the State is violating the requirement, the Administrator shall—

(i) issue an order under paragraph (2) requiring the person to comply with requirement; or

(ii) bring a civil action in accordance with paragraph (3).

(2) ADMINISTRATIVE ORDERS AND APPEALS.—

(A) IN GENERAL.—In any case in which the Administrator has the authority to bring a civil action under this subsection with respect to any regulation or other requirement of this section, the Administrator may, in addition to bringing the civil action, issue an order under this paragraph that—

(i) assesses a civil penalty of not more than $10,000 for each day of violation for any past or current violation, up to a maximum aggregate civil penalty of $125,000, for each covered entity;

(ii) requires compliance with the regulation or other requirement; or

(iii) accomplishes each of the actions described in clauses (i) and (ii).

(B) TIMING.—An order under this paragraph shall be issued by the Administrator only after an opportunity (provided in accordance with this paragraph) for a hearing.

(C) NOTICE.—Before issuing any order under subparagraph (A), the Administrator shall provide to the person to whom the order applies—

(i) written notice of the intent of the Administrator to issue the order; and

(ii) the opportunity to request, within the 30-day period beginning on the date of receipt by the person of the notice, a hearing on the order.

(D) REQUIREMENTS.—A hearing described in subparagraph (C)(ii)—

(i) shall not be subject to section 554 or 556 of title 5, United States Code; but

(ii) shall provide to each interested person a reasonable opportunity to be heard and to present evidence.

(E) NOTICE AND COMMENT.—The Administrator shall provide public notice of, and a reasonable opportunity to comment on, any proposed order.

(F) SPECIFIC NOTICE.—Any person who comments on any proposed order under subparagraph (E) shall be given notice of any hearing under this paragraph and of any order.

(G) EFFECTIVE DATE.—Any order issued under this paragraph shall become effective on the date that is 30 days after the date of issuance of the order, unless an appeal is taken pursuant to subparagraph (K).

(H) CONTENTS OF ORDER.—Any order issued under this paragraph—

(i) shall state with reasonable specificity the nature of the violation; and

(ii) may specify a reasonable period to achieve compliance.

(I) CONSIDERATIONS.—In assessing any civil penalty under this paragraph, the Administrator shall take into consideration all appropriate factors, including—

(i) the seriousness of the violation;

(ii) the economic benefit (if any) resulting from the violation;

(iii) any history of similar violations;

(iv) any good-faith efforts to comply with the applicable requirements;

(v) the economic impact of the penalty on the violator; and

(vi) such other matters as justice may require.

(J) OTHER ACTIONS.—Any violation with respect to which the Administrator has commenced and is diligently prosecuting a civil action under a provision of law other than this section, or has issued an order under this paragraph assessing a civil penalty, shall not be subject to a civil action under paragraph (3).

(K) APPEALS.—Any person against whom an order is issued may file an appeal of the order, not later than 30 days after the date of issuance of the order, with—

(i) the United States District Court for the District of Columbia; or

(ii) the United States district court for the district in which the violation is alleged to have occurred.

(L) DISTRIBUTION OF COPIES.—An appellant shall simultaneously send a copy of an appeal filed under subparagraph (K) by certified mail to the Administrator and to the Attorney General.

(M) RECORD.—The Administrator shall promptly file in the appropriate court described in subparagraph (K) a certified copy of the record on which an order was based.

(N) JUDICIAL ACTION.—A court having jurisdiction over an order issued under this paragraph shall not—

(i) set aside or remand the order unless the court determines that—

(I) there is not substantial evidence on the record, taken as a whole, to support the finding of a violation; or

(II) the assessment by the Administrator of a civil penalty, or a requirement for compliance, constitutes an abuse of discretion; or

(ii) impose additional civil penalties for the same violation unless the court determines that the assessment by the Administrator of a civil penalty constitutes an abuse of discretion.

(O) FAILURE TO PAY.—

(i) IN GENERAL.—If any person fails to pay an assessment of a civil penalty after an order becomes effective under subparagraph (G), or after a court, in a civil action brought under subparagraph (K), has entered a final judgment in favor of the Administrator, the Administrator may request the Attorney General to bring a civil action in an appropriate United States district court to recover the amount assessed, plus costs, attorneys' fees, and interest at currently prevailing rates, calculated from the date on which the order is effective or the date of the final judgment, as the case may be.

(ii) NO REVIEW OF AMOUNT.—In a civil action brought under clause (i), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

(P) AUTHORITY OF ADMINISTRATOR.—The Administrator may, in connection with administrative proceedings under this paragraph—

(i) issue subpoenas compelling the attendance and testimony of witnesses and subpoenas duces tecum; and

(ii) request the Attorney General to bring a civil action to enforce any subpoena issued under this subparagraph.

(Q) ENFORCEMENT.—The United States district courts shall have jurisdiction to enforce, and impose sanctions with respect to, subpoenas issued under subparagraph (P).

(3) CIVIL AND CRIMINAL ACTIONS.—

(A) IN GENERAL.—A civil action referred to in subparagraph (B) or (C) of paragraph (1) shall be brought in the appropriate United States district court.

(B) AUTHORITY; JUDGEMENT.—A court described in subparagraph (A)—

(i) shall have jurisdiction to require compliance with any requirement of an applicable carbon dioxide storage program or with an order issued under paragraph (2); and

(ii) may enter such judgment as the protection of public health may require.

(C) PENALTIES.—Any person who violates any requirement of an applicable carbon dioxide storage program or an order requiring compliance under paragraph (2)—

(i) shall be subject to a civil penalty of not more than $25,000 for each day of such violation; and

(ii) if the violation is willful, may, in addition to or in lieu of the civil penalty under clause (i), be imprisoned for not more than 3 years, fined in accordance with title 18, United States Code, or both.

(4) EFFECT ON STATE AUTHORITY.—

(A) IN GENERAL.—Nothing in this subsection diminishes or otherwise affects any authority of a State or political subdivision of a State to adopt or enforce any law (including a regulation) (relating to the storage of carbon dioxide.

(B) OTHER REQUIREMENTS.—No law (including a regulation) described in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this Act.

(e) FINANCIAL ASSURANCES FOR STORAGE OPERATORS.—

(1) IN GENERAL.—Each storage operator shall be required by the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) to have and maintain financial assurances of such type and in such amounts as are necessary to cover public liability claims relating to the storage facility of the storage operator.

(2) MAINTENANCE OF FINANCIAL ASSURANCES.—The financial assurances required under paragraph (1) shall be maintained by the storage operator until such time as the operator obtains a certificate of completion of injection operations under subsection (f).

(3) AMOUNT.—The amount of financial assurances required under paragraph (1) shall be the maximum amount of liability insurance available at a reasonable cost and on reasonable terms from private sources (including private insurance, private contractual indemnities, self-insurance, or a combination of those measures), as determined by the Administrator.

(f) CESSATION OF STORAGE OPERATIONS.—Upon a showing by a storage operator that a

storage facility is reasonably expected to retain mechanical integrity and remain in place, the State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority) shall issue a certificate of completion of injection operations to the storage operator.

(g) LIABILITY OF STORAGE OPERATORS FOR RELEASE OF CARBON DIOXIDE.—

(1) IN GENERAL.—The Administrator shall agree to indemnify and hold harmless a storage operator (and if different from the storage operator, the owner of the storage facility) that has maintained financial assurances under subsection (e) from liability arising from the leakage of carbon dioxide at any storage facility operated by the storage operator, to the extent that the liability is in excess of the level of financial protection required of the storage operator.

(2) COMPLETION OF OPERATIONS.—Upon the issuance of certificate of completion of injection operations by a State regulatory agency (in the case of a State with primary enforcement authority) or the Administrator (in the case of a State that does not have primary enforcement authority)—

(A) the Administrator shall be vested with complete and absolute title and ownership of the storage facility and any stored carbon dioxide at the facility;

(B) the storage operator and all generators of any injected carbon dioxide shall be released from all further liability associated with the project; and

(C)(i) any performance bonds posted by the storage operator shall be released; and

(ii) continued monitoring of the storage facility, including remediation of any well leakage, shall become the responsibility of the Administrator.

(h) FUNDING.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall collect an annual assessment from each storage operator for each storage facility that has not obtained a certificate of completion of injection operations.

(2) ASSESSMENT AMOUNT.—The amount of the assessment for a storage facility for a fiscal year shall be equal to the product obtained by multiplying—

(A) the per-ton assessment for the fiscal year calculated under paragraph (4); and

(B) the total number of tons of carbon dioxide injected for storage by the storage operator during the preceding fiscal year at all storage facilities operated by the storage operator during the fiscal year.

(3) AGGREGATE AMOUNT.—The aggregate amount of assessments collected from all storage operators under paragraph (1) for any fiscal year shall be equal to the sum of, with respect to the fiscal year—

(A) any indemnification payments required to be made pursuant to subsection (g)(1);

(B) any costs associated with storage facilities to which the Administrator has taken title pursuant to subsection (g)(2), including costs associated with any—

(i) inspection, monitoring, recordkeeping, and reporting requirements of those facilities;

(ii) remediation of carbon dioxide leakage; or

(iii) plugging and abandoning of remaining wells; and

(C) any costs associated with public liability of storage facilities to which the Administrator has taken title pursuant to subsection (g)(2).

(4) CALCULATION OF ASSESSMENT.—The assessment under this subsection per ton of carbon dioxide for a fiscal year shall be equal to the quotient obtained by dividing—

(A) the aggregate amount of assessments calculated under paragraph (3) for the fiscal year; by

(B) the aggregate number of tons of carbon dioxide injected for storage during the preceding fiscal year by all storage operators.

(5) INFORMATION.—The Administrator shall require the submission of such information by each storage operator on an annual basis as is necessary to make the calculations required under this subsection.

(i) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The Administrator shall promulgate regulations for permitting commercial-scale underground injection of carbon dioxide for purposes of geological sequestration under this section.

(2) SAFE DRINKING WATER ACT.—Section 1421 of the Safe Drinking Water Act (42 U.S.C. 300h) shall not be used as a basis for permitting commercial-scale underground injection or storage of carbon dioxide.

Beginning on page 329, strike line 1 and all that follows through page 330, line 3.

At the end of title X, add the following:

Subtitle D—Reduced Carbon Emissions Through Clean Coal Technologies

SEC. 1031. STATEMENT OF POLICY.

It is the policy of the United States to reduce carbon emissions from technology improvements to coal-fired power plants that will reduce the quantity of coal burned and carbon dioxide emitted per unit of power produced.

SEC. 1032. CLEAN COAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall expand and accelerate efforts to conduct research and develop technologies that reduce carbon dioxide emissions from coal-fired facilities with an emphasis on commercial viability and reliability.

(b) SHORT-, MEDIUM- AND LONG-TERM TECHNOLOGY AREAS.—The Secretary shall emphasize technologies that reduce carbon dioxide emissions in the short-, medium-, and long-term time frames, including—

(1) innovations for existing power plants that reduce carbon dioxide emissions by energy efficiency increases or by capturing carbon emissions, including technologies that—

(A) reduce the quantity of fuel combusted per unit of electricity output;

(B) reduce parasitic power loss from carbon control technology;

(C) improve compression of the separated and captured carbon dioxide;

(D) reuse or reduce water consumption and withdrawal; and

(E) capture carbon dioxide post-combustion from flue gas, such as through the use of ammonia-based, aqueous amine or ionic liquid solutions or other methods;

(2) new combustion systems, including—

(A) oxyfuel combustion that burns fuel in the presence of oxygen and recirculated flue gas instead of air producing a concentrated stream of carbon dioxide that can be readily captured for storage or use;

(B) chemical looping combustion that burns fuel in the presence of a solid oxygen carrier instead of air producing concentrated stream of carbon dioxide that can be readily captured for storage or use;

(C) high-temperature and pressure steam systems, such as ultra supercritical steam generation, that result in high net plant efficiency and reduced fuel consumption, thus producing less carbon dioxide per unit of energy;

(D) other innovative carbon dioxide control technologies appropriate for new combustion systems; and

(E) high temperature and high pressure materials that will result in much higher plant efficiencies and carbon dioxide emission reductions;

(3) innovations for IGCC systems that build on the ability of the IGCC to separate pollutants and carbon emissions from gas streams, including—

(A) advanced membrane technology for carbon dioxide separation;

(B) improved air separation systems;

(C) improved compression for the separated and captured carbon dioxide; and

(D) other innovative carbon dioxide control technologies appropriate for IGCC systems;

(4) advanced combustion turbines, including—

(A) ultra low emission hydrogen turbines; and

(B) oxycoal combustion turbines; and

(5) sequestration of captured carbon in geological formations, including—

(A) plume tracking;

(B) carbon dioxide leak detection and mitigation;

(C) carbon dioxide fate and transport models; and

(D) site evaluation instrumentation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for innovations at power plants in operation as of the date of enactment of this Act $450,000,000 for the period of fiscal years 2009 through 2020;

(2) for new combustion systems $450,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $850,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $350,000,000 for the period of fiscal years 2009 through 2025;

(5) for carbon storage $400,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1033. CLEAN COAL DEMONSTRATION.

(a) IN GENERAL.—The Secretary shall expand and accelerate the demonstration of technologies that reduce carbon dioxide emissions from coal-fired facilities by demonstrating, at a minimum—

(1) through facilities in operation as of the date of enactment of this Act—

(A) post-combustion carbon dioxide capture at pilot scale at not less than 2 facilities, the award of contracts for which shall be completed by 2010;

(B) oxycoal combustion at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) post-combustion carbon dioxide capture at commercial scale retrofitted to not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) heat rate and efficiency improvements at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012; and

(E) water consumption reduction at commercial scale at not less than 2 facilities, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (A) and (C) at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) heat rate and efficiency improvements at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014;

(H) water consumption reduction at commercial scale at not less than 3 facilities, the award of contracts for which shall be completed by 2014; and

(I) post-combustion carbon dioxide capture at pilot scale with technologies other than

technologies demonstrated under subparagraphs (A), (C), and (F) at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(2) through new coal combustion facilities that include carbon capture—

(A) oxycoal combustion at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) post-combustion carbon dioxide capture at pilot scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) oxycoal combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(D) supercritical pulverized coal combustion with advanced emission controls and partial carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(E) oxycoal supercritical circulating fluidized bed combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(F) post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(G) post-combustion carbon dioxide capture at pilot scale with technologies other than technologies demonstrated under subparagraphs (B) or (F) at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(H) ultra supercritical (1290°F) pulverized coal combustion with near-zero emission controls and 90 percent carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(I) oxycoal combustion with an advanced oxygen separation system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2016;

(J) second generation post-combustion carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2014;

(K) chemical looping combustion at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018; and

(L) ultra advanced supercritical (1400°F) combustion with near-zero emission controls and 90 percent integrated carbon dioxide capture at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2018;

(3) through IGCC with carbon capture—

(A) partial carbon dioxide capture without a water gas shift system at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) using G class turbine at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2012;

(C) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2014; and

(D) using H class turbines at not less than 1 facility with at least 400 megawatts in generating capacity, the award of contracts for which shall be completed by 2016.

(4) through advanced turbines using—

(A) monitoring systems for advanced IGCC gas turbine at commercial scale at not less than 1 facility, the award of contracts for which shall be completed by 2010;

(B) advanced oxygen separation of at least 2,000 tons per day in size integrated with a combustion turbine at not less than 1 facility, the award of contracts for which shall be completed by 2012;

(C) an oxyfuel turbine of at least 50 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2015;

(D) advanced oxygen separation of at least 2,000 tons per day in size integrated with a gas turbine at not less than 1 facility, the award of contracts for which shall be completed by 2015; and

(E) an oxyfuel turbine of at least 400 megawatts in generating capacity, at not less than 1 facility, the award of contracts for which shall be completed by 2020; and

(5) for storage of carbon dioxide captured through—

(A) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2010;

(B) field tests of sequestration of at least 2,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2012; and

(C) a field test of sequestration of at least 1,000,000 tons of carbon dioxide per year in a saline formation, the award of contracts for which shall be completed by 2014.

(b) SEQUESTRATION OF CAPTURED CARBON DIOXIDE.—In any demonstration referred to in subsection (a) that demonstrates carbon dioxide capture, the carbon dioxide capture shall be used for enhanced oil recovery, sequestered in geologically appropriate formations, or permanently sequestered or reused, with funds made available to carry out each such demonstration for the respective purpose of the demonstration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(1) for demonstrations through facilities in operation as of the date of enactment of this Act $850,000,000 for the period of fiscal years 2009 through 2025;

(2) for new combustion systems $1,950,000,000 for the period of fiscal years 2009 through 2025;

(3) for IGCC systems $2,950,000,000 for the period of fiscal years 2009 through 2025;

(4) for advanced combustion turbines $400,000,000 for the period of fiscal years 2009 through 2025; and

(5) for carbon storage $1,350,000,000 for the period of fiscal years 2009 through 2020.

SEC. 1034. IDENTIFICATION OF CLEAN COAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall take such steps as are necessary to carry out this subtitle.

(b) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this Act and every 2 years thereafter, the Secretary shall institute a public comment period of at least 45 days to assist the determination of the specific research, development, and demonstration projects required under this subtitle.

(c) APPLICATIONS.—Not later than 120 days after the end of each public comment period required under subsection (b), the Secretary shall—

(1) publicly identify the specific types of projects that the Secretary intends to pursue to carry out this subtitle;

(2) establish selection criteria for the specific types of projects identified under paragraph (1); and

(3) establish an application process that allows persons that are interested in participating in projects identified under paragraph (1) to provide such information as the Secretary determines to be necessary.

Subtitle E—Clean Coal Technology Incentives

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the ''Energy Security and Climate Enhancement Through Clean Coal Technology Act of 2008''.

SEC. 1042. MODIFICATION OF SPECIAL RULES FOR ATMOSPHERIC POLLUTION CONTROL FACILITIES.

(a) IN GENERAL.—Subsection (d) of section 169 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR CERTAIN ATMOSPHERIC POLLUTION CONTROL FACILITIES.—Notwithstanding paragraph (1), the term 'pollution control facility' includes any mechanical or electronic system which—

''(A) which is a new identifiable treatment facility (as defined in paragraph (4)),

''(B) which is—

''(i) installed after December 31, 2007, and

''(ii) used in connection with an electric generation plant or other property which is primarily coal fired, and

''(C) which is certified by the owner or operator of the plant or other property, in such form and manner as prescribed by the Secretary, to reduce carbon dioxide emissions per net megawatt hour of electricity generation by—

''(i) optimizing combustion,

''(ii) optimizing sootblowing and heat transfer,

''(iii) upgrading steam temperature control capabilities,

''(iv) reducing exit gas temperatures (air heater modifications)

''(v) predrying low rank coals using power plant waste heat,

''(vi) modifying steam turbines or change the steam path/blading,

''(vii) replacing single speed motors with variable speed drives for fans and pumps,

''(viii) improving operational controls, including neural networks, or

''(ix) any other means approved by the Secretary, in consultation with the Secretary of Health and Human Services.''.

(b) DEDUCTION NOT ADJUSTED FOR PURPOSES OF DETERMINING ALTERNATIVE MINIMUM TAX.—Paragraph (5) of section 56(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''The preceding sentences of this paragraph shall not apply to any pollution control facility described in section 169(d)(6).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 1043. EXTENSION AND MODIFICATION OF PRODUCTION CREDIT FOR CLOSED-LOOP BIOMASS.

(a) IN GENERAL.—Clause (ii) of section 45(d)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(iii) owned by the taxpayer which after before January 1, 2014 is originally placed in service and modified, or is originally placed in service as a facility, to use closed-loop biomass to co-fire (or, in the case of an integrated gasification combined cycle facility, to co-process) with coal, with other biomass, or with both.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

SEC. 1044. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48B the following new section:

''SEC. 48C. QUALIFYING NEW CLEAN COAL POWER PLANT CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 46, the qualifying new clean coal power plant credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be determined as follows:

''In the case of a plant which either has—			The applicable percentage is:
a design net heat rate below—	or	a carbon dioxide emission rate of—	
7,580 Btu/kWh (45% efficiency)		1,577 lbs/MWh or less	30 percent
7,760 Btu/kWh (44% efficiency)		1,613 lbs/MWh or less	28 percent
7,940 Btu/kWh (43% efficiency)		1,650 lbs/MWh or less	26 percent
8,120 Btu/kWh (42% efficiency)		1,690 lbs/MWh or less	20 percent
8,322 Btu/kWh (41% efficiency)		1,731 lbs/MWh or less	10 percent
8,530 Btu/kWh (40% efficiency)		1,774 lbs/MWh or less	10 percent

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying new clean coal power plant—

''(A)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING NEW CLEAN COAL POWER PLANT.—The term 'qualifying new clean coal power plant' means a facility which—

''(A) which meets the requirements of section 48A(e),

''(B) which either—

''(i) has a design net heat rate of below 8,530 Btu/kWh, or

''(ii) has a carbon dioxide emission rate of 1,774 lbs/MWh or less, and

''(C) which—

''(i) is designed to capture carbon dioxide emissions, or

''(ii)(I) is designed to include a built-in space for future carbon dioxide capture hardware (and improved foundations and ironwork necessary to accommodate the additional hardware),

''(II) includes an engineering feasibility study identifying a system, including associated cost and performance parameters, to retrofit carbon capture equipment, and

''(III) includes a site or sited identified where carbon dioxide may be stored or used for commercial purposes.

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is a part of a qualifying new clean coal power plant.

''(d) QUALIFYING NEW CLEAN COAL POWER PLANT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying new clean coal power plant program, under which the Secretary shall certify projects eligible for the credit under subsection (a)

''(2) APPLICATION.—An application under for certification under this section shall contain such information as the Secretary may require in order to make a determination to accept or reject an application for certification as meeting the requirements of this section. Any information contained in the application shall be protected as provided in section 552(b)(4) of title 5, United States Code.

''(3) AGGREGATE CREDITS.—The aggregate or projects certified by the Secretary under this subsection shall not exceed an aggregate capacity for electricity generation of more than 6,000 megawatts.''.

''(e) RECAPTURE OF CREDIT.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain any of the requirements of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) the qualifying new clean coal power plant credit.''.

(2) Section 49(a)(1)(C) of such Code is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the basis of any property which is part of a qualifying new clean coal power plant under section 48C.''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48B the following new item:

''Sec. 48C. Qualifying new clean coal power plant credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1045. INVESTMENT CREDIT FOR EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. EQUIPMENT USED TO CAPTURE, TRANSPORT, AND STORE CARBON DIOXIDE EMISSIONS.

''(a) GENERAL RULE.—For purposes of section 46, the qualifying carbon dioxide equipment credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PROPERTY.—The term 'eligible property' means equipment installed on a qualified coal-fired electric power generating unit to capture, transport, and store carbon dioxide produced at such generating unit, including equipment to separate and pressurize carbon dioxide for transport (including hardware to operate such equipment) and equipment to transport, inject, and monitor such carbon dioxide, as further specified and identified, by rule, by the Secretary.

''(2) QUALIFIED COAL-FIRED ELECTRIC GENERATION UNIT.—The term 'qualified coal-fired electric generation unit' means a unit which, after installation of eligible property, is designed to capture and store in a geologic formation not less than 500,000 metric tons of carbon dioxide per year.

''(d) AGGREGATE CREDITS.—The credits allowed under subsection (a) shall apply only to the first 9,000 megawatts of capacity of qualified coal-fired electric power generating units certified by the Secretary under subsection (e).

''(e) CERTIFICATION.—

''(1) CERTIFICATION PROCESS.—The Secretary shall establish a certification process to determine the extent to which eligible property has been installed on a qualified coal-fired electric power generating unit, and to make such other determinations as the Secretary deems appropriate. The Secretary shall prepare an application for certification.

''(2) REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATION.—An application for certification shall contain such information as the Secretary may require in order to establish credit entitlement. Any information contained in an application shall be protected as provided in section 552(b)(4) of title 5, United States Code.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following new paragraph:

''(6) the qualifying carbon dioxide equipment credit.''.

(2) Section 49(a)(1)(C) of such Code, as amended by this Act, is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) the basis of any eligible property under section 48D.''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code, as amended by this Act is amended by inserting after the item relating to section 48C the following new section:

''Sec. 48D. Equipment used to capture, transport, and store carbon dioxide emissions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1046. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION IN THE GENERATION OF ELECTRICITY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45Q. CREDIT SEQUESTERING CARBON DIOXIDE IN THE GENERATION OF ELECTRICITY.

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $30 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility during the credit period, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility during the credit period, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED FACILITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified facility' means any industrial facility—

''(A) which is owned by the taxpayer,

''(B) at which carbon capture equipment is placed in service,

''(C) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year, and

''(D) which is certified by the Secretary under paragraph (2).

''(2) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish a program under which facilities which use coal for the generation of electricity are certified for purposes of this section.

''(B) LIMITATION.—The total aggregate generating capacity of all facilities certified by the Secretary under this paragraph shall not exceed 9,000 megawatts.

''(c) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emissions of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(d) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means, with respect to any qualified facility, the 10-year period beginning on the date on which qualified carbon dioxide for which a credit was allowed under subsection (a) was first captured.

''(2) ONLY CARBON DIOXIDE CAPTURED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(3) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(4) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(5) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(6) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(7) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(8) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2007' for '1990'.''.

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for sequestering carbon dioxide in the generation of electricity.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply carbon dioxide captured after the date of the enactment of this Act.

SEC. 1047. CLEAN ENERGY COAL BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to qualified tax credit bonds) is amended by adding at the end the following new section:

''SEC. 54C. CLEAN ENERGY COAL BONDS.

''(a) CLEAN ENERGY COAL BOND.—For purposes of this subchapter—

''(1) IN GENERAL.—The term 'clean energy coal bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national clean energy coal bond limitation under subsection (b)(2);

''(B) 100 percent of the available project proceeds from the sale of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects;

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form; and

''(D) in lieu of the requirements of section 54A(d)(2), the issue meets the requirements of subsection (c).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means a qualified clean coal project (as defined in subsection (f)(1)) placed in service by a qualified borrower.

''(B) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a clean energy coal bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), a clean energy coal bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the qualified borrower declared its intent to reimburse such expenditure with the proceeds of a clean energy coal bond;

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds; and

''(iii) reimbursement is not made later than 18 months after the date the original expenditure is paid or the date the project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

''(D) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a clean energy coal bond.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a national clean energy coal bond limitation of $5,000,000,000.

''(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

''(c) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance. the qualified issuer reasonably expects—

''(A) 100 percent or more of the available project proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the clean energy bond;

''(B) a binding commitment with a third party to spend at least 10 percent of such available project proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the clean energy bond or, in the case of a

clean energy bond the available project proceeds of which are to be loaned to 2 or more qualified borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a qualified borrower; and

''(C) such projects will be completed with due diligence and the available project proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 100 percent of the available project proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(d) COOPERATIVE ELECTRIC COMPANY; QUALIFIED ENERGY TAX CREDIT BOND LENDER; GOVERNMENTAL BODY; QUALIFIED BORROWER.—For purposes of this section—

''(1) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.

''(2) CLEAN ENERGY BOND LENDER.—The term 'clean energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(3) PUBLIC POWER ENTITY.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).

''(4) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a clean energy bond lender;

''(B) a cooperative electric company; or

''(C) a public power entity.

''(5) QUALIFIED BORROWER.—The term 'qualified borrower' means—

''(A) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2)(C); or

''(B) a public power entity.

''(e) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to any loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED CLEAN COAL PROJECT.—For purposes of this section, the term 'qualified clean coal project' means—

''(A) an atmospheric pollution control facility (within the meaning of section 169(d)(5)(C));

''(B) a closed-loop biomass facility (within the meaning of section 45(d)(2));

''(C) a qualified new clean coal power plant (within the meaning of section 48C(d)(1));

''(D) qualifying carbon dioxide equipment described in section 48D(c)(1); or

''(E) a qualified facility (within the meaning of section 450(c)).

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(g) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2018.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a clean energy coal bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a clean energy coal bond, a purpose specified in section 54C(f)(1).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 54C. Clean energy coal bonds.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2008.

SA 4957. Mr. ENZI 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—Requirement of Electric Utilities Relating to Increases in Electric Utility Bills of Consumers

SEC. 1771. REQUIREMENT OF ELECTRIC UTILITIES.

(a) FINDINGS.—Congress finds that—

(1) this Act will increase the cost of electricity paid by consumers; and

(2) consumers have a right to know the additional amounts that this Act contributes to the electric utility bills of the consumers.

(b) REQUIREMENT.—Any electric utility that includes an increase in the amount of the electric utility bill of a consumer of the electric utility resulting from the implementation of this Act shall include in the electric utility bill of the consumer a clear and concise description of each factor that resulted in the increase of the amount.

SA 4958. Mr. VOINOVICH (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. CHAMBLISS) 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 423, after line 25, insert the following:

SEC. 1308. CERTIFICATION OF INTERNATIONAL COMPLIANCE.

The emission limitations required by this Act for calendar year 2012 shall not take effect until such date as the Senate ratifies an international climate change agreement pursuant to the Convention that—

(1) covers, at a minimum, all economies as identified by the Major Economies Process on Energy Security and Climate Change who initially convened in Washington, DC, on September 27, 2007;

(2) requires the enactment into law by each participating country of a national program that requires and demonstrates greenhouse gas emission reduction and enforcement mechanisms comparable to the reduction requirements and enforcement mechanisms of the United States;

(3) requires each participating country to enforce a program consistent with article 5 of the North American agreement on environmental cooperation (with annexes), done at Mexico, Washington, and Ottawa September 8, 9, 12, and 14, 1993, and entered into force on January 1, 1994;

(4) establishes globally agreed-upon standards for the measurement of greenhouse gas emissions and sinks; and

(5) requires annual reporting of greenhouse gas emissions based on the established standards.

SA 4959. Mr. VOINOVICH submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 142, strike lines 14 through 19 and insert the following:

SEC. 432. PURPOSE.

The purpose of the board established by section 431 is to advance the purposes of this Act by—

(1) assessing and certifying the extent to which technology is available to achieve the emission reductions required by this Act in accordance with section 436; and

(2) subject to certification under that section, 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.

Beginning on page 145, strike line 17 and all that follows through page 147, line 14, and insert the following:

SEC. 436. REQUIREMENTS.

(a) COMPOSITION.—The board established by section 431 (referred to in this section as the ''board'') shall be composed of—

(1) the Director of the Office of Science and Technology Policy, who shall serve as chairperson of the board;

(2) the Secretary of Agriculture;

(3) the Secretary of Commerce;

(4) the Secretary of Energy; and

(5) the Administrator.

(b) ASSESSMENT; CERTIFICATION.—

(1) ASSESSMENT.—As soon as practicable after the date of enactment of this Act, and not less frequently than once every 2 years thereafter, the board shall assess, based on the best available technology in the electric power, industrial, and transportation sectors—

(A) the extent to which technology is available to achieve the emission reductions required by this Act, including an assessment of technologies lagging in development or widespread commercial deployment, or both;

(B) the extent to which technology is cost-effective in achieving the reductions required by this Act;

(C) the impact of the use of technology on the public health and the environment;

(D) the impact of the use of technology on the energy security of the United States; and

(E) the impact of the use of the technology to achieve emission reductions on job creation, the price and supply of agricultural commodities, and rural economic development.

(2) REPORT AND CERTIFICATION.—On completion of each assessment under paragraph (1), the board shall submit to Congress—

(A) a report describing the results of the assessment; and

(B) if applicable, a certification that the technology necessary to reduce emissions in accordance with the requirements of this Act is available, cost-effective, and environmentally sound for the electric power, industrial, and transportation sectors.

(3) EFFECT ON EMISSION LIMITATIONS.—

(A) INITIAL PERIOD.—No emission limitation established by this Act shall apply until such date as the board submits the initial certification required under paragraph (2)(B).

(B) SUBSEQUENT PERIODS.—No adjustment to an emission limitation required by this Act shall apply until such date as the board submits the certification required under paragraph (2)(B) for the period during which the adjustment is scheduled to occur.

(c) NATIONAL RESEARCH COUNCIL REPORTS.—The board may request from the National Research Council such reports as the board determines to be necessary and appropriate to assist the board in carrying out this subtitle.

SA 4960. Mr. VITTER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XVIII—ENERGY NEEDED OFFSHORE UNDER GAS HIKES

SEC. 1801. DEFINITIONS.

In this title:

(1) ELIGIBLE PRODUCING STATE.—The term ''eligible producing State'' means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.

(2) NEW PRODUCING AREA.—The term ''new producing area'' means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil or natural gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term ''new producing State'' means a State with respect to which a petition has been approved by the Secretary under section 3(a).

(4) QUALIFIED REVENUES.—The term ''qualified revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1802. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.

(a) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the price per gallon of regular gasoline is equal to or greater than $5, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for oil leasing, gas leasing, or both, as determined by the State, in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) NATURAL GAS LEASING ONLY.—The Governor of a State, with the concurrence of the State legislature, may, in a petition submitted under paragraph (1), make a request to allow natural gas leasing only.

(3) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(b) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 25 percent of qualified revenues in the general fund of the Treasury; and

(2) 75 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (c)(1);

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8);

(C) 5 percent to small business development centers to provide—

(i) technical assistance to small businesses relating to beginning operation; or

(ii) ongoing counseling;

(D) 5 percent to carry out programs under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

(E) 5 percent to provide assistance under the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(F) 2.5 percent to provide assistance under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.);

(G) 2.5 percent to States for historic offshore production distribution; and

(H) 5 percent of qualified revenues to the Highway Trust Fund.

(c) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (b)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under paragraph (1) shall be used to address the impacts of any oil and natural gas exploration and production activities under this title.

(d) EFFECT.—Nothing in this title affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(2) any authority that permits energy production under any other provision of law.

SA 4961. Mr. VITTER (for himself and Mr. CRAIG, and Mr. VOINOVICH) 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, add the following:

TITLE XVIII—ENERGY NEEDED OFFSHORE UNDER GAS HIKES

SEC. 1801. DEFINITIONS.

In this title:

(1) ELIGIBLE PRODUCING STATE.—The term ''eligible producing State'' means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.

(2) NEW PRODUCING AREA.—The term ''new producing area'' means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil or natural gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term ''new producing State'' means a State with respect to which a petition has been approved by the Secretary under section 3(a).

(4) QUALIFIED REVENUES.—The term ''qualified revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1802. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.

(a) DETERMINATION BY SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall determine whether, as a result of the requirements of this Act, the national average residential natural gas price has increased during the period beginning on the date of enactment of this Act and ending on the date on which the determination is made.

(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary determines that an increase in the national average residential natural gas price has occurred, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for natural gas leasing in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) NATURAL GAS LEASING ONLY.—The Governor of a State, with the concurrence of the State legislature, may, in a petition submitted under paragraph (1), make a request to allow natural gas leasing only.

(3) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 25 percent of qualified revenues in the general fund of the Treasury; and

(2) 75 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (d)(1);

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8);

(C) 5 percent to small business development centers to provide—

(i) technical assistance to small businesses relating to beginning operation; or

(ii) ongoing counseling;

(D) 5 percent to carry out programs under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

(E) 5 percent to provide assistance under the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(F) 2.5 percent to provide assistance under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.);

(G) 2.5 percent to States for historic offshore production distribution; and

(H) 5 percent of qualified revenues to the Highway Trust Fund.

(d) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under paragraph (1) shall be used to address the impacts of any oil and natural gas exploration and production activities under this title.

(e) EFFECT.—Nothing in this title affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(2) any authority that permits energy production under any other provision of law.

SA 4962. Mr. VITTER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

Subtitle J—Protection From Job Loss

SEC. 591. PROTECTION FROM JOB LOSS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall submit to the Administrator and Congress a report describing whether more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be displaced during the following calendar year as a result of the implementation of this Act.

(b) ADJUSTMENT OF ALLOWANCES.—If a report under subsection (a) indicates that more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be displaced during the following calendar year as a result of the implementation of this Act, the Administrator, in consultation with the Secretary of Labor, shall increase the quantity of emission allowances provided under this Act for that calendar year, as the Secretary of Labor determines to be appropriate, to ensure that not more than 5,000 employees in manufacturing-related jobs in natural gas-intensive sectors (such as the fertilizer, cement, and pharmaceutical sectors) of the United States would be so displaced.

SA 4963. Mrs. BOXER 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 9, strike line 1 and all that follows through page 16, line 16.

On page 17, strike lines 4 through 23.

Beginning on page 18, strike line 4 and all that follows through page 19, line 7.

On page 19, strike lines 11 through 16.

Beginning on page 19, strike line 24 and all that follows through page 23, line 8.

Beginning on page 23, strike line 12 and all that follows through page 26, line 16.

On page 27, strike lines 1 through 23.

Beginning on page 28, strike line 3 and all that follows through page 29, line 4.

Beginning on page 29, strike line 8 and all that follows through page 30, line 19.

On page 31, strike lines 5 through 18.

On page 38, strike lines 14 through 18.

On page 41, strike lines 4 through 8.

On page 43, strike lines 1 through 5.

On page 52, strike lines 3 through 7.

Beginning on page 63, strike line 8 and all that follows through the end.

SA 4964. Mrs. BOXER 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 subtitle D of title XI, add the following:

SEC. 11___. SENSE OF SENATE ON ASSISTING CONSUMERS WITH GASOLINE AND DIESEL PRICES.

(a) FINDINGS.—Congress finds that—

(1) consumers are paying more than $2.50 more for a gallon of gasoline or diesel than they paid just 7 years ago, in January 2001, when gas averaged $1.37 per gallon and diesel averaged $1.52 per gallon;

(2) the 5 large integrated oil companies alone tripled their profits during the period of 2001 through 2007, when the profit of those companies increased from $39,000,000,000 to $116,000,000,000;

(3) tax breaks for major integrated oil companies are worth billions of dollars each year;

(4) high energy prices are harming households, the economy, and the competitiveness of the United States;

(5) as of the date of enactment of this Act, millions of onshore acres are under lease by the oil and natural gas industry for exploration and drilling, but are not being used for production;

(6) as of the date of enactment of this Act, millions of acres on the outer Continental Shelf are under lease by the oil and natural gas industry, but are not producing;

(7) the major integrated oil companies have failed to invest an adequate amount of the $600,000,000,000 in net profits the companies have collected during the past 7 years on clean and affordable domestically produced renewable fuels that can improve national security and reduce greenhouse gas emissions;

(8) according to Energy Information Administration analyses, the economy-wide carbon cap and trade system under this Act will spur the development of clean alternatives, and average household gasoline spending will decrease by 2020 because of greater fuel efficiency and changes in the fuels market;

(9) even while the Energy Information Administration projects that per-household spending on gasoline will decrease, an increase of less than 2 cents per year per gallon of fuel through 2030 would be attributable to the implementation of this Act—compared to an increase of more than 73 cents per gallon since last year at this time; and

(10) the implementation of this Act will produce cost savings through energy efficiency investments and provide funds for tax relief for consumers.

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

(1) oil companies should be—

(A) investing a significant percentage of their enormous net profits in developing clean, affordable, and domestically produced low-carbon alternatives to petroleum and other finite resources; and

(B) producing more oil and natural gas supplies from existing available leases in environmentally appropriate areas, using the best available and safest technologies;

(2) Congress should suspend royalty relief for major oil companies during times of high prices and use those revenues to assist energy consumers;

(3) Congress should eliminate tax breaks and loopholes for major oil companies and use those revenues to assist energy consumers;

(4) the President should support legislation to make price gouging a Federal crime; and

(5) the Administration should take swift action to implement existing statutory direction to limit energy market manipulation, increase transparency, and protect consumers.

SA 4965. Mr. BROWN 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 459, strike lines 5 through 7 and insert the following:

SEC. 1404. DISBURSEMENTS FROM FUND.

Except as provided in section 1780, no disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

At the end of title XVII, add the following:

Subtitle H—Green Energy Production

SEC. 1771. SHORT TITLE.

This subtitle may be cited as the ''Green Energy Production Act of 2008''.

SEC. 1772. DEFINITIONS.

In this subtitle:

(1) BIOMASS.—The term ''biomass'' has the meaning given the term ''renewable biomass'' in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

(2) ENVIRONMENTALLY PROTECTIVE.—The term ''environmentally protective'' means, with respect to technology, technology that—

(A) is most likely to result in the least impact to land, forests, water quantity and quality, air quality, and wildlife habitat; and

(B) possesses the highest potential for long-term sustained production of green energy.

(3) GREEN ENERGY.—

(A) IN GENERAL.—The term ''green energy'' has the meaning given the term ''renewable energy''.

(B) INCLUSION.—The term ''green energy'' includes energy derived from coal produced in a manner that—

(i) sequesters carbon from carbon dioxide emissions at a minimum 85 percent capture rate on an annual basis; and

(ii) complies with section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(5) RENEWABLE ENERGY.—The term ''renewable energy'' means electric energy generated at a facility (including a distributed generation facility) from solar, wind, fuel cells, biomass, geothermal, ocean energy, or landfill gas.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) TARGET AREA.—The term ''target area'' means—

(A) an area that has experienced a significant loss of manufacturing employment;

(B) an area with a large manufacturing capacity;

(C) an area with an unemployment rate that is higher than the national average unemployment rate; and

(D) priority for an area that includes a brownfield site (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

SEC. 1773. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish a green technology investment program to develop high-tech green research capabilities, promote green innovation and green energy investment, and increase scientific knowledge that may reveal the basis for new or enhanced products, equipment, or processes, in target areas by—

(1) assisting in the research and development of projects that design, create, or formulate new or enhanced products, equipment, or processes;

(2) expanding and supporting world-class research facilities;

(3) supporting capital formation and the development of innovative products; and

(4) financing advanced manufacturing technologies to help new and existing industries become more productive, more environmentally protective, and carbon-neutral.

SEC. 1774. GREEN TECHNOLOGY INVESTMENT CORPORATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of Energy a corporation to be known as the ''Green Technology Investment Corporation''.

(2) MEETINGS.—The Corporation shall meet at least 4 times during each fiscal year.

(3) RULES FOR CORPORATION BUSINESS.—Not later than 1 year after the date of enactment of this Act, the Corporation shall establish rules for the conduct of business of the Corporation.

(4) APPLICABLE AUTHORITY.—The Corporation shall be subject to—

(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''); and

(B) all other Federal law applicable to quasi-autonomous agencies within the Department of Energy.

(5) ADMINISTRATIVE COSTS.—The Secretary shall—

(A) be responsible for paying all administrative costs of the Corporation; and

(B) in conjunction with the Board of Directors of the Corporation, take every reasonable action to reduce and minimize administrative costs of carrying out this section and the program.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Corporation shall consist of 7 members, appointed by the President, by and with the advice and consent of the Senate, who are—

(A) leaders from industry, labor, academia, government, and nongovernment organizations; and

(B) selected based on having the necessary expertise—

(i) to build world-class applied research capability;

(ii) to assist entrepreneurial innovators in accelerating formation and attraction of technology-based businesses;

(iii) to create product innovation;

(iv) to market the manufacturing competitiveness of the United States;

(v) to create domestic jobs and skills development opportunities in emerging domestic markets; and

(vi) to evaluate and advise on environmental sustainability and climate change.

(2) CHAIRPERSON.—The President shall appoint, by and with the advice and consent of the Senate, 1 member of the Board of Directors to serve as Chairperson

(c) TERM OF SERVICE.—

(1) IN GENERAL.—Each member of the Board of Directors shall be appointed for a term of 5 years.

(2) ADDITIONAL TERMS.—The President may appoint, by and with the advice and consent of the Senate, a member of the Board to serve additional terms of service.

(d) RESPONSIBILITIES.—The Corporation shall allocate funds, provide grants, and carry out programs under section 1776, for all phases of technology commercialization, in accordance with this subtitle.

SEC. 1775. GREEN TECHNOLOGY INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Green Technology Investment Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as are appropriated to the Fund under section 1780.

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Fund to the Corporation such amounts as the Corporation determines are necessary to provide grants, loans, and other assistance, and otherwise carry out programs, under this subtitle (other than section 1778).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this subtitle.

(c) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 1776. COMPONENT PROGRAMS.

(a) GREEN DEVELOPMENT LOANS.—The Corporation shall establish and carry out a loan program to carry out the purposes described in section 1773 (including conducting, or providing for the conduct of, scientific or technological inquiry and experimentation in the physical sciences).

(b) GREEN MARKETS PROGRAM.—The Corporation shall establish and carry out a grant program—

(1) to assist entities, including entities that are not eligible for small business innovative research funding, to receive grants to commercialize green energy products; and

(2) to assist small and medium-sized businesses with funding to acquire, renovate, or construct facilities or purchase of equipment for—

(A) research programs;

(B) technology development;

(C) product development; and

(D) commercialization programs.

(c) GREEN REDEVELOPMENT, OPPORTUNITY, AND WORKFORCE GRANTS.—The Corporation shall establish and carry out a grant program—

(1) to assist small and medium-sized businesses in accelerating new product development and commercialization of technology products;

(2) to assist small and medium-sized businesses in capitalizing on early-stage investment, particularly those businesses that provide evidence of a capability to meet a green marketplace need;

(3) to create and maintain jobs within the United States;

(4) to assist local governments in improving infrastructure for related businesses in accordance with this section;

(5) to seek and develop innovative ways of assisting businesses and communities in achieving the goals of this subtitle;

(6) to redeploy underused manufacturing capacity;

(7) to capitalize on export opportunities;

(8) to revitalize depressed manufacturing communities; and

(9) to search for and develop innovative ways to design environmentally protective technologies and best practices and demonstrate commercial green energy production.

(d) GREEN ENERGY MANUFACTURING LOANS.—The Corporation shall establish a program to encourage financial institutions approved by the Corporation to make loans to for-profit or nonprofit small businesses that are having difficulty obtaining business loans through conventional underwriting standards.

(e) GREEN ENERGY COMMUNITY PILOT PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a pilot program under which the Corporation shall provide grants to 5 green energy communities designated by the Corporation to assist the communities—

(A) to establish models for green energy communities;

(B) to reduce the traditional energy consumption of the communities by using more green energy and reducing energy consumption through innovative efficiency programs; and

(C) to lower energy costs for consumers and local government organizations.

(2) ELIGIBILITY.—To be eligible for designation as a green energy community under this subsection, a community shall be a target area.

(3) DURATION.—

(A) IN GENERAL.—The Corporation shall make grants to green energy communities

designated under this subsection for a term of 10 years.

(B) RENEWAL.—Grants made to a green energy community under this subsection may be renewed for additional 10-year terms if the community continues to meet the eligibility requirements of paragraph (2).

(f) GREEN ENERGY INSTITUTION OF HIGHER EDUCATION PILOT PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a pilot program under which the Corporation shall provide grants to 5 green energy institutions of higher education designated by the Corporation to assist the institutions of higher education—

(A) to establish models for green energy institutions of higher education;

(B) to reduce the traditional energy consumption of the institutions of higher education by using more green energy and reducing energy consumption through innovative efficiency programs; and

(C) to lower energy costs for the institutions of higher education and students.

(2) ELIGIBILITY.—To be eligible for designation as a green energy institution of higher education under this subsection, an institution of higher education shall be located in a target area.

(3) DURATION.—The Corporation shall make grants to green energy institutions of higher education designated under this subsection for a term of 10 years.

(g) NATIONAL GUARD BASE GREEN ENERGY GRANT PILOT PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a pilot program under which the Corporation shall provide grants to 5 States for green energy National Guard bases designated by the Corporation to assist the National Guard bases in those States—

(A) to establish models for green energy National Guard bases;

(B) to reduce the traditional energy consumption of the National Guard bases by using more green energy and reducing energy consumption through innovative efficiency programs; and

(C) to lower energy costs for the National Guard and States.

(2) ELIGIBILITY.—To be eligible for designation as a green energy National Guard base under this subsection, a National Guard base shall be located in a target area.

(3) DURATION.—The Corporation shall make grants to green energy National Guard bases designated under this subsection for a term of 10 years.

(h) GREEN ENERGY TECHNOLOGY INTERNSHIP PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a green energy technology internship program under which—

(A) students and educators at colleges and universities in the United States are paired with businesses of all sizes in the United States; and

(B) those businesses are encouraged—

(i) to develop cutting-edge, high-tech skills in participating students; and

(ii) to ultimately offer full-time employment to those students after graduation.

(2) GOAL.—The Corporation shall establish as a goal for the green energy technology internship program the reimbursement by the Corporation, of not more than the greater of 50 percent or $5,000 of the wages paid to a participating student or educator, on the condition that, in the case of a participating student, the business strives for the possibility of full-time employment of the student after graduation.

(3) REQUIREMENTS.—The Corporation shall establish requirements for participation in the green energy technology internship program, including requirements relating to—

(A) the eligibility of students, educators, and businesses to participate in the program; and

(B) application contents and procedures.

(i) GREEN ENERGY TECHNOLOGY APPRENTICESHIP PROGRAM.—

(1) IN GENERAL.—The Corporation shall establish a green energy technology apprenticeship program under which—

(A) apprentices and employers in the United States are paired with businesses of all sizes in the United States; and

(B) those businesses are encouraged—

(i) to develop cutting-edge, high-tech skills in participating students;

(ii) to ultimately offer full-time employment to those students after completion; and

(iii) to work closely with organized labor.

(2) GOAL.—As a goal for the green energy technology apprenticeship program, the Corporation shall, to the maximum extent practicable, provide reimbursement for not more than the higher of 50 percent or $5,000 of the wages paid to a participating apprentice, if the business paired with the apprentice agrees to make every effort to offer full-time employment to the apprentice on the completion of the apprenticeship.

(3) REQUIREMENTS.—The Corporation shall establish requirements for participation in the green energy technology apprenticeship program, including requirements relating to—

(A) the eligibility of apprentices, organized labor, trades, and businesses to participate in the program;

(B) partnerships with organized labor apprenticeship programs; and

(C) application contents and procedures.

SEC. 1777. CRITERIA FOR PROVISION OF GRANTS, LOANS, AND OTHER ASSISTANCE.

(a) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The Corporation shall provide grants, loans, and other assistance in accordance with the programs under section 1776 for projects that, as determined by the Corporation—

(A) offer the best technology, research, and commercialization for the United States;

(B) permit anticipation and action on market opportunities;

(C) encourage industry involvement;

(D) facilitate investment at the intersection of core competency areas;

(E) recruit world-class talent and high-growth companies;

(F) create economic opportunity for target areas;

(G) engage regional partners;

(H) emphasize accountability and metrics;

(I) upon completion, will serve as sites and facilities primarily intended for commercial, industrial, or manufacturing use; and

(J) advance environmental protection.

(2) PRIORITY.—In carrying out paragraph (1), the Corporation—

(A) shall give priority to—

(i) renewable energy, carbon-neutral projects; and

(ii) projects that advance environmentally protective goals, with a particular emphasis on best practices and innovative technology that reduce negative impacts on a commercial scale; and

(B) may consider and give priority to the potential of a project to develop or improve innovative, cutting-edge technology for green energy projects that are carbon neutral.

(b) BASIS.—A grant, loan, or other assistance provided under this subtitle—

(1) shall be based on the best available technology, research, and commercialization, with a focus on diversity of green technologies; and

(2) shall not be provided solely on a geographical basis.

(c) ELIGIBLE APPLICANTS.—The Corporation may provide a grant, loan, or other assistance under this subtitle to—

(1) a political subdivision or nonprofit economic development organization;

(2) a municipality, local government, community, or institution of higher education (including a technical educational institution); and

(3) a private, for-profit entity, with the unanimous approval by the Board of Directors of the Corporation.

(d) FUNDS ALLOCATED.—The Corporation shall determine the maximum and minimum amount provided for each program and program recipient under this subtitle in order to maximize the purposes of this subtitle.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall submit to Congress a report that describes all activities of the Corporation carried out using funds made available under this subtitle, including, for the year covered by the report, a description of—

(1) each grant, loan, or other award of assistance provided under this subtitle; and

(2) the reason for each grant, loan, or other award.

SEC. 1778. ENERGY EFFICIENCY GRANTS.

(a) IN GENERAL.—The Secretary shall establish an energy efficiency grant program under which the Secretary shall provide grants to eligible recipients, on a dollar-for-dollar matching basis, for implementing conservation programs that are designed to reduce consumer energy use to the maximum extent practicable.

(b) ELIGIBLE RECIPIENTS.—Recipients that are eligible to receive grants under this section include—

(1) energy producers;

(2) municipal power organizations; and

(3) rural electric cooperatives.

(c) PRIORITY.—In making grants under this section, the Secretary shall give priority to programs that are designed to reduce consumer end-use of energy over programs that are designed to reduce the consumer use of energy.

(d) REDUCTION IN ENERGY USES.—In making grants under this section, the Secretary shall allocate grants, and provide minimum and maximum award criteria for the grants, in a manner that maximizes the reduction in energy use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2009 through 2013.

SEC. 1779. ADMINISTRATION.

Notwithstanding any other provision of this subtitle, none of the funds made available to carry out this subtitle may be used to carry out any project, activity, or expense that is not located within the United States.

SEC. 1780. AUTHORIZATION OF APPROPRIATIONS.

Of amounts deposited in the Deficit Reduction Fund under section 1403, the Secretary of the Treasury shall transfer to the Fund to carry out this subtitle (other than section 1778), to remain available until expended—

(1) $1,000,000,000 for fiscal year 2009;

(2) $5,000,000,000 for fiscal year 2010; and

(3) $10,000,000,000 for each of fiscal years 2011 through 2013.

SA 4966. Mr. BROWN (for himself, Ms. STABENOW, and Mr. LEVIN) 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 183, strike line 15 and all that follows through page 184, line 1, and insert the following:

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantity of emissions allowances allocated pursuant to subsection (a) shall be represented by the following percentages:

Calendar year	Percentage for distribution
2012-2021	15
2022	15
2023	15
2024	15
2025	15
2026	15
2027	15
2028	15
2029	15
2030	15.

(c) CONDITIONAL PHASE-OUT.—

(1) IN GENERAL.—If the President determines that, as a result of international global warming agreements, the problem of diversion of manufacturing from United States facilities to facilities of foreign countries without greenhouse gas regulation is mitigated sufficiently to substantially reduce the competitive disadvantage of United States manufacturers in domestic or international markets as a result of this Act, the President shall provide to the Administrator a notification of the determination.

(2) ACTION BY ADMINISTRATOR.—On receipt of a notification under paragraph (1), the Administrator, by regulation, shall—

(A) reduce the quantity of emission allowances provided under this subtitle sufficient to reflect the reduced competitive harm caused to energy-intensive manufactures as a result of this Act; or

(B) if the President determines that the competitive disadvantage to United States manufacturing has been eliminated, terminate allocations of emission allowances under this subtitle.

SEC. 542. DISTRIBUTION.

On page 185, strike line 18 and insert the following:

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the

On page 185, after line 24, insert the following:

(2) REQUIREMENTS.—

(A) CONSIDERATION OF COSTS.—In establishing the system under paragraph (1), the Administrator shall take into consideration all categories of cost increases resulting from the implementation of this Act, including—

(i) cost increases relating to direct emissions (including process emissions) and indirect emissions; and

(ii) any increase in the cost of natural gas or any other relatively carbon-efficient fuel as a result of fuel substitution and related effects.

(B) CATEGORIES OF CURRENTLY OPERATING FACILITIES.—For purposes of subsection (d), the Administrator shall establish, by regulation, appropriate categories of currently operating facilities, including reasonable industry subsectors within a category, as the Administrator determines to be necessary to avoid inequitable distributions, taking into account the existence of currently operating facilities that—

(i) qualify as energy-intensive facilities; but

(ii) are affiliated with entities with substantially different emission or energy-consumption profiles.

(C) ALLOCATIONS TO INDIVIDUAL FACILITIES.—In establishing the system under paragraph (1), to fully reflect year-to-year changes in aggregate production levels, the Administrator shall provide for an adjustment factor for allocations to individual facilities under subsection (e) equal to the product obtained by multiplying—

(i) the quantity of emission allowances that would otherwise be allocated to an individual facility under subsection (e); and

(ii) the ratio that—

(I) the output from the individual facility during the calendar year immediately preceding the year of the distribution; bears to

(II) the average output from all individual facility during the 3-calendar year period ending on the date of enactment of this Act.

(D) MAXIMUM QUANTITY.—In establishing the system under paragraph (1), the Administrator shall—

(i) ensure that the total quantity of emission allowances allocated to all facilities under this section for a calendar year does not exceed a quantity sufficient to offset the increases in costs of the facilities resulting from the implementation of this Act; and

(ii) if the Administrator determines that, for any calendar year, the total quantity of emission allowances allocated to all facilities under this section is less than or greater than the quantity described in clause (i), adjust allocations for subsequent calendar years appropriately, in accordance with procedures to be established by the Administrator.

Beginning on page 188, strike line 9 and all that follows through page 189, line 3, and insert the following:

(f) TRANSITION TO INTENSITY-BASED ALLOCATIONS.—

(1) IN GENERAL.—Not later than 2 year after the date of enactment of this Act, the Administrator shall establish, by regulation, a revised method of allocating emission allowances under this subtitle to carbon-intensive industries, in accordance with this subsection, based on benchmarks for the emission efficiency or energy efficiency of each manufacturing process used in an industry of a facility that receives emission allowances under this subtitle.

(2) PHASE-IN SCHEDULE.—The revised method established under paragraph (1) shall—

(A) be implemented for calendar year 2017; and

(B) be phased into use uniformly and appropriately to ensure that the revised method is fully in effect for calendar year 2030.

(3) TOTAL QUANTITY OF ALLOWANCES.—The total quantity of emission allowances to be distributed for each calendar year shall be the quantity determined in accordance with section 541(b).

(4) MANUFACTURING PROCESSES.—

(A) IDENTIFICATION OF PROCESSES.—The Administrator, in consultation with affected industries, shall identify, by regulation, each manufacturing process that will be subject to the revised method established under this subsection, including by examining and categorizing existing manufacturing processes used by the affected industries.

(B) EXEMPTION.—The Administrator shall exempt from identification under subparagraph (A) any process that—

(i) is used by few facilities; or

(ii) results in relatively small total production rate.

(5) BENCHMARKS.—The Administrator shall establish benchmarks for emission efficiency and energy efficiency for purposes of this subsection—

(A) based on the average efficiency of all facilities in the United States in using a manufacturing process, such that, on a graduated basis—

(i) any facility with above-average efficiency receives proportionately more emission allowances under this subtitle; and

(ii) any facility with below-average efficiency receives proportionately fewer emission allowances under this subtitle; and

(B) in a manner that reflects factors under the control of facilities, including by—

(i) establishing a formula for conversion of kilowatt hours to emissions produced, with respect to indirect emissions of facilities; and

(ii) priority given to energy efficiency, except in any case in which energy efficiency and emission efficiency are poorly correlated.

SA 4967. Mr. BROWN (for himself, Mr. LEVIN, and Ms. STABENOW) 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 217, after line 21, and insert the following:

Calendar year	Percent for allocation among States relying heavily on manufacturing and coal
2012	6
2013	6
2014	6
2015	6
2016	6.25
2017	6.25
2018	6.25
2019	6.25
2020	6.25
2021	7.25
2022	7.25
2023	7.5
2024	7.5
2025	7.5
2026	7.5
2027	7.5
2028	7.5
2029	7.5
2030	7.5
2031	8
2032	8
2033	8
2034	8
2035	8
2036	8
2037	8
2038	8
2039	8
2040	8
2041	8
2042	8
2043	8
2044	8
2045	8
2046	8
2047	8
2048	8
2049	8
2050	8.

Beginning on page 218, strike line 4 and all that follows through page 219, line 9, and insert the following:

(1) MANUFACTURING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each calendar year ½ of the quantity of emission allowances shall

be distributed among the States based on the proportion that—

(i) 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

(ii) 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.

(B) EXCEPTION.—

(i) DEFINITION OF QUALIFYING STATE.—In this subparagraph, the term ''qualifying State'' means a State in which the ratio that the manufacturing-related gross State product bears to the total gross State product exceeds 0.15.

(ii) ALLOCATION TO QUALIFYING STATES.—Notwithstanding subparagraph (A), the emission allowances available for allocation to a qualifying State under subsection (a) for a calendar year shall be a quantity equal to the product obtained by multiplying—

(I) the annual per-capital employment in manufacturing in the qualifying State during the period beginning on January 1, 1998, and ending on December 31, 1992, as determined by the Secretary of Labor; and

(II) 2.

(2) COAL.—For each calendar year, ½ of the quantity

Strike the table that appears on page 241, after line 21, and insert the following:

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2012	1
2013	1
2014	1
2015	1
2016	1.25
2017	1.25
2018	1.55
2019	1.75
2020	2
2021	1
2022	2
2023	2.25
2024	2.5
2025	2.75
2026	3
2027	3.25
2028	3.5
2029	3.75
2030	4
2031	5
2032	6
2033	6
2034	6
2035	6
2036	6
2037	6
2038	6
2039	6
2040	6
2041	6
2042	6
2043	6
2044	6
2045	6
2046	6
2047	6
2048	6
2049	6
2050	6.

SA 4968. Mr. BROWN (for himself and Mr. WARNER) 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—Economic Diversification

SEC. 591. ECONOMIC DIVERSIFICATION INITIATIVE.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Economic Diversification Fund''.

(b) AUCTIONS.—

(1) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Economic Diversification 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.

(3) DEPOSIT OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this subsection in the Economic Diversification Fund, immediately on receipt of the proceeds.

(c) TRANSFER.—On request of the Secretary of Energy, the Secretary of the Treasury shall transfer to the Secretary of Energy such amounts in the Economic Diversification Fund as are necessary to carry out subsection (d).

(d) USE OF FUNDS.—The Secretary of Energy, acting through the Office of Fossil Energy, shall use amounts in the Economic Diversification Fund to establish a program under which the Secretary shall provide financial and technical assistance to communities to create local community reuse organizations that will, to the maximum extent practicable—

(1) assist communities in transitioning from dependence on carbon extraction industries to industries that provide greater long-term economic stability;

(2) design and implement community plans projects to assist the transition to a low carbon economy and alleviate any impact on industries and area economies; and

(3) improve infrastructure, business development activities, and workforce training programs throughout affected regions.

Strike the table that appears 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	18.75
2032	16.75
2033	16.75
2034	15.75
2035	15.75
2036	15.75
2037	15.75
2038	15.75
2039	15.75
2040	15.75
2041	15.75
2042	15.75
2043	15.75
2044	15.75
2045	15.75
2046	15.75
2047	15.75
2048	15.75
2049	15.75
2050	15.75.

SA 4969. Mr. DEMINT 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:

Insert where appropriate the following:

TITLE ____—PROHIBITION ON EARMARKS

SEC. _01. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) PROHIBITION ON EXTRA LEGISLATIVE EARMARKS.—None of the funds provided or made available by this Act shall be committed, obligated, or expended at the request of Members of Congress or their staff through oral or written communication for projects, programs, or grants to an entity, or targeted to a specific State, locality or Congressional district, other than through a

statutory or administrative formula-driven or competitive award process.

SA 4970. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. CRAIG) 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. _____. NONAPPLICABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, during the period beginning on the date on which the Administrator makes a determination described in subsection (b) and ending on the date described in subsection (c), the number of emission allowances established by the Administrator for a calendar year shall be not less than the number of emission allowances established under section 201(a) for the calendar year in which the determination is made.

(b) DESCRIPTION OF DETERMINATION.—A determination referred to in subsection (a) is a determination that, during an applicable calendar year, new nuclear power plants in the United States have commenced operation with a cumulative capacity equal to less than the applicable cumulative capacity (expressed in gigawatts electric) specified in the following table:

Calendar year	Gigawatts electricity
2016	3
2017	6
2018	9
2019	12
2020	15
2021	18
2022	21
2023	24
2024	27
2025	30
2026	33
2027	36
2028	39
2029	42
2030	45.

(c) ENDING DATE.—The ending date referred to in subsection (a) is the date on which the Administrator determines that a sufficient quantity of new nuclear power plants have commenced operation to ensure a cumulative capacity equal to or greater than the cumulative capacity specified for the applicable calendar year under subsection (b).

(d) BIMONTHLY REPORTS.—During the period described in subsection (a), the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives bimonthly reports containing—

(1) the projected date on which a sufficient quantity of new nuclear power plants will commence operation to ensure a cumulative capacity equal to or greater than the cumulative capacity specified for the applicable calendar year under subsection (b); and

(2) recommendations of the Administrator, if any, regarding measures to achieve the cumulative capacity described in paragraph (1).

SA 4971. Mr. DEMINT 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 XXVII, add the following:

Subtitle H—Effective Date

SEC. 1771. EFFECTIVE DATE.

This Act and the amendments made by this Act shall not take effect until the President certifies to Congress that the Governments of China and India have enacted mandates on the emissions of greenhouse gases that are comparable to the mandates contained in this Act.

SA 4972. Mr. DEMINT 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:

Insert where appropriate the following:

TITLE ____—PROHIBITION ON EARMARKS

SEC. __01. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes an earmark of funds provided or made available by this Act.

(b) DEFINITION.—In this section, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or a Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4973. Mr. ROBERTS 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 C of title XVII, add the following:

SEC. 1724. AGRICULTURAL PRODUCTION COSTS STUDY.

(a) IN GENERAL.—Not later than January 1 and July 1 of each year, the Secretary of Agriculture shall submit to the Administrator a report on the effects of this Act on the commodity cost of agricultural production.

(b) REQUIREMENTS.—The report shall include, at a minimum—

(1) the impact of natural gas prices on the cost and production of nitrogen-based fertilizer;

(2) the impact of natural gas prices on other agricultural uses of natural gas;

(3) the impact of energy prices on the operation of irrigation pumps, livestock confinement, grain drying, and other agricultural activities; and

(c) RECOMMENDATION.—Based on the severity of the effects described in the report, the Secretary shall make a recommendation as to whether the Administrator should waive any or all of the requirements of this Act as the requirements apply to agricultural activity or producers of agricultural supplies.

(d) ACTION BY ADMINISTRATION.—

(1) IN GENERAL.—After reviewing a report submitted under this section, the Administrator may waive for a 1-year period any or all of the requirements of this Act as the requirements apply to agricultural activity or to producers of agricultural supplies if the effects described in the report justify the waiver in the determination of the Administrator.

(2) PUBLICATION.—The Administrator shall—

(A) publish any determination under paragraph (1) as an interim final action in the Federal Register; and

(B) provide at least 30 days for public comment prior to the determination becoming final agency action.

(3) EXTENSION.—

(A) IN GENERAL.—At any time, subject to subparagraph (B) and based on the effects described in a subsequent report issued under this section, the Administrator may extend the duration of a waiver under paragraph (1).

(B) LIMITATION.—The length of each extension under this paragraph may not exceed 1 year.

SA 4974. Mrs. BOXER 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, add the following:

The following provisions of this bill shall have no force and effect:

Beginning on page 9, line 1 and all that follows through page 16, line 16.

On page 17, lines 4 through 23.

Beginning on page 18, line 4 and all that follows through page 19, line 7.

On page 19, lines 11 through 16.

Beginning on page 19, line 24 and all that follows through page 23, line 8.

Beginning on page 23, line 12 and all that follows through page 26, line 16.

On page 27, lines 1 through 23.

Beginning on page 28, line 3 and all that follows through page 29, line 4.

Beginning on page 29, line 8 and all that follows through page 30, line 19.

On page 31, lines 5 through 18.

On page 38, lines 14 through 18.

On page 41, lines 4 through 8.

On page 43, lines 1 through 5.

On page 52, lines 3 through 7.

Beginning on page 63, line 8 and all that follows through the end.

SA 4975. Mrs. BOXER 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, add the following:

The following provisions of this bill shall have no force and effect:

Sections 2 and 3.
Paragraph (3) of section 4.
Paragraphs (5) through (8) of section 4.
Paragraph (10) of section 4.
Paragraphs (12) through (18) of section 4.
Paragraphs (20) through (29) of section 4.
Paragraphs (31) through (33) of section 4.
Paragraphs (35) through (39) of section 4.
Paragraphs (41) through (46) of section 4.
Paragraphs (49) through (51) of section 4.
Subsection (f) of section 111.
Subsection (f) of section 112.
Subsection (d) of section 113.
Subsection (g) of section 114.
Title II and all that follows through the end of the bill.

NOTICES OF HEARINGS

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 an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 12, 2008, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the relationship between U.S. renewable fuels policy and food prices.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley or Rosemarie Calabro.

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 an oversight hearing has been scheduled. The hearing will be held on Wednesday, June 18, 2008, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2008 wildfire season.

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 Scott Miller or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 5, 2008, at 2:30 p.m. to hold a closed hearing.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Matt Smith, an intern on the staff of the Finance Committee, and Bruce Fergusson, a fellow in my Senate office, be allowed on the Senate floor for the duration of the debate on the climate change bill.

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

Mr. VITTER. Madam President, I ask unanimous consent that Deborah Glickson, a fellow in my office, be allowed floor privileges during the debate on this bill.

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

The Senator from Iowa is recognized.

Mr. HARKIN. I ask unanimous consent that Ellen Butler and Raj Borsellino of my staff be granted the privilege of the floor during today's session.

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

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

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

REGARDING REQUIRING A LICENSE FOR SALVAGING ON THE COAST OF FLORIDA

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 750, S. 2482.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2482) to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

There being no objection, the Senate proceeded to consider the measure.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the bill be read for a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 2482) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 80102; and

(2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

REGARDING THE LEASE OR SUBLEASE OF CERTAIN PROPERTY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 755, H.R. 3913.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3913) to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUTENBERG. Mr. President, I further ask that the bill be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

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

The bill (H.R. 3913) was ordered to a third reading, was read the third time and passed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 311, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 311) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 311) was agreed to.

CONGRATULATING THE ARIZONA STATE UNIVERSITY WOMEN'S SOFTBALL TEAM

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 586, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 586) congratulating the Arizona State University Women's Softball Team for winning the 2008 National Collegiate Athletic Association Division I Softball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN in support of this resolution to highlight the athletic achievements of a tremendous group of young women. On June 3, the Arizona State University women's softball team won the 2008 National Collegiate Athletic Association Division I Softball Championship by defeating Texas A&M University 5 to 0. This is the first softball championship title for ASU, and the second consecutive year that a university in Arizona has brought home the NCAA Softball Championship.

The Sun Devils won the championship in an impressive fashion with considerable efforts by all. ASU beat its opponent by an 11 to 0 margin, the largest margin of victory in a championship game. Pitcher Katie Burkhart allowed only four hits during the game, struck out 13 batters and was recognized as the Most Valuable Player. Mindy Cowles and Kaitlin Cochran both hit homeruns for the Sun Devils. Jackie Vasquez, Jessica Mapes, Mandy Urfer, Rhiannon Baca, Krista Donnenwirth, Lesley Rogers, and Caylyn Carlson all contributed to the final score. Other Sun Devils making important contributions include Katie Crabb, Megan Elliott, Dani Rae Lougheed, Brittney Matta, Kristen Miller, Ashley Muenz, Amanda Nesbitt, Brooke Neuman, Michelle Nulliner, Sarah Rice, Colleen Robbins, Jessie Ware, and Renee Welty.

Coach Clint Myers led the Sun Devils to a season record of 66 wins and 5 losses and a perfect 10 and 0 mark in the postseason. Coach Myers joined ASU three years ago and has turned the ASU women's softball program into a PAC–10 Conference powerhouse.

I salute the Sun Devils and congratulate them on a hard-earned national championship. All Arizonans, even die-hard UofA Wildcats like me, are proud of the team's outstanding achievement and wish the team success in the years to come.

Mr. LAUTENBERG. 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. 586) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 586

Whereas, on June 3, 2008, the Arizona State University women's softball team (in this preamble referred to as the ''ASU Sun Devils'') won the 2008 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the women's softball team of Texas A & M University by a score of 11 to 0;

Whereas that victory marks the first championship title for the ASU Sun Devils;

Whereas the ASU Sun Devils now hold the Women's College World Series record for the largest margin of victory in a championship game;

Whereas the ASU Sun Devils beat opponents by a combined score of 24 to 2 in 5 Women's College World Series wins and completed the season with 66 wins and 5 losses and a perfect 10 and 0 mark in the postseason; and

Whereas ASU Sun Devils pitcher Katie Burkhart finished with 5 wins and 53 strikeouts in the Women's College World Series and earned Most Valuable Player honors: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Arizona State University women's softball team for winning the 2008 National Collegiate Athletic Association Division I Women's Softball Championship; and

(2) recognizes the players, coaches, and support staff who were instrumental in that achievement.

MEASURE READ FIRST TIME—H.J. RES. 92

Mr. LAUTENBERG. Mr. President, I understand that H.J. Res. 92 has been received from the House and is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the first time.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 92) increasing the statutory limit on the public debt.

Mr. LAUTENBERG. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 6, 2008

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. tomorrow; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately proceed to vote on the motion to invoke cloture on the Boxer substitute, amendment No. 4825 to S. 3036, the climate change legislation; I further ask that the filing deadline for the second-degree amendments to the Boxer substitute be at 10 a.m. tomorrow.

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

PROGRAM

Mr. LAUTENBERG. Mr. President, tomorrow, shortly after 9 a.m., the Senate will proceed to a cloture vote on the substitute amendment to the climate change bill.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LAUTENBERG. 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 7:37 p.m., adjourned until Friday, June 6, 2008, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

NAKEISHA B. HILLS

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

ELIZABETH A. MCNAMARA

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

MICHAEL A. BEMIS
STEVEN L. BRYANT
ARRVID E. CARLSON
STEVEN D. GILBERT
BRIAN L. GRIFFIN
HOMER F. HENSY
IAN J. HILDRETH
RODERICK L. HODGES
BRANDON L. JOHNSON
STERLING S. JORDAN
STEVEN C. LAWRENCE
PETER A. LOGAN
GERALD P. LORIO
MATTHEW S. MAASSEN
LELAND M. MURPHY
TERRY A. NEMEC
MATTHEW P. PETERSON
BENJAMIN C. POLLOCK
RANDY R. REID
GARY A. RYALS
JASON R. STAHL
CHRISTOPHER C. SUPKO
MICHAEL J. UYBOCO

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, June 5, 2008:

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

LT. GEN. STANLEY A. MCCHRYSTAL