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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Almighty God, we celebrate Your presence with us today. Your steadfast love inspires us ever to sing Your praises. Lord, You bless us each day with good things. Because of Your loving kindness, we find safety.

Today, strengthen our Senators with Your might. Give them the wisdom to distinguish between truth and error and the courage to act upon that insight. Use them as Your instruments to relieve the suffering in our world. Open their ears to the cries of our Nation's discarded and dispossessed.

As our lawmakers face great challenges, remind them that they are not alone but are sustained by Your unfailing providence. Remind each of us often that the plans of the diligent lead surely to advantage. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

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

ENERGY POLICY ACT OF 2005

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

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable and reliable energy.

Pending:

Wyden/Dorgan amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions.

Voinovich amendment No. 799, to make grants and loans to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

Martinez (for NELSON of Florida) amendment No. 783, to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources.

Schumer amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a moment we will return to consideration of the pending Energy legislation that we debated last week and this week and will complete later this week. We will resume debate on the amendment of Senator MARTINEZ relating to the inventory of the OSC. The time agreement we reached last night provides for up to 80 minutes of debate before the vote on that amendment, although I do not believe all of that time will be necessary. We would like to begin that vote no later than 11 this morning. We request that Senators come promptly for that vote.

We will be recessing at 11:30 to accommodate the weekly policy luncheons today. At 2:15, when the Senate returns from recess, we will continue through the amendments to the Energy bill. I believe the climate change amendments will be ready later this morning and for debate beginning at 2:15. We would expect votes on those amendments during today's session.

I reiterate that it is my intention to file cloture on this bill later this evening. That would allow us to continue to consider and dispose of amendments, but it would also assure that we have a glide path to completion of the bill and that we would complete passage of the bill this week. The managers have done tremendous work over the last almost week and a half in moving the process along. I hope we can continue in that respect and finish the bill no later than Thursday or Friday of this week. Thus, we will be having a vote late this morning, and we will in all likelihood be voting on the climate change amendments later this afternoon. In addition, there will be the opportunity for people to come to the Senate floor and offer their amendments.

AMENDMENT NO. 783

The PRESIDENT pro tempore. Under the previous order, there will be 80 minutes of debate on amendment No. 783.

Mr. FRIST. Mr. President, I ask unanimous consent that the quorum call be equally divided between both sides.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, what is the parliamentary situation now? Are we having speeches on the amendment to strike the OCS inventory by Senators MARTINEZ and NELSON and CORZINE; is that correct?

The PRESIDENT pro tempore. The Senator would have 8 minutes left.

Mrs. BOXER. Mr. President, I ask to be notified when I have spoken for 5

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

minutes. I know Senator CORZINE is coming to speak. If you could let me know when my 5 minutes is up, I would appreciate it.

The PRESIDING OFFICER (Mr. ALEXANDER). The Chair will notify the Senator.

Mrs. BOXER. Mr. President, I am proud to sponsor the Martinez-Nelson-Corzine-Boxer amendment to strike the OCS inventory language from the Energy bill. For millions of Americans living near our coasts, this amendment is arguably the most important we will debate on this bill. We know huge numbers of people live within 50 miles of America's coastlines. Few things are synonymous with California more than the beautiful beaches and the coasts. We have some pictures to show what this means to our children.

This is a scene I remember with my own children and now with my own grandson when he comes to visit California. This is what we think about. The natural beauty that is the California coast helps form our State's identity, as these pictures show. I will show you another one at this time as well. When I look at this, I just think: California.

The coast is a huge reason so many millions of Americans have chosen California as their home. Indeed, out of our 36 million Californians, 21 million Californians live in coastal counties. That is roughly 64 percent of the State's population. And there is a reason for it. This is God's gift to our State and to the people of this country and, frankly, to the people of the world who come to spend time on California's coastline and beaches.

The California coast is home to dozens of threatened and endangered species, including the short-tailed albatross, California Gnatcatcher, sea otters, chinook and coho salmon, steelhead trout, guadalupe fur seal, and several species of whales. Our coast is a true national treasure.

But Californians are not the only people who treasure our coastline. We know that tourists, millions of them, come to our State, generating $51 billion in annual revenues for our State. The protection of California's coasts, frankly, as much as all the other coasts we will protect, is not just an environmental necessity, it is an economic necessity.

The underlying bill could very well lead to more offshore oil drilling, could devastate my State and its way of life, and I trust that this bipartisan legislation being offered by Senators MARTINEZ and NELSON will be agreed to because the inventory that is agreed to in this bill could encourage further drilling in the not-so-distant future, putting all of our coasts at risk.

Make no mistake about it. This inventory is not a benign compiling of a grocery list of resources. The inventory proponents would have us believe that, but it is really not benign. The inventory will be conducted using seismic air guns which use explosive blasts to map rock formations beneath the sea. Sound from these blasts can be detected for thousands of miles, and hundreds of millions of blasts would be required to survey America's Outer Continental Shelf. These seismic blasts have been shown to have major consequences for marine life. So I do not see how it makes sense to say, on the one hand, we are protecting our beautiful coastline with moratoria and then allow the inventory to go forward in these areas.

Most fish use hearing to detect predators, find prey, communicate, and find mates. Loss of hearing can have profound, even fatal effects on our fish.

So why would we take God's precious gift and subject it to this kind of trauma? Frankly, it is wrong. To me, it is almost a moral issue, that we protect the beauty we have been given, this God-given beauty.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. BOXER. I ask for another minute.

The PRESIDING OFFICER. The Senator has that right.

Mrs. BOXER. Seismic air guns have been shown to result in severely diminished fish catches by so severely startling the fish, they quickly leave the area or descend to the sea floor, seeking shelter from the noise. One study showed that when seismic blasts had been conducted in 1996, catch rates of cod and haddock declined between 45 percent and 70 percent over a 1,400-square-mile area, and 5 days later the catch rate had still not recovered.

I ask for an additional minute on top of my minute to finish.

The fact is, with so many fishery stocks already depleted, should we really do anything else to harm them, and can our fishermen afford the risk?

Marine mammals such as whales also use sound to locate food, avoid predators, care for young, and navigate the oceans. Seismic blasts can interfere with all of these critical activities. Air gun blasts have been observed to affect the feeding behavior of sperm whales in the Gulf of Mexico, migrating bowhead whales in the Beaufort Sea off the Alaskan coast, and harbor porpoises, which appear to be dodging and evading the sounds dozens of miles away from the blasts. Indeed, last year, the International Whaling Commission's Scientific Committee concluded that the increased sound from seismic surveys was cause for serious concern.

Mr. President, I see the Senator from New Jersey is here. We are running out of time, so I am going to wrap this up and cede the rest of the time to the Senator from New Jersey. I hope everyone supports this bipartisan amendment before us.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute 5 seconds.

Mr. CORZINE. One minute and 5 seconds? That is the time allotted by the Chair? Let me, then, be brief.

I rise today as a cosponsor in support of the amendment offered by Senators MARTINEZ and NELSON that will keep the door closed to offshore drilling. The amendment strikes language in the bill that would allow a seismic inventory of all potential oil and natural gas resources in the Outer Continental Shelf, including areas off of the New Jersey coast.

The people of New Jersey strongly oppose allowing such an inventory and I voted against this provision during the committee markup.

New Jersey recognizes that taking inventory of these resources is a step onto a slippery slope toward the eventual drilling off the New Jersey coast; resources that are currently protected by the Outer Continental Shelf, or OCS, moratoria. After all, why would anyone conduct an inventory unless they have the intention to drill if resources are found? ''Inventory'' is just bureaucratic-speak for an open door to drilling off of our coast.

I have long fought to maintain the bipartisan, two-decades-old moratorium on drilling on the Outer Continental Shelf. Any drilling, or even the threat of drilling, poses a real threat to the New Jersey environment, economy, and way of life. Drilling would leave the New Jersey coast and its waters vulnerable to oil spills, drilling discharges and damage to coastal wetlands.

The environmental effects of an ecological disaster know no State boundaries. Oil spills are not fleeting environmental sound bites. These accidents linger for years, causing sustained environmental harm.

In addition, coastal tourism is our second largest industry. It generates more than $31 billion in spending, directly and indirectly and supports more than 836,000 jobs; more than 20 percent of total State employment. Coastal tourism in New Jersey generates more than $16.6 billion in wages and brings in more than $5.5 billion in tax revenues to the State.

New Jersey already holds its own in supporting energy production and refining. We have three nuclear power plants. We are the East Coast hub for oil refining.

We are growing our energy business, but exploiting our shore is a step we refuse to take.

This is not just an issue for my State. Protecting the moratoria on drilling is important to maintaining the integrity of the coastline of the United States. Allowing drilling in anyone area affects all the surrounding areas. Tides move across State borders. Fisheries and fish do not recognize State borders. This issue affects us all, and we must protect the integrity of the moratoria at all costs.

The inventory is not only dangerous because it starts us on the slippery slope towards drilling, but also because the methods used to conduct the inventory, including seismic surveys, can disrupt marine ecosystems and damage our local fisheries.

Dr. Chris Clark, Director of the Bioacoustics Research Program at Cornell

University, has called seismic testing ''the most severe acoustic insult to the marine environment . . . short of naval warfare.'' The impulses from the explosive shock waves used have been shown to cause harm to many species of marine life and have been equated with exploratory dynamite. It is not only dangerous but also costly. The inventory is estimated to cost U.S. taxpayers $1 billion.

There is no need to conduct an invasive, environmentally harmful inventory when the Minerals Management Service already provides an estimate of oil and natural gas reserves in the Outer Continental Shelf.

The MMS estimate is noninvasive and does not harm the environment. So I say to my colleagues, we have no need for a seismic inventory—we already know about the resources off our shores.

According to the most recent study, the resources are few and far between. In fact, the MMS estimated that the Atlantic contains only eight percent of the Nation's undiscovered natural gas. In addition, in 2000, the MMS estimated the entire Mid-Atlantic region only contains 196 million barrels of oil, enough to last the country barely 10 days.

Why would any east coast State want to risk their coastal economies for another inventory when we already know what's out there? Ten days worth of oil will do nothing to reduce U.S. dependence on foreign oil.

This administration already has a reputation for threatening the moratoria. On May 31, 2001, the Minerals Management Service released a request for proposals to conduct a study of the environmental impacts of drilling in the Atlantic. The stated purpose of the study was to examine ''areas with some reservoir potential, for example off the coast of New Jersey, and in the area formerly known as the Manteo Unit off North Carolina . . . in anticipation of managing the exploitation of potential and proven reserves.''

Allow me to repeat that last part. The study was ''in anticipation of managing the exploitation of potential and proven reserves.''

Needless to say, the request created quite an uproar in my State. One local headline read, ''Specter of drilling offshore is back, angering Jersey.'' New Jerseyans were outraged, as were the members of the New Jersey delegation here in Washington. My colleagues and I urged the administration to rescind the request, and were successful. But the threat still lingers, and this inventory will be the beginning of the unraveling of the moratoria and the eventual drilling off the New Jersey shores.

Past congresses and Presidents have ruled out Atlantic drilling for years, and we are not going to allow it now. American taxpayers should not have to pay for studies that amount to nothing more than oil industry fantasies.

I urge my colleagues to vote for this amendment so that we can protect our Nation's precious coastlines and ocean waters.

The PRESIDING OFFICER. Who yields time to the Senator from North Carolina?

Mr. MARTINEZ. I am happy to yield to the Senator from North Carolina 4 minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mrs. DOLE. Mr. President, since 1993 a moratorium has been in place on oil and gas exploration off the coast of North Carolina, thus protecting vital coastal areas from drilling. This moratorium has provided a much needed boost to our coastal economy and my entire State.

Each year, thousands of families flock to North Carolina beaches to enjoy the sun, dip in the cool waters, and spend time with family and friends. Visitors provide much needed tourism dollars that create and sustain jobs. This moratorium has worked.

Only 2 years ago, I helped lead the successful effort to stop an attempt to lift the moratorium on oil and gas exploration off the coast of North Carolina and many other States. Yet here we are, once again, confronting the same proposal to undermine the moratorium and open new areas of the Outer Continental Shelf to oil and gas development.

I am proud to join a bipartisan group of my colleagues in offering an amendment to strike a provision in the Energy bill that exposes currently restricted environmentally sensitive coastal areas to oil and gas exploration. I especially thank my friend and colleague, Senator MEL MARTINEZ, for his true leadership on this issue in his first year in the Senate.

There is no question that now more than ever we must work to end our dependence on foreign oil. But we cannot do so by ignoring the wishes and economic needs of the majority of the people of North Carolina and many other coastal States that oppose this exploration. Exploring off our coast would endanger North Carolina's booming tourism industry, a true economic engine of my State. According to the North Carolina Department of Commerce, tourism is one of North Carolina's largest industries, supporting nearly 183,000 jobs. Tourism remains strong despite declines in other important North Carolina industries, such as textiles, furniture manufacturing, and fiber optics.

While nationwide the tourism volume increased by less than 1 percent after the tragedy of September 11, North Carolina saw a 3-percent increase in its visitors, a real testament to the draw of our coastal areas. Last year, some 49 million visitors traveled to North Carolina making it the eighth most popular State tourist destination in the country. Tourists spent $13.2 billion across the State, generating more than $1.1 billion in Federal revenue and over $1.1 billion in State and local tax revenue.

We have been told not to worry, all their talking about is an inventory. But there are two problems with this argument. The experts say inventorying itself will damage these environmentally sensitive areas. And why would we inventory an area we do not plan to later drill? The proposed inventory would be harmful to marine habitat and the fishing industry because it requires seismic surveys involving repetitive explosions in the water that send loud acoustic pulses through the water and into the sea floor. Scientists are concerned that these sounds kill fish and disturb whales, causing whales to swim onto the beach and die.

Advocates for an inventory label it solely as information gathering. But we already know where resources are located along our coast from data gathered by the Department of the Interior. Why, then, should our State be asked to risk environmental damage to our coastal areas for resources that are under moratoria and not even accessible for development? The potential physical price of exploration and subsequent drilling, polluted beaches, disrupted marine ecosystems, lost tourism, speaks to the heart of the issue. Any exploration off our coast is bad for tourism and is bad for North Carolina.

I ask unanimous consent for 2 additional minutes from Senator NELSON's time.

Mr. DOMENICI. This time agreement, if I were to ask to yield additional time beyond that which we have for Senators, what would I be moving up against in terms of putting the Senate in some kind of a problem?

The PRESIDING OFFICER. We have a vote scheduled at 11 o'clock and a recess at 11:30.

Mr. DOMENICI. How many more Senators are supposed to speak on this issue?

The PRESIDING OFFICER. Six.

Mr. DOMENICI. Each of them have how much time?

The PRESIDING OFFICER. Each have 7 minutes 50 seconds.

Mr. DOMENICI. I am sorry, Senator.

Mrs. DOLE. I understand Senator NELSON is willing to yield 4 minutes of his time.

Mr. DOMENICI. I ask unanimous consent it be in order that Senator NELSON yield 4 minutes.

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

The Senator is recognized.

Mrs. DOLE. Mr. President, as an editorial in the Charlotte Observer on March 31 of this year explains, a drilling accident threatens everything North Carolinians hold dear about the coast—the beaches, the ocean water, the thin fish and shell fish, the pelicans and pipers, the marsh grass and live oaks.

Allowing drilling off the coast of the Carolinas, in an area of the Atlantic that has some of the roughest weather in the world, is foolish. I agree, indeed, it would be foolish. It is detrimental to

those who live, work, and visit our coastal communities. It is detrimental to my entire State.

In conclusion, let me wrap up quickly and say, once again, the majority of folks in North Carolina are opposed to this drilling. That is why I am again proud to be a strong voice for my State in fighting any effort to open up the Outer Continental Shelf to oil and gas exploration.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent I be permitted to address the Senator for 30 seconds without being charged.

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

Mr. DOMENICI. Mr. President, my fellow Senators, we have heard the Chair announce we will have a vote that is set. The Senators have time to speak, so they should get down here and speak. We have Senator LANDRIEU, Senator BINGAMAN, the distinguished majority leader—although he can take time off his own time.

For any who have remaining time agreed to, it would serve their purpose if they would use their time because the time will run against them. I am not going to yield. I have only 7½ or 8 minutes in opposition. I cannot yield.

I yield the floor.

Ms. CANTWELL. Mr. President, I rise as a cosponsor of the Nelson-Martinez amendment, which would remove from the energy bill language that threatens decades-old Congressional and Executive Branch protections of sensitive coastal areas.

Protecting our Nation's fragile coasts is vitally important to my State's economy. On the west coast of Washington, the livelihoods of many rural communities depend on fishing, tourism, and shellfish farming. These multi-million dollar industries depend on clean water and pristine coastlines.

In addition, the U.S. has entered into numerous treaties with coastal Indian tribes. Many of these treaties guarantee tribal fishing and shellfishing harvesting rights. We cannot set in motion a process that could damage these tribes' ways of life, or allow any potential abrogation of our Nation's trust responsibilities.

Over the last several years, Washington State has been a leader in protecting sensitive marine areas. We worked closely with the National Atmospheric and Oceanic Administration to establish the Olympic Coast National Marine Sanctuary, which encompasses most of the waters off of the northwest coast of Washington. The sanctuary is home to hundreds of species including marine mammals.

These mammals include the majestic Orca whale, whose 20 percent population decline over the past decade triggered a depleted listing under the Marine Mammal Protection Act and may lead to a threatened listing under the Endangered Species Act. I am very concerned that the exploratory activities allowed under the Senate Energy Bill could further harm this important symbol of the Northwest.

There are those who argue that a mere inventory of off-shore oil and gas supplies would do no harm. But I would ask my colleagues to consider emerging scientific evidence related to seismic technology used to conduct these surveys. Studies have suggested that these techniques are more invasive than originally believed—particularly when it comes to their acoustic disruption of marine ecosystems. Potential interference with the sensory capacities of marine mammals may jeopardize fundamental activities such as foraging for food, avoiding predators, and caring for young.

Moreover, many coastal residents of my State still shudder when they recall the thick carpets of oil, hundreds of dead birds, and great shards of oil-blackened timber that followed a 1989 oil spill off Grays Harbor. That disaster stained over 300 miles of coastline. An oil well blow out could be many times worse.

While some argue that this is simply a study, my response is that we should not spend millions of taxpayer dollars to study something we know we do not want to do. My constituents have told me they will not accept drilling rigs off the coast of communities like Willapa Bay, Neah Bay, or the mouth of the Columbia River.

There is an important question here. Where is it appropriate to drill, and where is it inappropriate? I agree with many of the Senators who have cited our Nation's growing need for more natural gas supplies. While I fully recognize this challenge, according to the EIA and MMS, the potential supplies off the coast of Washington are dwarfed by at least 32 trillion cubic feet of natural gas that we know already exists in Alaskan fields.

That is gas that is currently being pumped back into the ground, and it is the reason we need to expedite the construction of a pipeline from Alaska's North Slope to the lower 48 States. Building this pipeline would provide years of domestic gas supply, create thousands of jobs, and provide a huge opportunity for the steel industry.

The Pew Oceans Commission has highlighted the fragility of our oceans and coastal resources and recommended we look at our oceans in a holistic manner—not through the narrow lens of oil and gas production but to look at the overall benefits provided by the oceans.

I think the commission's findings confirm the need to reject any provision that moves us towards future oil and gas drilling in National Marine Sanctuaries or off the coasts of protected federally owned national parks and wildlife refuges.

I encourage my colleagues to vote for the amendment.

I thank the Senators from Florida for their leadership on this important issue.

Mr. DODD. Mr. President, I am pleased to join my colleagues from Florida, Senator NELSON and Senator MARTINEZ, as a cosponsor of their amendment to strike the OCS inventory language from the Energy bill.

I want to commend Senator DOMENICI and Senator BINGAMAN for working hard to craft a bipartisan bill, but I have a number of concerns with it, including the OCS inventory language.

Since 1982, Congress and the Executive branch have prohibited new offshore leases in the OCS. The moratoria began with California and was expanded to include the rest of the west coast, Georges Bank, New England, the mid-Atlantic, part of the eastern Gulf, and portions of Alaska. Both President George H. W. Bush and President Clinton upheld the OCS moratoria.

Let us be very clear. While an inventory sounds benign, it is a costly endeavor that will cause irreparable harm to our coastal waters and set us on a slippery slope to drilling and exploration in these environmentally sensitive areas. Why else would the Federal Government propose to spend nearly $1 billion to conduct seismic drilling activities if it did not intend to go forward with further coastal exploration? To suggest otherwise strains credulity. Further, nowhere in the underlying bill does it say how the Federal Government is going to pay for this $1 billion inventory. I contend that there are better ways to invest $1 billion—health care, education, infrastructure improvements, energy efficient technology, and renewable resources come immediately to mind, than on a misguided attempt to open our coastal areas to oil and gas exploration.

As I mentioned, conducting an inventory would entail seismic drilling that would have a ripple effect up and down our coastline. We already know that this type of activity has a devastating impact on marine life, including whales.

I am concerned that any seismic drilling or other similar activities along the North Atlantic and mid-Atlantic coast would have a tremendous negative impact on the health and well-being of Long Island Sound and the coastal areas of Connecticut.

Long Island Sound is an estuary of national significance with not one, but two openings to the sea. It is bordered by Connecticut and New York, running 110 miles long and 21 miles across at its widest. More than 8 million people live and vacation on or around Long Island Sound. Connecticut and New York have already spent millions of dollars and dedicated millions more to restore the health of the Long Island Sound ecosystem. A healthy habitat ensures a prosperous recreational and commercial fishing industry, boating, swimming, and an overall thriving tourism industry. Long Island Sound provides an economic benefit of more than $5 billion to the regional economy.

Therefore, I am deeply concerned that any attempt to inventory the OCS

or begin future oil and gas exploration in the Atlantic would cause irreparable harm to Long Island Sound and the State of Connecticut. I therefore strongly support the Nelson-Martinez amendment and urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I ask unanimous consent I be allowed to speak for 2 minutes of the allotted time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MARTINEZ. Mr. President, an issue not discussed so far in this debate is the fact that we tried mightily to find a reasonable compromise that would allow for there to be exploratory inventorying of those areas which wanted it, while allowing States like Florida to opt out of such an inventory.

As we entered into those negotiations, it was unfortunate we were not able to seek common ground or find a way in which we could resolve it. The unfortunate issue arises that it is difficult to draw these State boundaries in a way that allows Florida to protect not only its coast but those that are adjacent to neighboring States. So as we went through this exercise, it was unfortunate we could not find that reasonable common ground that would have allowed us to reach a compromise.

Unfortunately, now Florida is in the peculiar position, as is North Carolina, that we have no option but to object to the entirety of this provision in the bill in order to protect Florida from the exploration or the inventorying. There is no question that inventorying is a precursor to drilling, to exploration.

In Florida, we have had for many years a moratorium on drilling. This moratorium will extend until the year 2012. It is a moratorium that has been not only observed but it has been implemented by President Bush, President Clinton, as well as by our current President. So there has been a compact, an understanding, a reasoned understanding that Floridians do not want this taking place off their shores—just as North Carolinians do not want it. We should have the opportunity not to interfere in our own States' coastline if we do not wish to have it.

Right now, we would have no such option. There would be no opportunity to opt out, and we would have only to acquiesce to inventorying off the shores of Florida which, frankly, cannot be drilled upon because of the current and pending moratorium.

How much time remains?

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand, according to the unanimous consent agreement, I now have 10 minutes to speak in opposition to the amendment.

The PRESIDING OFFICER. The Senator has 7 minutes 15 seconds.

Ms. LANDRIEU. Thank you, Mr. President. I will take all 7 minutes 15 seconds to talk about this important amendment.

I do so much respect a lot of what has been said on the floor of the Senate by my colleagues from Florida and New Jersey about their feelings about offshore drilling. Of course, we have different feelings about that in Louisiana, and our experience leads us to different conclusions. But that is not really the subject of this amendment, which is why I have come to the floor to speak in opposition to this amendment.

This is not a drilling amendment. This is a security amendment. This is a good stewardship amendment. This is a commonsense amendment. The people of the United States—all 240-plus million people who live in this Nation—depend on us—us right here—to give them good information about their country, about their land, about their water, about their oceans, about their resources. They depend on us to tell them the truth, not to hide things from them, not to pretend we have things when we do not or say we do not have things when we do.

That is all the amendment the Senators from New Mexico—both Senators, the chairman and the ranking member—have put in the underlying bill, with support from Democrats and Republicans, with a good vote from Republicans and Democrats on the committee, to put in this bill simply a direction for our agency, the Minerals Management Service of the Department of Interior, to do an inventory so the American public can understand how much oil, how much gas, how many other resources we might have on the Outer Continental Shelf.

No. 1, this is not a small piece of land or territory. It is 200 miles basically out from our coast, a ring around the Nation. If you took the OCS, which is 1.67 billion acres of land, and laid it over the map of the United States, it would be from the Mississippi River to the Pacific Coast. It is a huge asset owned not by the Senators, not by the House of Representatives, not by the Governors, it is owned by the American people. They have a right to know what resources are there for them should they need them, should they want to use them as good stewards—not as exploiters, not as destroyers, but as good stewards.

We are engaged in a war. We have had a strike against this Nation from terrorists who have all sorts of vile intentions against our Nation.

The price of oil is at $58 a barrel this week. Gas is at a record high. We do not know when or if there will be another terrorist attack, but in the event there is some problem—more problems than we have today because we have some, obviously—when the country may have to draw on resources on the Outer Continental Shelf—it may either be because of an emergency or because of economic necessity—we most certainly would like to know what is there so we can make a good decision. That is basically all this underlying bill does.

So I know my colleagues have different views about drilling and where drilling should be and whether we should drill, but this is not the amendment. This is not the attack point. You would want to talk about drilling when we get to it. This is about an inventory, a resource assessment of what is owned by the American people for their deliberate thought about what should be done either now or in the short-term future or in the long-term future of this Nation.

I urge all of us to vote against this amendment that would strip out this commonsense approach to letting the American people know what they own so they can make, and we all can make, good decisions about whether to use those resources, when to use those resources, or decide never to tap into those resources. But those good, commonsense decisions cannot even be made unless we know what we have.

The good leadership of both Senators from New Mexico is leading us to give the American people a full accounting. I come to the Senate floor this morning to say that I strongly support this underlying measure, and I thank them for their leadership. I urge my colleagues on the Democratic side, as well as my Republican colleagues, to hold to this commonsense inventory of our Outer Continental Shelf.

Mr. President, I ask unanimous consent that the following data be printed in the RECORD.

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

INVENTORY/SEISMIC

Conducting seismic surveys would provide MMS with a valuable tool to help predict where resources may lie beneath the ocean floor and help inform the American public as to the nature and value of these resources. The inventory language does not eliminate existing moratoria or expand OCS access and the seismic surveys described in the inventory language do not constitute ''actual exploration.''

Industry has co-existed with the marine environment for decades. In the Gulf of Mexico, new marine ecosystems have been created—and are thriving—as a result of offshore operations. Scientific research has not shown that seismic activities harm sperm whales or other marine mammal species. In it's 2004 report, ''Marine Mammal Populations and Ocean Noise—Determining when Noise Causes Biologically Significant Effects'', the National Research Council concluded that ''no scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population.''

However, MMS has implemented general instructions, including mitigation measures in deepwater, to minimize any possible effects of seismic surveys on marine species. Some of these measures include placement of trained visual observers on seismic vessels; immediate shutdown if a whale is sighted within the vicinity of seismic sources; and start-up procedures that require the immediate vicinity to be clear of any animals before activities can proceed.

Annual appropriations moratoria, not cost, have prohibited MMS from conducting any

leasing or related activities in these areas for decades. Any costs must be weighed against the benefits to the nation of understanding the value and nature of its offshore resources.

Under the OCS Lands Act, Congress found a serious lack of adequate basic energy information regarding OCS resources and an urgent need for this information. Congress noted that this information is ''essential to the national security of the United States'' and directed the Secretary of the Interior to maintain an inventory of the Nation's OCS undiscovered energy resources as well as its discovered reserves. Using sophisticated seismic technologies is key to ensuring accurate resource estimates.

EFFECTS OF SEISMIC SURVEYS ON WHALES AND DOLPHINS

1. Environmental groups suggest sounds from seismic surveys are a big problem for whales and dolphins.

This allegation is not supported by the science:

Final Programmatic Environmental Assessment (November, 2004). Geological and Geophysical Exploration for Mineral Resources on the Gulf of Mexico Outer Continental Shelf;

U.S. Department of Interior—Minerals Management Service (MMS 2004–054). Conclusions: Finding of No Significant Impact (FONSI);

Marine Mammal Populations and Ocean Noise—Determining when Noise Causes Biologically Significant Effects 2004 National Research Council: ''No scientific studies have conclusively demonstrated a link between exposure to sound and adverse effects on a marine mammal population.''

This allegation is not supported by global experience:

No physical harm to whales or dolphins has ever been seen or shown as a result of industry seismic operations.

2. Significant effort is made to ensure seismic operations do not cause harm.

Careful assessment of the environment and possible impacts from seismic operations are undertaken in advance of operations.

A balanced, protective approach is applied when science cannot provide certainty.

As an example, operational modifications are made to provide added protection: Monitoring for the presence of animals of concern; Shutdown or no start-up when they are too close; Slow, gradual ramp-up of operations just in case.

More aggressive operational modifications are made when warranted (e.g. operating in more sensitive areas).

3. Industry continues to spend millions of dollars annually on research in this area: Base line biological knowledge; Accurate assessment of potential impacts; Improving operational modifications.

4. Concern for whales and dolphins should be focused on the true threat: fishing by-catch mortalities (deaths from entanglement in nets and other fishing gear).

WWF just issued an estimate of daily mortality due to fishing by-catch (June 9, 2005 press release): ''Almost 1,000 whales, dolphins and porpoises die every day in nets and fishing gear. Some species are being pushed to the brink of extinction.'' www.cetaceanbycatch.org

WILL SEISMIC SURVEYS HARM RIGHT AND HUMPBACK WHALES?

If environmental groups say no to a limited lifting of the moratoria off the Eastern Seaboard because it is home to endangered Right and Humpback Whales, the following points should be considered in the debate:

The biggest threat to both are from ship strikes and entanglement in fishing gear, not sounds from seismic exploration.

The seasonal migration of both species is well known and documented (they go south for the winter).

Seismic operations can easily be conducted in the seasons when the animals are away.

Ms. LANDRIEU. Mr. President, I yield back the floor but reserve my time.

The PRESIDING OFFICER. Who yields time?

Time is equally charged to both sides if no one yields time.

Mr. DOMENICI. Mr. President, I assume the time is going to be charged proportionately against all the remaining speakers?

The PRESIDING OFFICER. Time will be equally charged against each side if no one yields time.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Do we need a quorum call for that to occur?

The PRESIDING OFFICER. No. That occurs without a quorum call.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I have been yielded 4 minutes of Senator BINGAMAN's time.

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

Mr. ALEXANDER. Mr. President, we are talking today about whether to find out how much natural gas we have offshore. Let me try to put that in personal terms. In the mountains of east Tennessee, we have a company, Tennessee Eastman. Mr. President, 10,000, 12,000 jobs are there. They have been good-paying jobs for several generations. They make chemicals at Eastman Chemical. Their raw material is natural gas. The cost of that gas has gone from the lowest in the world to the highest in the world. If it stays that way, those jobs will not be in Tennessee; they will be moving overseas.

There are 1 million blue-collar manufacturing jobs in America in the chemical industry that depend on natural gas for a raw material. We must lower the price of natural gas. We can do it by conservation. That is in the Domenici-Bingaman bill we are considering. We can do it by nuclear power, which we need to accelerate. Support for that is in the Domenici bill. We can do it someday, we hope, by coal gasification.

But right now we have $7 gas, the highest in the industrial world, we are building all our new powerplants for natural gas, and we are refusing to find out how much natural gas we have offshore to supply more and reduce the price. So we have farmers who are taking a pay cut, homeowners who cannot heat and cool their homes, we have blue-collar workers across this country who are going to have their jobs shifted overseas, and what we are saying is we do not even want to know how much gas we have.

We can have a later debate about whether to give more States the option, as Texas does, as Louisiana does, as Alabama does, to drill for oil and gas. You can do it today 20 miles offshore. You will never see it. It is environmentally clean. That is not the debate here today.

The debate today—and the Presiding Officer brought it up last year—if we are in a crisis on natural gas, if we have jobs moving overseas, why don't we want to know how much natural gas we have?

So I hope we will oppose this amendment and support the Domenici-Bingaman legislation, which puts us on a path toward a low-carbon production of energy plan for our future. It is an essential part of that. I hope we defeat the amendment and support the Domenici-Bingaman legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to oppose the amendment to strike the Outer Continental Shelf inventory provision. During committee consideration of the bill, I supported adding this provision which requires a comprehensive survey of OCS oil and gas resources. I continue to support the provision. These resources belong to the entire Nation. I believe it is useful for us to know the extent of the oil and gas resources underlying the OCS.

It is important to note what the underlying provision does not do. The provision does not modify or rescind any moratorium. The provision does not allow drilling in any area that is covered by a moratorium. The provision does, however, provide for the development of important data and information about our energy resources. The language in the bill is identical to a provision that was approved in the Energy Committee during the last Congress, and the Senate rejected efforts to strike the language then. I hope we will have the same outcome on this issue in this Congress.

I oppose the amendment. I encourage my colleagues to oppose it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I appreciate the support of Senator BINGAMAN.

The Energy and Natural Resources Committee included the language which is going to be stricken if the amendment passes. I urge the Senate not to strike the language. All Americans today are looking at the gas pump. They are seeing the price. The average price in the United States is $2.13. That means something. They go home and they wonder about it. They ask questions: What are we going to do about it?

Americans should know that not at the gas pump but out there across the land there is another phenomenon occurring. That is the terrific increase in the price of natural gas, this marvelous product that years ago we didn't think we had very much of, and then we started finding it. All of a sudden we

thought we had an amount which we would never run out of. So we started putting it in the big powerplants because it is clean. We pumped it in by the trillions of cubic feet to produce electricity.

Now, all of a sudden the price is going up because demand has gone up dramatically. It has increased 300 percent in a short period of time. It is predicted, if something doesn't happen, the price could go as high as $13; today it is only $7. It was at one time down in the neighborhood of $1.50 or $2. That means if it continues to go up, we will have no fertilizer business in America. We will have no chemical business in America. Natural gas, which we use in our powerplants, will begin to run out. We are using it for all kinds of purposes. Then we will understand. We don't understand it right now.

All we are saying is, America, out there in the ocean, 200 miles, you can put these drilling platforms—I flew out and landed on one—you can put them out there. People have seen them on television. They are absolutely tremendous technological feats. There is no pollution. Nothing happens except 10 or 12 wells are drilled, this valuable resource that we own comes up, and we use it.

We thought it was very important for our citizens to know how much natural gas or crude oil exists out there. Nothing is going to happen to the States. Nothing is being changed versus the States. The moratoria exist. If we brought a moratoria amendment up here and said, lift the moratorium on Florida, it would lose. The bill would die. A filibuster would occur.

We are not asking for that. As a matter of fact, the bill says you can't even drill to determine the assets that America owns. It will be done by new, modern technology, seismic and otherwise, that in a few years will say to America, through Congress, to the President—and it will be a truthful, full disclosure, a transparency—America, if you have a problem, you have some alternatives. You can import natural gas in big ships that will bring it over here in a liquefied manner. We will still be paying foreign countries for it. We don't know if the price will come down. We don't know if they will have a cartel. They don't now. But if I were them, they are not subject to any national laws of ours, they could form a cartel. Natural gas could keep going up. We would keep importing it.

I can tell the American people, if we have this asset out there and some State thinks that maybe we ought to drill, or the United States of America believes we are throttled, we ought to know what is there. That is all. Some decision can be made in the future.

I say to my fellow Senators, please understand, this is not a proposal to change any moratoria. This is not a proposal to harm the State of Florida. We compliment the distinguished Senators, Mr. MARTINEZ and Mr. NELSON, who have argued eloquently on behalf of their State. Senator DOLE has been here. The Senator from New Jersey has been here. We recognize all of them.

Did Senator BINGAMAN have any time remaining?

The PRESIDING OFFICER. Senator BINGAMAN has 30 seconds remaining.

Mr. BINGAMAN. Senator DOMENICI may have my 30 seconds.

Mr. DOMENICI. I yield myself 30 seconds.

What we are asking is nothing more, nothing less than on behalf of the American people, let the experts go out and find out how much is there. In a rather superficial way, without having ever done the real seismic work, we have an idea of what is there, across the circle around America that has been described so eloquently by Senator LANDRIEU. We know somewhat what is there. But we don't know with any kind of assurance. We need that. That is what the amendment is about.

I yield the floor.

Mr. NELSON of Florida. Mr. President, I tell the Senator, the distinguished chairman of the committee, we already know what is out there.

Mr. DOMENICI. Mr. President, is not a vote in order at this time?

The PRESIDING OFFICER. The Senator has 3 minutes left.

Mr. NELSON of Florida. Mr. President, again, I tell the Senator that we already know what is out there. In fact, the MMS does an inventory every 5 years. Here is the latest one. This is a 2003 update. The new one will come out this summer, in 2005. So we are not doing an inventory here as it is explained. What we are doing under this bill is doing something new. We are doing seismic explosions that could cost the Federal Government, in all of the Outer Continental Shelf, up to a billion dollars.

Seismic explosions. These air guns shoot air pressure all the way to the surface of the ocean floor. Now, that is what we are trying to stop. Since we know what is there—and they drilled several dry holes in the eastern Gulf of Mexico, off Florida. We know there is not any oil and gas there. They want to do a new type of exploration. Yet this is in a moratorium. So if it is in a moratorium until the year 2012, why are we going to allow, under this bill, going out and doing seismic explosions in the Outer Continental Shelf all around the United States? It makes no sense.

What it is is the first step to drilling. It is the proverbial camel's nose under the tent. Once he gets his nose under the tent, the camel is going to get in the tent, the tent is going to collapse, and there is going to be drilling all off the coast of Florida, all off the eastern seaboard and all off the western Pacific coastline.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, Mr. MARTINEZ, is recognized.

Mr. MARTINEZ. Mr. President, my understanding is that I have one minute to close.

The PRESIDING OFFICER. That time has expired.

Mr. MARTINEZ. I ask unanimous consent for 1 minute to close on the amendment.

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

Mr. MARTINEZ. Mr. President, I simply want to note that I am very appreciative of the chairman and ranking member of the committee where I have had the pleasure of working. I believe this is a great and good bill. I want to take this one little provision out that would do so much harm to the people of Florida and would be potentially invasive to our future. I want to remove it so that we can continue forward with this good bill.

I believe, without question, the issue here is not just about these inventories but about future drilling. We cannot drill ourselves to energy sufficiency by what we might find in the Gulf of Mexico.

I urge my colleagues to vote for this amendment so we can take out this one piece of the bill, and the bill can be a successful bill. Then we can go into conference and provide an energy future for our country that is desperately needed. There are many things I want to vote for in the bill. I continue to be greatly concerned about not just an inventory but about where that path would lead. This is not only for the people of Florida but many other coastal Senators have expressed themselves as this being in the best interests of many of our States. I yield back my time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY), are necessarily absent.

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

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—44

Akaka	Dodd	Levin
Bayh	Dole	Lieberman
Biden	Durbin	Martinez
Boxer	Feingold	McCain
Burr	Feinstein	Mikulski
Cantwell	Graham	Murray
Chafee	Harkin	Nelson (FL)
Clinton	Inouye	Obama
Coleman	Jeffords	Reed
Collins	Kennedy	Reid
Corzine	Kohl	Rockefeller
Dayton	Lautenberg	Sarbanes
DeMint	Leahy	

Schumer	Snowe	Sununu
Smith	Stabenow	Wyden

NAYS—52

Alexander	Crapo	McConnell
Allard	DeWine	Murkowski
Allen	Domenici	Nelson (NE)
Baucus	Ensign	Pryor
Bennett	Enzi	Roberts
Bingaman	Frist	Salazar
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Specter
Byrd	Hutchison	Stevens
Carper	Inhofe	Talent
Chambliss	Isakson	Thomas
Coburn	Kyl	Vitter
Cochran	Landrieu	Voinovich
Conrad	Lincoln	Warner
Cornyn	Lott	
Craig	Lugar	

NOT VOTING—4

Dorgan	Kerry
Johnson	Thune

The amendment (No. 783) was rejected.

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

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 11:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

ENERGY POLICY ACT OF 2005—Continued

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I may be permitted to offer an amendment.

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

AMENDMENT NO. 817

(Purpose: To provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protections for projects that employ advanced climate technologies or systems in the United States)

Mr. HAGEL. Mr. President, I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS, proposes an amendment numbered 817.

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

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

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

Mr. HAGEL. Mr. President, I understand under a previous agreement the Senator from Minnesota wishes to offer an amendment. I will withhold further comments until the Senator from Minnesota has had an opportunity to propose an amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask that the pending business be set aside.

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

AMENDMENT NO. 790

Mr. DAYTON. I call up Senate amendment 790.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 790.

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

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

The amendment is as follows:

(Purpose: To require that gasoline contain 10 percent ethanol by volume by 2015)

On page 159, after line 23, add the following:

SEC. 211. ETHANOL CONTENT OF GASOLINE.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

(A) dedicated energy crops and trees;

(B) wood and wood residues;

(C) plants;

(D) grasses;

(E) agricultural residues; and

(F) fibers.

(2) WASTE DERIVED ETHANOL.—The term ''waste derived ethanol'' means ethanol derived from—

(A) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

(B) municipal solid waste.

(3) ETHANOL.—The term ''ethanol'' means cellulosic biomass ethanol and waste derived ethanol.

(b) RENEWABLE FUEL PROGRAM.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations ensuring that each gallon of gasoline sold or dispensed to consumers in the contiguous United States contains 10 percent ethanol by 2015.

Mr. DAYTON. Mr. President, we have been talking about the laudable goals of recycling, our Nation's dependency on foreign oil, and developing alternative sources of energy. The old saying goes, actions speak louder than words. Our current energy program and practices are taking this country in the opposite direction—toward increased imports of foreign oil.

Even with the renewable fuel standard in the Senate bill, which some want to eliminate, the projected gasoline consumption in our country will increase from 135 billion gallons this year to 168 billion gallons in 2012. That is a 26-percent increase in America's use of gasoline in just 7 years. At a time that worldwide demand is also expected to increase significantly, where we will get the increased supplies? How much will we have to pay for them?

As my colleague, Senator CANTWELL from Washington State, courageously warned last week, even with the adoption of the Senate's renewable fuel standard, our imports of foreign oil would increase from 59 percent currently to 62 percent in 2012. Without adopting the Senate renewable fuel standard, our oil imports would be over 67 percent in just 7 years.

Taking yesterday's world price for oil, which was over $59 a barrel, we will spend $220 billion this year for foreign imports of oil, and we would spend $243 billion in 2012, even with the renewable fuel standard. Anyone who believes the world price of oil in 2012 will not be higher than it is today is beyond optimistic.

Of course, if we can continue to get all the oil we need at today's prices or lower, we would have no need to develop alternatives. That has been our national energy strategy today. People say we do not have an energy policy. I respectfully disagree. Our policy has been and continues to be to maintain the status quo for as long as possible. We continue to depend almost entirely upon oil and oil products, natural gas and its products, coal, nuclear, and hydroelectric power for over 97 percent of our total energy needs nationwide, just as we did in 1970 before our so-called energy crisis began.

The so-called alternative fuels provided less than 2 percent of our country's energy in 1970. They provide less than 3 percent today. None of them are likely to provide significantly more of our total supply 10 or even 20 years from now except for ethanol and other biofuels such as biodiesel. That is why we do not see full-page ads attacking solar, wind, or geothermal energy by the Petroleum Institute or other major energy sources, because they know the alternatives are no threat to replace them anytime soon.

The only alternative source of energy the American Petroleum Institute is attacking is ethanol. Why is that huge industry, oil and gas special interest, spreading misinformation about a business competitor? Because they recognize that ethanol has the ability—not just potential but the ability now, not 10, 20, or 40 years from now but right now—to replace gasoline, to replace not just MTBE, the—3 percent additive to regular gasoline, but to replace the gasoline itself.

I know that from my own experience driving a Ford Explorer that has run on a blend of 85 percent ethanol and 15 percent gasoline all over Minnesota during the past 3 years. My Senate office leased a van that has run on the 85 percent fuel for the last 4 years. Both vehicles have factory-made flexible-fuel engines which can run on the 85-

percent ethanol or on regular unleaded gasoline or any mixture of the two. However, for the past 9 years, every car, SUV, or pickup truck in Minnesota has run on a blend of 90 percent gasoline and 10 percent ethanol.

The courageous Republican Governor, Arne Carlson, and the Minnesota Legislature passed a 10-percent ethanol mandate law. Back then, the oil and gas industries tried the same scare tactics they are using on Capitol Hill now: More ethanol will be prohibitively expensive, unsafe, and unreliable. But for the last 9 years, every motorist in Minnesota has put a gasoline containing 10 percent ethanol into every vehicle at every service station with no problems and at prices that are lower than our neighboring States. Just 2 weeks ago, I bought E85 fuel in 11 Minnesota cities at prices ranging from 25 to 70 cents a gallon less than regular unleaded gasoline. Unleaded gas costs between $1.90 and $2.05 a gallon and E85 between $1.35 and $1.65 a gallon.

I have introduced legislation that will require all of the gasoline-consuming cars, SUVs, and trucks sold in America after 2008 to have these flex-fuel engines which would give their owners the choice between ethanol and gasoline every time they fueled up. Every time, consumers could choose the lower priced option, and that consumer choice would provide healthy competition for both fuels.

Certainly there are other good reasons to buy ethanol instead of gasoline, such as putting that money into the pockets of American farmers rather than Arab sheiks or using a cleaner burning ethanol fuel that is better for engines and the environment. However, the automobile industry will not support such an engine requirement because not enough consumers ask for it or insist upon those flex-fuel engines, even though on most models there is no difference to consumers in the sticker price. Without consumer demand, most service stations do not yet carry E85 fuel.

When I visited Ford and General Motors plants recently to better understand their challenges and costs in designing, producing, and selling vehicles with flex-fuel engines, I told their engineer and executives that the transition to fleets with flex-fuel engines could only occur with their support, not over their opposition. After all, they make the engines, warranty them, and service them. I was greatly impressed with their success in designing and manufacturing those engines that can measure the ethanol content in a fuel tank from 0 to 85 percent and adjust the fuel intake and carburetor to burn a more dense 87 octane gasoline or a less dense 104 octane ethanol, or any blend of the two, and then produce the same acceleration efficiency and other performances from either fuel.

If E85, without its tax subsidies, now equivalent to 43 cents a gallon, and after accounting for its 15-percent fewer miles per gallon because of its lesser density, is still cheaper than regular unleaded gas, which it is at its current price in many parts of Minnesota, then savvy consumers, of whom there are now 100,000 in Minnesota, will decide they, too, are sick of ever higher and higher gasoline prices and they, too, want to take advantage of ethanol's lower cost and equal, if not better, performance in their engines. Then when consumers ask for and insist upon flex-fuel engines at no additional cost in the vehicles they buy, automobile manufacturers will produce them. A marketplace will drive that transition. My bill would accelerate it, but this Congress and this country are not yet ready for that conversion.

My other legislation, Senate amendment No. 790, would have an even greater impact on our country's energy independence, on reducing our imports of foreign oil, on putting more of that $220 billion we now send out of our country to import that foreign oil into our U.S. economy instead.

This bill would require that in 10 years, the rest of America would do what Minnesota has done for the past 9 years—require that every gallon of gasoline contain at least 10 percent ethanol. Right now, the nationwide use of ethanol is about 2.5 percent of gasoline. The Senate's renewable fuel standard in this bill would raise nationwide ethanol consumption to almost 5 percent of gasoline by 2012—an amount of gasoline which I said earlier is expected to be 26 percent more than what we are consuming this year nationwide.

For the gasoline that is refined from that oil, 62 percent of which would be imported foreign oil with our renewable fuel standard, replacing 5 percent of that gasoline with ethanol is real progress, but it is small progress. It is only half of what we could achieve by a 10-percent ethanol mandate nationwide. Ten percent of the 168 billion gallons of gasoline that Americans are projected to consume in 2012 would be 16.8 billion gallons of fuel. If gasoline remained at $2 a gallon, substituting ethanol for 10 percent would shift almost $34 billion each year from a nonrenewable fuel, over half of it foreign, to annually rely on American grown and American manufactured oil that could supply over half of all that oil and gasoline.

Now we see why the American Petroleum Institute is attacking ethanol and why, regrettably, it has convinced some of my Senate colleagues to do the same. I am deeply dismayed by accusations made in the Senate that I and other ethanol proponents are trying to foist some huge additional costs on American motorists in order to increase the profits of one company or to create some profits for our Midwestern farmers. I am beholden to no company or industry. I certainly support policies that benefit Minnesota farmers, but I would never, ever try to advance their economic interests at the expense of all other Americans.

Americans are almost certain to be plagued by higher energy prices in the years ahead. They do not deserve any congressional action that would cause those prices to go even higher. Americans do, however, want congressional leadership to redirect our country away from our continued reliance on the same energy sources—oil, natural gas, coal, and nuclear—and they know we cannot replace something with nothing.

It is true that conservation—using less energy—remains our best energy alternative. Individually and collectively, Americans will need to conserve more and consume less energy in the future. That conservation is essential, but it is not enough. If we are to reduce our national consumption of oil and oil products, we will have to replace them with something else. Electric cars, hydrogen cells, and hybrids may sound good, but they are years away from being able to replace gasoline. Ethanol can replace gasoline today.

Ethanol is cheaper than gasoline in Minnesota today. That may not yet be true on the west coast or the east coast due to transportation costs because most ethanol is transported in relatively small amounts by truck or by rail rather than in large quantities by pipelines.

A nationwide commitment to increased use of ethanol would involve developing a transportation system or, better yet, producing ethanol locally, as Minnesota farm co-ops are doing today.

Ethanol can be made from many different sources, including wood chips, corn stalks, organic garbage, and even animal waste. I will rejoice when California, New York, and other farmers and small business entrepreneurs begin to produce ethanol and sell it locally or regionally. They can make decent profits while still offering consumers lower fuel prices for cleaner burning fuels. If they fail to do so, consumers can continue to buy gasoline, but they will have a choice.

Again, none of this would be necessary if we could continue to get all the oil and gasoline we need at prices no higher than they are today. In the past, we have taken that gamble, and most of the time we have come out ahead. That is evidently what we will continue to do, despite the benefits of this legislation, even if those benefits survive a conference with the House and the administration and if they survive all the efforts to defeat them by the American Petroleum Institute and the other established energy interests because they will still make their profits, no matter how much their energy prices increase, as long as Americans have no alternatives.

They profit and the rest of us pay. That will not change unless we take action to change it. We cannot, and we will not, change our dependence on foreign oil or on any of our current energy sources by wishing them away or by making speeches about alternatives or by waiting for the next energy crisis to demand them. We have to take actions—and sustain those actions—to

make the transition to using significant amounts of other sources of energy and to use enough of them for long enough to enable new entrepreneurs and expanding businesses to produce those supplies, transport them, sell them, and service them.

There is no magic wand. There is no overnight cure. There is not even a guaranteed success. There is only the choice to try to maintain the same old energy supplies and pay for them or to develop real alternatives. Ethanol is ready now. And when America is ready, I will offer my amendments again.

AMENDMENT NO. 790 WITHDRAWN

Mr. President, I ask unanimous consent to withdraw amendment No. 790.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DAYTON. Mr. President, I yield the floor. I thank my colleague from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 817

Mr. HAGEL. Mr. President, I rise today with my colleagues, Senators PRYOR, ALEXANDER, LANDRIEU, CRAIG, DOLE, MURKOWSKI, VOINOVICH, and STEVENS, to offer an amendment to H.R. 6, the Energy Policy Act of 2005.

This amendment incorporates two bills I introduced earlier this year, the Climate Change Technology Deployment Act and the Climate Change Technology Deployment in Developing Countries Act. Taken together, these bills propose a comprehensive, effective U.S. global climate change policy.

The climate change debate is not a debate about who is for or against the environment. No one wants dirty air, dirty water, prolonged drought or declining standards of living for their children or grandchildren. We all agree on the need for a clean environment and stable climate.

The debate is not about whether we should take action but, rather, what kind of action we should take. A sound energy policy must include sensible and effective climate policies reflecting the reality that strong economic growth and abundant clean energy supplies go hand in hand.

The amendment my colleagues and I are offering is comprehensive and practical. Bringing in the private sector, creating incentives for technological innovation, and enlisting developing countries as partners will all be critical to real progress on global climate policy. This amendment seeks to do exactly that, by authorizing new programs, policies, and incentives to reduce greenhouse gas intensity.

It focuses on expanding clean energy supplies, enhancing the role of technology, establishing partnerships between the public and private sectors and between the U.S. and developing countries. Innovation and technology are the building blocks for an effective and sustainable climate policy.

This amendment uses greenhouse gas intensity as a measure of success. Greenhouse gas intensity is the measurement of how efficiently a nation uses carbon-emitting fuels and technology in producing goods and services. It best captures the links between energy efficiency, economic development, and the environment.

The first section of this amendment supports establishing domestic public-private partnerships for demonstration projects that employ greenhouse gas intensity reduction technologies. These provisions are similar to those of title XIV of H.R. 6 but are tied more directly to climate policy. This plan provides credit-based financial assistance and investment protection for American businesses and projects that deploy advanced climate technologies and systems. Federal financial assistance includes direct loans, loan guarantees, standby interest coverage, and power production incentive payments.

We are most successful in confronting the most difficult and complicated issues when we draw on the strength of the private sector. Public-private partnerships meld together the institutional leverage of the Government with the innovation of industry.

This amendment directs the Secretary of Energy to lead an interagency process to develop and implement a national climate technology strategy developed by the White House Office of Science and Technology Policy. It establishes an executive branch Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund these projects.

The second section of this amendment provides the Secretary of State with new authority for coordinating assistance to developing countries for projects and technologies that reduce greenhouse gas intensity. Current international approaches to global climate change overlook the role of developing countries as part of either the problem or the solution. That is, at best, unrealistic and shortsighted.

According to the Congressional Research Service, China is already the world's second largest consumer of oil, with its demand projected to more than double over the next 25 years. It is estimated that coal-burning emissions by China alone, over the next 25 years, would be twice the emissions reductions that would be achieved if all nations that ratified the Kyoto Protocol met their obligations. China and other developing nations will not be able to achieve greenhouse gas reductions until they achieve higher standards of living. They lack clean energy technology, and they cannot absorb the economic impact of necessary changes to reduce emissions reductions. New policies will require recognition of the limitations of developing nations to meet these standards and the necessity of including them in future emission-reduction initiatives.

This amendment works with those limitations by supporting the development of a U.S. global climate strategy to expand the role of the private sector, develop public-private partnerships, and encourage the deployment of greenhouse gas intensity reducing technologies in developing countries.

Further, this amendment directs the Secretary of State to engage global climate change as a foreign policy issue. It directs the U.S. Trade Representative to identify trade-related barriers to the export of greenhouse gas intensity reducing technologies and establishes an interagency working group to promote the export of greenhouse gas intensity reducing technologies and practices from the United States.

Finally, the amendment authorizes fellowship and exchange programs for foreign officials to visit the United States and acquire the expertise and knowledge to reduce greenhouse gas intensity in their countries.

The action we take must be as comprehensive as possible in order to be effective in reducing international greenhouse gas emissions. That means any climate change initiatives we adopt must capture the links between energy use, the environment, and economic development in a global context.

Climate change does not recognize national borders. It is an international issue. It is a shared responsibility for all nations. Focusing on solutions that are too narrow may resolve one problem just to create or exacerbate another problem somewhere else in the world.

Consider, for example, the U.S. manufacturing sector. According to one recent study written for the National Association of Manufacturers, this sector accounts for some 15 million jobs in the United States, producing everything from semiconductors to food products. It is a cornerstone of our economy, and it is the largest consumer of energy in our country.

Rising energy costs and shrinking supply, especially of natural gas, are already a factor in the loss of U.S. manufacturing jobs today. These rising costs, in part a result of regulations and other self-imposed limitations, contribute to a less competitive position for U.S. companies around the world—just as the world economy is becoming increasingly more and more competitive.

Some of these companies are going out of business. Others are going offshore to locations with lower costs and more accessible energy sources. In the end, long-term success will come from stimulating increased energy efficiency and new lower carbon systems, not from actions that set up a system to continually constrain energy supplies.

There are viable policy options for protecting the environment without sacrificing economic performance in manufacturing and other sectors here in this country or in other nations. That will involve ensuring adequate supplies of energy at globally competitive prices. By promoting new energy supplies and clean energy technologies, we could potentially add millions of new jobs and improve our economic performance, as well as the economic

performance of all nations, increasing all standards of living across the globe, assuring more stability and secure living environments around the world, with less conflict, less war around the world.

At the same time, there are policies under discussion today that would restrict energy supplies either now or in the future. These policies would hurt our economic performance without necessarily improving environmental quality. Too often, such policies are considered in isolation of other real-life factors instead of comprehensively and internationally.

America's climate policy needs to be a comprehensive policy that captures the links between our energy use and our economic and environmental well-being. That will mean expanding the availability of cleaner fuels and improving the efficiency of our energy use and production through new technologies. Right now, fuel substitution possibilities are limited, and the rate of innovation is not fast enough to keep pace with our demand.

Natural gas supplies in the U.S. are constricted. No new nuclear powerplants have been constructed in many years. Renewables are promising but not at an adequate level of development for the needs of our growing dynamic economy.

Achieving reductions in greenhouse gas emissions is one of the more important challenges of our time. We recognize that. In developing a sound energy policy, however, America has an opportunity and a responsibility for global climate policy leadership. But it is a responsibility to be shared by all nations.

Mr. President, I look forward to working with my colleagues; the Bush administration, which has done a significant amount in dealing with this issue, especially in market-based, technology-driven projects; the private sector, from which innovation comes; the public interest groups that help focus our attention; and America's allies—American's allies—key to any achievable climate change policies. I look forward to working with all of these individuals, institutions, bodies, and nations to achieve a climate change policy that is workable, sustainable.

By harnessing our many strengths, we can help shape a worthy future for all people in the world.

I encourage my colleagues to review this amendment, and I ask for their consideration and support.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me say how proud I am to speak in behalf of and in favor of the climate change amendment we have just heard thoroughly explained by Senator HAGEL and to thank him and Senator PRYOR for joining in a bipartisan way to provide for us the underpinnings of a path forward on the issue of climate change and to meet both this Nation's and the global needs that are obvious when we talk about climate change and, in that context, economic progress.

In addition, this legislation will provide a sound basis for productive engagements with our friends and allies in sharing a need to cooperatively work literally around the globe on this issue. If we are talking about climate change, we are not talking about it only in the United States. It is literally the climate of the world we are talking about and a concern about those elements that are introduced by man into the environment that make the change or could make the change.

An essential element in this legislation is an active engagement of developing countries. My views on this point are not new, but I do believe they are worth repeating as we begin this important debate on national energy policy and as we step into the arena of climate change.

Our policy must recognize the legitimate needs of our bilateral trading partners to use their resources and meet their needs for their people. For too long, the climate policy debate has been about fixing and assigning blame and inflicting pain. This is most harmful. It is counterproductive. When the climate change community said to the world, save the world by turning out your lights and turning off your economies, the world in large part said: Wait a moment. We don't think we can do that. We have to look at this issue differently.

Our best technological advances, our research activities, all are focusing on how we become cleaner. And as we become cleaner, we immediately provide and send that technology to the world, and we meet their needs while they grow and develop and provide for their own people.

Senator HAGEL, Senator PRYOR, and those of us who support this amendment have made it clear that there are important issues we ought to be about when we talk about climate change. Above all, this legislation is a true acknowledgment that climate variability and change is a top priority of the United States and of all nations, and we have not shirked from that. There can be an honest debate about whether the United States should do more or whether too much reliance is being placed on voluntary initiatives. But to claim that the United States is not acting seriously reflects at best a lack of knowledge or at worst political posturing.

An objective review of government and private sector programs to reduce increases in greenhouse gases now and in the future would have to conclude that the United States is doing at least as much, if not more, than countries that are part of the Kyoto Protocol which went into effect last February. The best evidence of this is our domestic rate of improvement in greenhouse gas intensity relative to improvements in other countries. The term I just used—and it is one we ought to all become familiar with because it is the true measurement of this issue, not the politics of the issue, it is in fact the scientific measurement—''greenhouse gas intensities'' is defined in the legislation Senator HAGEL has just offered as the ratio of greenhouse gas emissions to economic output. This is a far wiser measure of progress because it compliments rather than conflicts with a nation's goal of growing its economy and meeting the needs of its aspiring citizens.

Too much attention has been paid to the mandatory nature of Kyoto, and too little is resulting from it because nations simply can't go there. Most of the countries that ratified Kyoto will not meet the greenhouse gas reduction targets by the deadlines required by Kyoto. So why did they ratify it? Was it the politics of the issue or were they really intent on meeting the goals? We did not ratify it because we knew that it couldn't be done in this country. Yet we are the most technologically advanced country of the world.

Why couldn't it be done here? Simple reason: When we stated on the floor some years ago that we would have to take a hit of at least 3 million jobs in our country to dial ourselves down to meet the Kyoto standards, we were right. In fact, at the depths of this last recession we have just come out of, with 2.9 million people unemployed, we met the standards that we were supposed to meet under Kyoto. Most fascinating is the recent news that Great Britain needs more allocation of credits to meet its targets under Kyoto.

Imagine this, the most aggressive advocate of Kyoto, the nation best positioned to meet the requirements of the treaty, is now backsliding because they can't hit their targets. They need more relief.

At a recent COP–10—that is a climate change conference in Buenos Aires I attended along with many of our colleagues—delegates from a variety of countries came up to us and said very clearly, we need the intensity approach in order to avert harsh, clearly unmanageable, unattainable consequences of Kyoto. Indeed, a conference delegate from Italy informed me and others attending COP–10 that Italy will bow out—they were early to ratify Kyoto—by 2012 because they couldn't comply with phase 2 of the treaty. Remarkable stuff? No. Real stuff. Now that the politics have died down, in every country except this one, where we still want some degree of political expression—now that the politics have died down in these other countries that have ratified the treaty, they don't know what to do because they can't get there.

Let me tell you what they can do. They can follow the guidance and direction of the Hagel-Pryor amendment that I hope will become law. In that law we will engage with them in the use of our technology to advance a cleaner fuel system and systems for the world and not have to ask them to turn their economy down.

The United States is currently spending in excess of $5 billion annually on scientific and technological initiatives. That is far more than any other nation in the world. In fact, I believe we are spending more as a nation than all of the other nations combined on the issue of cleaner emissions—therefore, proclimate change, pro-Kyoto. But nobody talks about it because it wasn't one bill. It wasn't one vote. It wasn't a great big press conference. It is a collective initiative on the part of our Government with some of our direction over the course of a decade to become better at what we do and cleaner in how we do it.

The Bush administration has entered into more than a dozen bilateral agreements with other countries to improve their energy efficiencies and reduce greenhouse gas growth rates and has received compliments from major industries and worked with them to make improvements in the use and the effective efficiencies of their energy sources. These programs are designed to advance our state of knowledge, accelerate the development and deployment of energy technologies, aid developing nations in using energy more efficiently, and achieve the 18-percent reduction in energy intensity by 2012, as our President laid out.

Domestically, the United States continues to make world-leading investments in climate change and climate science technology. The United States has also implemented a wide range of national greenhouse gas control initiatives, carbon sequestration, and international collaborative agreements.

Let me cite from a summary of what we have done: The climate change technology program, a $3 billion program; the climate change science program, a $2 billion program; DOE's registry for greenhouse gas reporting, another major program; DOE's climate vision partnership for industry reductions that includes 12 major industry sectors and the Business Roundtable.

Here are some examples: Refineries committed to improve energy efficiency by 10 percent between 2002 and 2012. The chemical industry will improve greenhouse gas intensity by 18 percent between 1990 and 2012. Mining sites committed to increase efficiency by 10 percent. That is in that initiative alone.

EPA'S climate leaders for individual company reductions: Over 60 major corporate-wide reduction goals are in place, including GM, Alcoa, British Petroleum, IBM, Pfizer, and the list goes on and on.

We could spend an hour talking about the initiatives that are underway in this country. What I told the chairman of the Energy Committee last night as we discussed the issue of climate change was: Mr. Chairman, we ought to take this whole bill and call it the climate change bill of 2005. Why? Clean coal, wind, solar, nuclear, hydrogen—all kinds of incentives and new technologies all designed to keep this economy roaring and to keep the economy greener, if you want to say it that way, certainly to keep it cleaner.

Remember the term that I used a few moments ago when I talked about the term in the legislation, to dramatically improve our greenhouse gas intensity as it relates to emissions per units of economic output. That is where the Hagel-Pryor bill goes. That is where this Senate ought to be going. But we still have an attitude around here that you have to point fingers and you have to inflict pain because that is the only way you can sell an idea to the American people. That is wrong. We have already proven that if we were to walk the walk and talk the talk of Kyoto, there would be 3 million Americans not working today. How would we deal with that? A wink and a nod and simply say we did it because it makes the world cleaner? I know what my young sons would say who might be out of work as a result of that. They would say: Dad, we are the smartest country in the world. We are the most technologically advanced. We can't figure out a way to do it better?

Yes, we can. And we are. The Hagel bill does it. That is why we ought to be supporting it. The key issue is not whether there is any human influence effect on the globe today. Instead the issue is how large any human influence may be as it compares with natural variabilities in our climate; how costly and how effective human intervention may be in reversing, justifying, moderating any form of variability that exists out there; if, in fact, we could possibly do it. What technologies may be required over the near and long term is to determine all that they relate to as it relates to intensity and the climate change issue itself.

It is an important issue for the Senate to address. I believe it has been brought to us today in the proper format, not only to drive technologies at home but to embrace other countries around the world. Why in the air high over Ohio today do we find carbon not from the United States but from China? And we do. Gases, carbon-containing gases, high in the atmosphere over the United States today are coming from the largest burner of coal as a nation in the world. And they are outside Kyoto, and we don't do anything about it. The Hagel bill does. It embraces them. It begins to work with them.

It begins to recognize that if we are going to clean up the world beyond where it is today, if we did it alone, it would be but a moment of time. We must engage our colleagues from all over the world in a comprehensive fashion that deals with technology, that causes the world to be relatively transparent in all that they do, for the developing nations of the world not to say to them, Just turn your lights out and stay where you are. They won't. They haven't. And now we need to work with them to make sure that in our pursuit of a cleaner world, we allow our technology to embrace their problems along with our problems. That is recognized and understood by the Hagel-Pryor amendment. I am pleased to be a cosponsor of it.

I urge my colleagues in the final analysis of this debate, this is the right direction to go. We ought to take it and be happy we are moving in this direction.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I rise today in support of the Hagel-Pryor climate change amendment and to discuss the reality of global warming. I also thank my colleagues for some of the kind comments on the Senate floor and the kind comments I have heard in the last few days just in the hallways around the Senate. They have been encouraging.

Climate change is not a new issue to this body, to the scientific community, or to the public at large. This issue has been discussed, dissected, and debated for years—with little or no action. I believe this is because the complexities and uncertainties about the magnitude, the timing, and the rate of climate change have led to a stalemate on policy recommendations.

Mr. President, Senator HAGEL and I, as well as the other cosponsors, are trying to move past this stalemate. We bring to the table a market-driven, technology-based approach that will begin to address this controversial yet pressing matter.

Our amendment—also cosponsored by Senators ALEXANDER, CRAIG, DOLE, MURKOWSKI, VOINOVICH, and STEVENS—does not dump all of the responsibility on industry, nor does it force a one-size-fits-all mandate. Over and over again, we have watched such approaches result in failure on the Senate floor. We can no longer afford to do nothing.

The business and the environmental sectors do not have to be mutually exclusive. With this amendment, we treat them as partners brought together through innovation for the common and necessary good.

A third partner in this relationship is the Government, with institutional leverage and funding mechanisms that will help spur industry to create new technologies targeted at reducing greenhouse gas emissions.

In a nutshell, we are encouraging American ingenuity, partnerships and, above all, progress.

This comprehensive climate change amendment has two main components. It identifies what must be accomplished domestically and internationally to reduce greenhouse gas emissions.

The domestic component of our amendment would authorize the Federal Government to make financial commitments for research and development and technology.

The Hagel-Pryor amendment authorizes direct loans, loan guarantees, standby default and interest coverage

for projects which deploy technologies that reduce greenhouse gas emissions.

Additionally, we are asking for an authorization of $2 billion over 5 years in tax credits to support these technologies and to create a new investment and construction tax credit for nuclear power facilities.

In Little Rock, we have a small company called ThermoEnergy, which is developing technology that eliminates most air emission from new fossil fuel powerplants. They use a process that increases plant efficiency but also eliminates adverse environmental and health effects associated with the use of fossil fuels, especially coal. I know there are many other companies all over this country that have great potential to achieve a broad range of energy security and environmental goals. They simply need the resources to expand their capabilities into the marketplace.

Under this amendment, a wide variety of greenhouse gas-reducing technologies would be eligible for tax credits or loans, ranging from renewable energy products, lower emission transportation, carbon sequestration, coal gasification and liquefaction, and other energy efficiency enhancements.

This amendment also establishes a climate coordinating committee and climate credit board to assess, approve, and fund projects; and it directs the Secretary of Energy to lead an interagency process to implement a national climate change strategy. While we deal with climate change here in the United States, let us not forget that people in other parts of the world are already experiencing the effects of global warming.

I have heard quite a bit about the 11,000 residents of Tuvalu, who live on a 10-mile square scattered over the Pacific Ocean near Fiji. Tuvalu has no industry, burns little petroleum, and creates less carbon pollution than a small town in America. This tiny place, nevertheless, is on the front line of climate change. The increasing intensity of weather and rising sea level could soon wash away this tiny island. Other low-lying countries, such as Sri Lanka and Bangladesh, are experiencing similar phenomena.

The United States is a contributor to climate change, and we must take action to reduce greenhouse gas emissions, but we cannot prevent global warming on our own. That is why we have included an international component to this amendment to encourage developing countries to adopt U.S. technologies. In doing so, we have asked the Secretary of State and the U.S. Trade Representative to assume additional roles.

First, we provide the Secretary of State with new authority to work with developing countries on deployment and demonstration projects and technologies that reduce greenhouse gas emissions.

Second, the U.S. Trade Representative is directed to negotiate the removal of trade-related barriers to the export of greenhouse gas-reducing technologies.

Furthermore, this amendment would establish an interagency working group to promote the exports of certain technologies and practices.

It is in the shared interests of the United States and industrialized nations to help other countries by sharing cleaner technology.

Mr. President, this amendment is not the solution for all of our climate change problems. It is meant to serve as a catalyst in bringing the necessary technology to the marketplace. I am hopeful that with the resources provided through this amendment, private industry will swiftly create or adopt cleaner technologies as they become available and move us in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I rise for a moment to commend the Senator from Nebraska and the Senator from Arkansas for their leadership on this amendment and, in particular, for their approach. As a freshman Member of this body, I have looked forward with anticipation to the great debate on the Energy bill. I know that for basically a decade we have been without an energy policy and desperately in need of one.

As a member of the Environment and Public Works Committee, and because of earlier legislation this year, I am critically aware of the climate change concerns and the desires by some to establish absolute standards on carbon. Senator HAGEL and Senator PRYOR have done precisely the right thing—precisely the thing America has done over and over again to address problems and bring about positive solutions.

As Senator PRYOR just outlined, there is no reason for the business and development community of America and the environmental community's interests to be mutually exclusive. In fact, they should be mutually inclusive. Legislation such as this, which promotes incentives to find solutions to greenhouse gases, carbon emissions, develop alternative energy sources and new mechanisms of taking old sources such as coal and making them clean technologies, is absolutely correct.

I rise for one purpose, and that is to talk about a prime example of what Senators PRYOR and HAGEL are proposing. A number of years ago, the Department of Energy put out competition to ask private sector electric generation companies to bid on doing a demonstration project to see if coal gasification was possible and through its generation electricity could be produced at an economically viable and competitive rate.

In my neighboring State of Alabama, next to my home of Georgia, in Wilsonville, AL, such a project took place in the Southern Company. The Department of Energy began a joint project and invested money and developed technology that today leads to the construction of a plant in Orlando, FL, in conjunction with the Orlando Utility Company, where, through the new technique of coal gasification, electricity will be generated and retailed in that part of middle Florida without the emission of greenhouse gases.

That is what America is all about—positive incentives to do the right thing and to find solutions. This amendment by the Senators from Nebraska and Arkansas will do just that. I rise happily to give it my endorsement and my support.

One final comment. As we talk about the need to protect our environment and ensure that greenhouse gases don't run away from us and that we preserve all that we have, we have to understand that we have to incentivize every part of the energy sector and the energy segment, and as we develop new technologies, we also ought to reuse and reintroduce those great technologies of nuclear and others that have produced clean, efficient, reliable energy without the production either of carbon or the greenhouse gases.

So I commend the Senator from Nebraska and the Senator from Arkansas on their leadership. I support the Hagel-Pryor amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his good example and his leadership in this legislation. I especially salute the Senator from Nebraska for having the unerring good judgment to suggest to us the right next step.

This Energy bill we have been debating in the last 2 weeks and working on for the last several months is really a no-carbon, low-carbon energy bill. Since carbon in the air is the principal contributor to the worry about global climate change, this bill is the solution to that problem.

There is still a lot of work to do, and there are a lot of minds that are changing, studying, assessing the science, and trying to make certain we make good policy judgments here. But anyone who watches this debate or reads it closely should understand that, in my view, the Senate is developing a clean energy bill. The Senator from Idaho said it was a climate change energy bill. But it represents, to me, a recognition that it is time to take a more significant step toward putting us on a path of transforming the way we create electricity in this country and use energy so that we can produce less carbon. A big part of that is the concern we have about what we might be doing as human beings to cause global climate change.

So the Senate is like a big train: it is hard to get started, but once it gets going, it moves steadily down the track. We are moving steadily down the track toward a completely different emphasis on the production of

electricity and the use of energy, and the whole focus is no-carbon and low-carbon.

Sometimes we elected officials have a way of saying things like that, and they just turn into little programs that don't amount to much. That is not the case here. This is the whole core of this piece of legislation. If you are really trying to create a way to produce electricity in a country that uses 25 percent of all the energy in the world—and that is what we do—you have to start with conservation.

This legislation, the Domenici-Bingaman legislation that is before us, begins with provisions about efficiency, and it has in it provisions that will shave off between 20 and 40 percent of the anticipated growth of energy demand by 2015.

It would save the equivalent of building 170 300-megawatt plants. So we begin with conservation and we begin with efficiency.

No. 2, the bill—before we get to the Hagel amendment of which I am glad to be a cosponsor—puts a focus on the one way today that we create carbon-free electricity far and above everything else, and that is nuclear power. If we are worried about global warming, the solution is nuclear power. Nuclear power produces 70 percent of our carbon-free electricity. We know how to do it, we invented it. We have never had a single reactor accident in the dozens of Navy vessels that are powered by nuclear reactors that we have used since the 1950s. We have shipped this technology to France which now is nearly 80 percent in terms of supplying its electricity from nuclear power. Japan builds new nuclear powerplants every year.

If we care about low-carbon, no-carbon electricity, after we have aggressive conservation, we should make it easier to produce nuclear power, and in a variety of ways this legislation does that.

Waiting in the wings, if we care about low-carbon, no-carbon power, is an example of what the Senator from Georgia talked about. We call that coal gasification with carbon sequestration. That is such a long-sounding title that nobody could possibly imagine what it is. But what it does is it simply takes this hundreds and hundreds of years' supply of coal that we have and turns it, by burning it, into gas, and then we burn the gas. That gets rid of the sulfur, the nitrogen, and the mercury, but it leaves the carbon.

The technology of carbon sequestration is to take that carbon and store it in the ground or do something else with it.

As the Senator from Nebraska has said, if through his initiative, his incentive program, we are able to encourage the science and technology capacity of the United States and the world to advance through demonstration coal gasification, reduce its costs somewhat, and then to solve the problem of carbon sequestration, that is the single best way, after nuclear power, to create clean air in the world. Many in the environmental community prefer it to nuclear power because of their concerns about storage of spent fuel and about proliferation.

So conservation, nuclear power, and coal gasification with carbon sequestration are the ways to solve any concerns we might have about global warming because, especially with the Hagel-Pryor provisions, we are able to accelerate that technology not just for ourselves but for the world.

We also have in this legislation important support for solar power which has basically been left out of our renewable production tax credit. It has not gotten any of the money—almost any of the money. Biomass, which is becoming more important, wind power—many of my colleagues know I think we have gone overboard on wind power, but there are substantial generous provisions in here.

Add up all those renewable fuels and they are a few percent. They are important, but we have to put them in their proper perspective.

There is an oil savings amendment in this bill that reduces the amount of carbon in the air. And then there is the tax title to the Energy bill that we will be considering later this week which Senator GRASSLEY, Senator BAUCUS, and their committee have produced which—with a couple of exceptions, which I will talk about at another time—I think is a great step forward. It would have to be considered a low-carbon, no-carbon tax title with clean energy bonds for certified coal property, with consumer incentives for hybrid and diesel vehicles.

There is an amendment being discussed, of which I hope to be a part, that would add incentives to retooling automobile plants so that we can see that those hybrid cars and advanced diesel vehicles are built in the United States and not in Yokohama.

There is in the tax title energy-efficient proposals to support energy-efficient appliances and buildings. There is in the tax title support for investment tax credits for the coal gasification plants I mentioned.

There is in the Energy and Natural Resources bill a new financing procedure that Senator DOMENICI has envisioned which would be loan guarantees for all of these forms of clean energy.

There is support for solar deployment, and then there is support for advanced nuclear power facilities so that we can build smaller, less expensive nuclear power facilities.

All this adds up to a clean Energy bill that puts its focus on low-carbon and no-carbon electricity. What Senator HAGEL has done is say that is a good direction, but let's accelerate it by encouraging technology. It is not a top-down idea. It is to say to someone in Tennessee or Minnesota who might be producing carbon in their business or a utility: Bring us your baseline. Tell us how much carbon you have been producing. Tell us how much less you plan to produce. Then this board would create the incentives for that, and we would see where we go with that.

There are other important steps, and we are about to debate one of them. Senators MCCAIN and LIEBERMAN have worked hard to take us to what I would call the next generation or the next step, which would be mandatory caps on carbon.

I have supported one version of legislation that has a mandatory cap on carbon. It was the bill introduced by Senator CARPER last year. I did it primarily because I care about clean air, and I wanted less sulfur, nitrogen, and mercury in the air, and it had more aggressive standards than the President's proposals. But it also included a carbon cap and that fitted my understanding of where the technology is.

The more I have studied this I think the Hagel approach is the better approach because it fits with the low-carbon legislation which we have. It accelerates it, gives it some juice. Then I like what Senator DOMENICI said last night in his statement about the discussions we have been having with Senator BINGAMAN about his proposal for the possibility of caps.

Senator DOMENICI said we should begin immediately, in July, holding hearings on the Hagel legislation and on whatever the next steps might be. In other words, this is not just passing an energy bill and then wait 10 to 15 years and pass another one. This is recognizing we have created a completely different direction for production of energy and electricity in the United States; that we are adding to it with the Hagel amendment; that we have serious proposals from Senators MCCAIN and LIEBERMAN, and Senator BINGAMAN has made some. The National Commission on Energy Policy, many of whose suggestions are a part of this bill, have made some.

So my hope is that Chairman DOMENICI and Senator BINGAMAN, if we should adopt the Hagel amendment, will take us to the next step in July and August and let us see how we might implement it and where we might go.

Speaking as one Senator, this is a significant shift of direction. I am not willing to go further with mandates at this point. I like the concepts, but I am leery of applying such a complex, detailed set of mandates as some have proposed to such a big complex economy as we have today.

I prefer the Hagel approach. It is the right next step. It fits easily into this no-carbon, low-carbon Energy bill. I salute the Senator from Nebraska and the Senator from Arkansas for their leadership. I look forward to voting for it.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on behalf of the leader, I have a unanimous consent request which has been cleared on both sides.

I ask unanimous consent that there now be 60 minutes of debate in relation to the pending amendment with the following Senators recognized: Senator VOINOVICH, 15 minutes; Senator REID or his designee, 15 minutes; Senator INHOFE, 15 minutes; Senator HAGEL, 15 minutes. I further ask unanimous consent that following the use or yielding back of the time the Senate proceed to a vote in relation to the Hagel amendment, with no second-degree amendments in order to the amendment prior to that vote.

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

Mr. DOMENICI. Mr. President, I understand that this is satisfactory with Senator HAGEL.

Mr. HAGEL. Mr. President, it is. I thank the chairman.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I know we just set this in motion, but I ask Senator HAGEL if I could use 2 minutes of his time now.

Mr. HAGEL. I yield as much time as the chairman needs.

Mr. DOMENICI. Mr. President, before we are finished with the votes on global warming—and I will have a little to say; I will get time from somebody—I will present to the Senate a detailed summary of the bill that is pending before the Senate in terms of what it does to move the United States of America toward a reduction in the so-called greenhouse gases led by carbon.

This bill we are going to vote out of here hopefully tomorrow or the next day that we worked so hard on in the Committee on Energy and Natural Resources, with Senator BINGAMAN, my ranking member, and Senators such as LAMAR ALEXANDER who have worked very hard, it does take some giant steps toward the reduction of carbon in the American economy. It does so in ways that if our business communities want to spend money and use innovative technology, the opportunities are there.

If our scientists want to make breakthroughs to clean up, it is there. If people want to move with nuclear power, which is the cleanest—right now, as my friend from Tennessee has reminded me, 70 percent of the carbon-free emissions in America come from the nuclear powerplants. That is rather astounding. We run around thinking we have done so much cleanup, but these very old—old in that we have not built one in 23 years—these nuclear powerplants are the ones that are cleaning up right now.

All I am saying is, this bill says if we are right, we are going to build some nuclear powerplants during the era of trying to reduce carbon. That is going to be part of our world, both economic and cleanup world, as provided in this bill.

We will summarize that. There is no attempt to delude the efficacy of the other bills, be it Hagel or McCain, but merely to say we recognized this in our committee, but we just did not think we ought to do global warming per se. That is where we are.

The Senate is confronted with the unanimous consent agreement which we have just laid before it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that time that elapses during the quorum call be charged equally to all sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. VOINOVICH. Mr. President, I rise as a cosponsor of the bipartisan amendment proposed by Senators HAGEL and PRYOR to add a climate change title to the Energy bill. I commend them for their leadership on this very important issue.

Man's relationship with the world's climate has long been a focus of scientists and policymakers. Thirty years ago, there was great concern about global cooling, as evidenced by articles in Science Digest in February, 1973, entitled ''Brace Yourself for an Ice Age'' and Time Magazine in June, 1974, entitled ''Another Ice Age?''

Today, many are worried instead about global warming, with claims that urgent and dramatic actions are needed to avoid catastrophic impacts. As the chairman of the Environment and Public Works Clean Air, Climate Change, and Nuclear Safety Subcommittee, I have spent a great deal of time studying this issue, as our committee has held numerous hearings on climate change.

The chairman of the committee, Senator INHOFE from Oklahoma, has spent countless hours personally examining climate change science. He has recently given several speeches on the Senate floor, pointing out serious flaws in the four principal beliefs underlying what some call a consensus on global warming. His work points out very clearly that we are far from a consensus and many questions remain.

I am hopeful today he will take the floor some time to go into more of the details on that, as he has in the past.

Despite the scientific debate, the issue of global warming and proposals to address this perceived threat have received a lot of attention lately in the Senate. On one side of this debate, there are proposals to create a mandatory domestic program to reduce greenhouse gas emissions, such as the amendment that will be proposed by Senator MCCAIN, to my understanding, and I strongly urge my colleagues to vote against this amendment.

It is my understanding that the amendment, according to Charles Rivers Associates, which analyzed its provisions, would cause the loss of 24,000 to 47,000 Ohio jobs, in 2010, and energy-intensive industries to shrink by 2.3 to 5.6 percent in 2020. We are talking about manufacturing industries, energy-intensive manufacturing and chemical and many others.

The McCain amendment will put coal out of business by forcing fuel switching to natural gas. This might even be why some organizations are pushing this amendment. Last year, I was shocked to read that a Sierra Legal Defense Fund staff lawyer said:

> In general, our long-term objective is to make sure that coal-fired plants get closed.

This is an unacceptable outcome for my State and our Nation. Nearly 90 percent of Ohio's electricity comes from coal. For the Nation, it is about 50 percent. Companies depend on this low-cost energy to compete in the global marketplace. We do not live in a cocoon. Companies are moving overseas because of increased health care costs, litigation costs, and energy costs are also a major factor.

According to a recent survey of industrial executives, the No. 1 barrier to U.S. manufacturing growth in the coming year is high energy prices. It becomes even more costly for companies to operate in this country when you consider the new air quality standards for ozone and particulate matter. States and localities have yet to fully understand how difficult and expensive it will be to come in compliance with the standards.

Over the last decade, the use of natural gas in electricity generation has risen significantly, while domestic supplies of natural gas have fallen.

That is why we are trying to do something about more natural gas in this Energy bill. The results are predictable: Tightening supplies of natural gas, higher natural gas prices, and higher electricity prices.

Because of this situation, U.S. natural gas prices are the highest in the developed world. Families that use natural gas to heat their homes, farmers that use it to make fertilizer, and the manufacturers who use it as a feed stock are getting hammered due to these higher costs.

The chemical industry's 8-decade run as a major exporter ended in 2003 with a $19 billion trade surplus in 1997 becoming a $9.6 billion deficit.

So we have lost the chemical industry for all intents and purposes because of the high cost of natural gas.

The President of one major pharmaceutical company that employs 22,000 people in the United States called me recently and said unless we do something about natural gas prices, his company will be forced to move many of its operations overseas.

The bottom line is, if you kill coal with a mandatory cap on carbon, you force more people to go to natural gas to produce electricity. We just add to the crisis that we already have.

The energy bill tries to address this crisis, but the amendment we are going

to be getting later on would reverse those efforts and cause an even worse situation than what exists today. The U.S. has a responsibility to develop a policy that harmonizes the needs of our economy and our environment. These are not competing needs. A sustainable environment is critical to a strong economy, and a sustainable economy is critical to providing the funding necessary to improve our environment.

If we kill the golden goose, we will not have the money for the technology to do the things that we need to do, to improve the environment. A carbon cap—and that is what we are going to be hearing more about—means fuel switching, the end of manufacturing in my State, enormous burdens on the least of our brethren, and moving jobs and production overseas.

It is already happening. We have a $162 billion trade deficit with China and almost all of it is in the manufacturing area. These are people who are moving out because of the high cost of producing here in the United States.

Ironically, a carbon cap, a cap on carbon, as I say, is going to have a dramatic negative impact on our manufacturing. A couple of years ago, when Senator JEFFORDS was promoting a bill that would put a cap on carbon, I said to him: Senator, those jobs that you are killing in Ohio are not going to Vermont. They are going to China, and they are going to go to India.

I have also discussed this issue twice with British Prime Minister Tony Blair, who has made climate change one of the focuses of the upcoming G8 meeting. I think he understands that Kyoto is not working, and we need to do something else.

Furthermore, many of the countries that did ratify the Kyoto treaty are not expected to meet their commitments. According to a Washington Times article of May 16 entitled ''Broken Promises, Hot Air,'' 12 of the 15 European Union countries are currently 20 to 70 percent above their emissions target levels.

I think the Senator from Idaho mentioned earlier in his remarks that the Italians have basically said they are not going to be able to meet their commitments that they made when they signed the Kyoto treaty.

So last week I became a cosponsor of three pieces of legislation that comprehensively address climate change by focusing on tax incentives, technology development, and international deployment.

The amendment that we have proposed today contains the domestic and international proposal. It does not include the tax incentives because the Energy bill now includes an amendment by the Finance Committee to add over $14 billion, over 10 years, in tax incentives.

I will only briefly explain the amendment since it has been explained by colleagues. It proposes the adoption of technologies that reduce greenhouse gas intensity by creating a Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund projects. Addressing climate change must be accomplished through the development of new technologies, as there currently is no technology available to capture and control carbon dioxide emissions.

Many people today are promoting combined gas—integrated gas combined cycle technology, which will reduce NOx and SOx and deal with mercury. The fact of the matter is, in terms of greenhouse gases, it does not get the job done.

Second, the amendment focuses on the notion that all nations must be part of this effort. It directs the Department of State to work with the top 25 greenhouse gas-emitting developing countries to reduce their greenhouse gas intensity. It also promotes the export of greenhouse gas intensity reducing technologies.

I really think, if this amendment to the Energy bill is agreed to, it is something the President, when he goes to the G8 meeting, can refer to in terms of its importance, getting everybody at the table to start to do something realistic about the problem of greenhouse gases.

I am concerned that the very nature of this amendment is misleading; that is, that we are adding a climate title to the Energy bill, which means that maybe it does not address climate change. This is not true.

I commend Senators DOMENICI and BINGAMAN for putting together a bipartisan energy bill that deals with climate change in several ways. In other words, the underlying bill already deals with climate change.

First, the bill provides research and development funding for long-term zero- or low-emitting greenhouse technologies. These include fuel cells, hydrogen cells, coal gasification—with the greatest potential to capture and control carbon dioxide emissions.

Second, the bill includes extensive provisions to increase energy conservation.

Third, the bill promotes the use of nuclear power, which is emissions-free power. There is no greenhouse gas with nuclear power.

I restate this for my colleagues: The Energy bill already addresses climate change. For all those concerned about climate change, the underlying bill deals with it. The Hagel-Pryor amendment simply adds to these provisions. Let me restate this for my colleagues: This bill, without any amendments, including ours, addresses climate change.

Some might be further misled to think that our country is currently not doing anything because the Energy bill does all of this to address a climate change. However, this is far from the truth. In fact, our Nation is taking so many actions on this front that I am going to try to run through them very quickly. In other words, we are doing an enormous amount in our country in terms of greenhouse gases and dealing with this whole issue of carbon emissions.

The President established a climate change policy to reduce the greenhouse gas intensity of our economy by 18 percent over the next 10 years through voluntary measures. This is more than most of the countries involved in the Kyoto Protocol. Unlike the rest of the world, we are on target to meet our goal—not like the Europeans, 12 to 70 percent away from meeting their goals.

We have the Climate VISION Partnership which involves 12 major industrial sectors and the members of the Business Roundtable who have committed to work with Cabinet agencies to reduce greenhouse gas emissions in the next decade.

We have the climate leader's program, an EPA partnership encouraging individual companies to develop long-term comprehensive climate change strategy. Sixty-eight corporations are already participating in the program.

The administration's budget for 2006 is $5.5 billion for extensive climate change technology and science programs and energy tax incentives.

The United States is also taking a lead internationally—and again, we get no credit. There is $198 million included in the President's fiscal year 2006 budget for international climate change.

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

Mr. HAGEL. Mr. President, I extend the time of the Senator from Ohio by another 3 minutes if that would assist the Senator.

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

Mr. VOINOVICH. As I mentioned, we are taking a lead internationally. The United States is by far the largest funder of activities under the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change. Also, despite complaints to the contrary, the United States remains fully engaged in multilateral negotiations under the United Nations Framework Convention on Climate Change.

Announced by EPA in July of 2004, along with 13 other countries, the Methane-to-Markets partnership is a new and innovative program to help promote energy security, improve environmental quality, and reduce greenhouse gas emissions throughout the world.

The United States hosted the first Ministerial Meeting of the International Partnership for Hydrogen Economy, the Carbon Sequestration Leadership Forum and Earth Observation Summit. We never hear anything about this. It is as if we are doing nothing.

Despite all that we are doing and all that is contained in the Energy bill, we can even do more by passing this amendment proposed today by Senators HAGEL and PRYOR. I strongly urge my colleagues to vote against any amendments that contain mandatory

programs which work against the very purpose of the Energy bill and cause substantial harm to our economy, its workers, and our families. Instead, I urge the support of this bipartisan amendment which builds on all we are doing and will do under the Energy bill to address climate change responsibly and comprehensively.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding I have 13 minutes.

Mr. President, first of all, let me commend Senator HAGEL for the work he has done and for the realistic approach he is taking. Right now, there is so much misinformation out there in conjunction with the whole issue of climate change.

Someone said the other day that climate change is not a scientific discussion, it is a religion. People have such strong feelings about it or they want to believe so badly. If my staff had the charts, I would show a few of them, but I will wait until we are debating the McCain-Lieberman bill to show them.

I vividly remember not too long ago the front page of Time magazine, the front page of Science magazine, huge pictures: Another ice age is coming; we are all going to die. If some people cannot be hysterical and think the end is coming, they are not happy.

One important area in this debate is to recognize, as I think the Senator from Idaho and the Senator from Ohio both did, that this President has done quite a bit more than science would justify in pursuing the notion, first of all, is there a warming trend that is outside of natural variances; No. 2, if that is the case, is it due to anthropogenic gasses—methane, CO_2. I suggest science does not show that either is true. It is not just me saying this. I don't know why people totally ignore the fact that we had the Heidelburg accords, when 4,000 scientists questioned that there is any major change.

By the way, this morning's Wall Street Journal plots out the changes in the Earth's surface since 1000 A.D. and what has perhaps caused these changes. They have come to the conclusion that it could not be anthropogenic gases because at that time there were not any. There were not human-induced gases until about 1940.

In 1940, what happened? In 1940, there was a cooling period that went all the way to the end of the 1970s. That is when you saw all the articles saying the ice age is coming. The largest increase in anthropogenic gases came right around 1940 and following World War II. You know, instead of precipitating a warming period, it precipitated a cooling period. So just the opposite of what they are saying seems to be true.

We have the Heidelburg accords, 4,000 scientists say there is not a relationship between manmade gases and climate change. Then we have the Oregon Petition and 17,000 scientists coming to the same conclusion. We have the Smithsonian-Harvard peer-reviewed study that evaluated everything done so far and came to that same conclusion.

Since 1999, science has been on the other side refuting the fact that, No. 1, climate is changing; and No. 2, it is due to manmade gases or to anthropogenic gases.

People do not realize what this President has done. One would think by reading some of the magazines, publications, and watching TV that this President is not doing a good job with the environment. He is doing everything he can to determine if there is a relationship between these anthropogenic gases and climate change. If anyone does not believe it, look at the amount of money being spent. His 2006 budget proposed $5.5 billion for climate change programs, energy tax incentives, and these types of things. I see the Hagel bill as extending what the President is doing right now and is actually addressing what is happening internationally.

I was very pleased to be part of the 95-to-0 vote on the Hagel-Byrd amendment some time ago that said that if you go to Kyoto meeting, we should oppose signing on to any kind of a treaty that does not treat developing countries the same as developed nations. That is exactly what happened.

Now, at least in the Hagel approach, we are looking internationally. It is true, what the Senator from Idaho said a few minutes ago. Over the State of Ohio, if you get high up, that which is up there originated in China. The pollution—not that that is pollution, because it is not, it is a fertilizer. But in terms of SOx, NOx, mercury, they do not stop at State lines.

We have a President giving the benefit of the doubt to the fact there might be something there. He is putting money into research. The Hagel bill is carrying that on to a logical conclusion.

Quite frankly, when the Hagel bill first came up, I was a little concerned because the price tag, as I calculated it—and I would certainly stand to be corrected if it is not accurate—would have been $4 billion over a 5-year period; around $800 million a year. To add that to what is already being expended—perhaps we are talking about too much money. He has changed it and said such sums ''as necessary.'' This is a little bit disturbing to me. We do not know who will be in the White House. We do not know who will control Congress. We do not know what will happen in the future. I hate to leave it open-ended like that.

When we look at the arguments out there, we will have ample time to debate when the next amendment comes up—the McCain Lieberman amendment—that the science clearly has turned around and is in favor right now of refuting some of the earlier suggestions.

This whole thing started in 1998 when Michael Mann from Virginia came out with his hockey stick theory. He plotted out all the temperatures and came through the 20th century. Temperatures started going up as of late on the hockey stick. What he neglected to realize, prior to that time, the medieval warming period, which was around 1000 to 1300 A.D., the temperatures were actually higher at that time than they were in the 20th century.

All these things are going to be discussed in the next amendment. I believe that reason is prevailing in this approach. I applaud the Senator from Nebraska for coming up with something measured and reasonable that will help convince a lot of the people that are right now participating in this religion called global warming to realize maybe this is something for which we shouldn't have to suffer economically.

A lot of people have asked the question, If the science is not there and if we know as a result of the Wharton Econometric Survey that it will cause a dramatic increase in the cost of energy—it will cost each average family of four $2,700 a year—if the science is not there, what is the motivation? I suggest there are people outside of the United States who would love to see us become partners and sign on to the Kyoto treaty.

Jacques Chirac said global warming is not about climate change but for leveling the playing field for big business worldwide. The same thing was stated by Margot Wallstrom, the Environmental Minister for the European Union, that it is leveling that playing field.

Cooler heads are prevailing, and in this amendment we have a chance to look at this, study this as time goes by, and take whatever actions are necessary in the future but not react to fictitious science and to science that just flat is not there.

I applaud the Senator from Nebraska for the fine work he has done. I believe this will be a good approach to making this through the current debate.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President; is there a quorum call?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. Further parliamentary inquiry; what is the regular order at this point?

The PRESIDING OFFICER. The time is divided between three speakers on the Hagel amendment, and each have time remaining. Senator INHOFE has 1 minute, Senator HAGEL has 6 minutes, and Senator REID or his designee has 10 minutes.

Mr. DOMENICI. Further parliamentary inquiry: Is there any other time on behalf of any other Senators on either side?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. Might I ask, when those are finished, what is the regular order after that?

The PRESIDING OFFICER. The Senate will then vote on the Hagel amendment.

Mr. DOMENICI. Mr. President, have the yeas and nays been ordered on the Hagel amendment?

The PRESIDING OFFICER. No, they have not.

Mr. DOMENICI. I ask the Senator, would you like to get the yeas and nays on your amendment?

Mr. HAGEL. I say to the chairman, I am waiting for one additional sponsor.

Mr. DOMENICI. We can get the yeas and nays now?

Mr. HAGEL. Yes.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes. I ask unanimous consent that I be permitted to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I have a very detailed analysis I would like put in the RECORD which relates to provisions within the Bingaman-Domenici bill that is before the Senate which would promote responsible progress on climate change.

What I tried to do here was to say to the Senate: Please understand that your Energy and Natural Resources Committee, from the inception, was worried about climate change and the gases that have an impact on climate change according to scientists in the United States. Now, there are some who contest that, but let me just follow through.

The bill before us might even have been called the Clean Energy Act because so much of it is directed at producing, in the future, for these United States, energy that will have little or no effect in terms of emitting carbon that is the principal problem with global warming. Having said that, the statement goes into detail. Indeed, it is a detailed statement.

So I would, just for summary, say there is an entire title which we chose to call Incentives For Innovative Technology, title XIV of the bill. This is a very different section than you find in most technology-promoting or science-promoting bills because it says this entire provision is aimed at new technologies that will produce energy sources that have no global warming emissions.

Then it says, in order to do that, the Secretary of Energy—we put all this in the Energy Department so there is no mixup as to who is doing what—it allows so-called guaranteed loans to be issued for the purpose of building clean energy-producing plants, mechanisms, or activities. It says the Secretary shall analyze them. If they are feasible, he can use whatever peer review he would like.

Then they ask of the Congressional Budget Office: How much should this loan require by way of insurance, insurance for the risk? If they say 10 percent, then the company asking for the money to build the new technology, which will produce clean energy, has to put up 10 percent of the cost in cash. And then we lend them the money, on an 80–20 basis, and they proceed, under the direction of the Secretary, to produce this new facility.

We believe this is going to say to our Federal Government for the first time: Take a look out there and see what we can do in the next decade to move new technology along that will take the carbon out of coal, perhaps even move with the very first generation of pilot projects for the sequestration of coal and of carbon—meaning get rid of it, putting it in the ground or whatever. At the same time, who knows, that technology may take the mercury and other pollutants out of it.

But we are going to put in place an opportunity for the Secretary to do this so long as he thinks they are moving in the right direction. And the right direction is the same direction as the technology-laden proposal by Senator HAGEL.

We also have in this bill expanded research and development for bioenergy which concentrates on solar. We expanded R&D for nuclear power. Now, for anybody interested in that, that is completely different than the incentives to build nuclear powerplants soon. This is research and development in what we call Generation IV. It is the next, next generation of nuclear powerplants. And we start moving on that. Why? Because there is a lot of money and a lot of hope that we will be moving toward a hydrogen economy. I am not predicting that will be the case but many are.

In any event, it is sufficiently important. The President moved in that direction. This bill and the appropriators have spent money in that way. And what we are saying in this bill is that we should spend money for the next-two-generations-out nuclear powerplants because that kind of powerplant may be the source of heat that will produce hydrogen.

At this point hydrogen must be produced. But the other day Senator BINGAMAN and I were on a television show and somebody asked: How are we going to produce hydrogen? My friend from New Mexico said right now we could produce it from natural gas. I had forgotten about that. That is true. But natural gas is in short supply, and it takes a lot of it to produce hydrogen. So we need another source. That R&D for a new generation of powerplants is aiming in the same direction as everything I have spoken of. It is seeking a way to get away from carbon-laden energy and move with more hydrogen potential.

This bill has an 8 billion gallon renewable fuel standard, which means ethanol. Many people around here and some in the country have said ethanol isn't any good. We should not be doing it. Maybe when the price of crude oil was $8 or $7—I can remember when Senator Henry Bellmon from Oklahoma was here, it was $6. He used to say the arithmetic doesn't work. At $6 it is not worth producing ethanol. But at the price now, it is worth it. I don't know if eight is the right number, but we did that here because we said if we can produce ethanol, we will have had a dramatic effect on the prospect of contributing more carbon, which is what Senator HAGEL is trying to do in his technology-pushing amendment, is to produce less carbon, thus less pressure on what many believe is the human contributor to global warming. There is another one that is in this bill. Senator HAGEL doesn't have to have ethanol in his bill because ethanol is in this bill.

We also require alternative fuel use, dual fuel in all Federal vehicles. We have reforms for alternative fuel programs. We have some incentives for hybrid cars. On the nuclear side, we all think that new nuclear powerplants is one of the best ways to address the issue of carbon in the atmosphere and global warming. I think my friend from Nebraska would agree. Right now in America 70 percent of the carbon-clean smokestack gases, 70 percent that is totally free of carbon comes from nuclear powerplants. So the underlying bill says: Let's build some nuclear powerplants. And it does everything possible, extending Price Anderson. So I would assume that if you had a tax-promoting bill that didn't have this underlying bill that we produced in our committee, say it was a standalone Hagel bill, he might even put Price Anderson in there because in a sense it would surely be moving the technology ahead by providing some of the security necessary for nuclear power.

Beyond that, we have changes in the geothermal leasing to get more geothermal. Everywhere we turn in the bill we have produced we have moved in the direction of trying to produce carbon-free energy for the future.

As I understand it, the distinguished Senator from Nebraska and his sponsors want to move in that direction with loan guarantees and other kinds of consortia arrangements to move ahead with technology. They have an international feature to their bill. Obviously, we don't have an international feature to our bill, but Senator HAGEL has chosen to put some provisions in that would move us in the right direction if they can become law. It says that the world has a problem, not just America, and that the international community, with America as part of it, ought to do some things to move ahead with global warming contributors that will come from outside the United States, which is a very good idea.

I ask that my full analysis of the bill before us, before the Hagel amendment, which will be amplified if the Hagel

amendment is agreed to—this statement shows everything we are doing in this bill to contribute to cleaner energy sources for the future in terms of our electricity production which will greatly minimize carbon production—I ask unanimous consent that summary be printed in the RECORD.

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

THE SENATE ENERGY BILL ADDRESSES CLIMATE CHANGE

Support for the provisions in the energy bill passed by the Senate Energy Committee would promote responsible progress on climate change.

HIGHLIGHTS

The Bingaman RPS floor amendment that requires at least 10% of electricity in 2020 to be generated from low-emission renewable sources, such as solar, wind, geothermal and biomass. EIA estimates that such an RPS would result in a reduction of greenhouse gases of nearly 3 percent by 2025.

In addition, the energy efficiency improvements embodied in Title I is estimated by ACEEE to reduce carbon dioxide emissions by 433 million metric tons by 2020 and reduce electricity demand by 23 quadrillion Btus.

The incentive provisions contained in Titles IV (Coal), IX (R&D), and XIV (Incentives) are designed to improve efficiency performance and reduce carbon emissions from electric generating stations, industrial power and gasification applications and to encourage the development of new clean energy sources such as advanced nuclear power and renewable energy.

LONG TERM TECHNOLOGIES

Research in the energy bill could lead to fundamental reductions in GHG emission trends even with a healthy growing economy. The new technologies could be used in developing countries where greenhouse gas emissions are growing most rapidly. R&D on Long-term zero-greenhouse gas (GHG) and low-GHG technologies include:

Hydrogen Fuels—funding enhances the potential for practical use of hydrogen fuels by addressing everything from safe delivery to the codes and standards for hydrogen use.

Coal Gasification, Carbon Sequestration and Efficiency Improvements—could allow coal to be used to generate carbon-free or low-carbon electricity.

Fuel Cell Research—will address technical and cost issues and potentially speed fuel cell use in residential, commercial and transportation applications.

Energy Conservation and Efficiency—the Next Generation Lighting Initiative and initiatives like advanced electric motor control device research could significantly reduce overall energy use, further reducing GHG emissions.

NEAR-TERM TECHNOLOGIES

The energy bill promotes or requires actions to improve energy efficiency and reduce greenhouse gas emissions throughout the economy. Research and incentives for near- and medium-term zero and low-GHG intensive technologies include:

National Requirements for increased ethanol use and decreased petroleum use;

Federal Agency Requirements covering metering, percentage reduction schedules and new options for contracting to reduce energy use and GHG emissions;

Communities and States have new funding for energy efficient appliance programs, weatherization assistance and state energy conservations plans;

Efficiency Standards and Incentives for Public Housing will improve energy efficiency;

Efficiency Standards and Incentives for Individuals and Businesses adds energy conservation standards for a wide range of commercial appliances and other products.

NEAR TERM ENERGY SOURCES

Incentives and improved flexibility for near- and medium-term expansion of zero and low-GHG energy sources include:

Renewable Energy options for increased production of renewable energy on federal lands;

Natural Gas incentives and reduction of barriers to marginal or unconventional natural gas and installation of LNG terminals will increase supplies of this lowest-carbon fossil fuel;

Nuclear Power options improve, promoting continued use of carbon-free nuclear power, development of new modular nuclear reactors.

DETAILS ON THE ENERGY BILL'S CONTRIBUTION TO ENERGY EFFICIENCY AND RESPONSIBLE CLIMATE POLICY

The energy bill advances the following significant actions on potential climate change.

CRITICAL RESEARCH, DEVELOPMENT AND DEMONSTRATION OF ZERO OR LOW-GHG TECHNOLOGY OPTIONS

HYDROGEN

Authorizes $12.5 billion over 10 years for the Next Generation Nuclear Plant Project for research, development, design, construction and operation of an advanced, next-generation, nuclear energy system leading to alternative approaches to reactor-based generation of hydrogen. (Title VI—Nuclear Matters, Sec. 631–635—6/8/05)

Authorizes $3.2 billion over five years for programs enhancing the potential for using as an energy source in the U.S. economy. Program elements address:

Hydrogen and Fuel Cell Technology Research and Development ($1.9 billion);

Hydrogen Supply and Fuel Cell Demonstration Program ($1.3 billion);

Development of Safety Codes and Standards ($38 million);

Reports ($7.5 million); (Title VIII—Hydrogen—6/8/05)

ENERGY EFFICIENCY

Authorizes $1.8 billion over nine years for the Clean Coal Power Initiative for projects that advance efficiency, environmental performance or cost competitiveness of coal gasification and related projects. Establishes a 60% thermal efficiency target for coal gasification technologies and 7% improvements in thermal efficiencies of existing units. (Title IV-Coal, Sec. 401, 402, 405, 406, 407—6/8/05)

Authorizes $2.8 billion over eight years for energy efficiency and conservation research, development, demonstration and commercial applications including:

Minimum $400 million over eight years for the Next Generation Lighting Initiative for energy efficient advanced solid-state lighting technologies. (Title IX: Research and Development, Sec. 911, 912—6/8/05)

Creates National Building Performance Initiative to, in part, energy conservation. (Title IX: Research and Development, Sec. 913—6/8/05)

Minimum $21 million over three years for research, development and demonstration for improving performance, service life and cost of used vehicle batteries in secondary applications. (Title IX: Research and Development, Sec. 911, 914—6/8/05)

Minimum $105 million over three years for Energy Efficiency Science Initiative. (Title IX: Research and Development, Sec. 915—6/8/05)

$825 million over three years to promote distributed energy and electric energy systems including:

High Power Density Industry Program to improve the energy efficiency of data centers, server farms and telecommunications facilities; (Title IX: Research and Development, Sec. 921—6/8/05)

Micro-Cogeneration Energy Technology for increased efficiency in small-scale combined heat and power for residential applications; (Title IX: Research and Development, Sec. 923—6/8/05)

Distributed Energy Technology Demonstration Program to accelerate utilization of efficient and low-emitting technologies such as fuel cells, micro-turbines and combined heat and power systems. (Title IX: Research and Development, Sec. 924—6/8/05)

Electric Transmission and Distribution Programs to ensure in part, energy efficiency of electrical transmission and distribution systems. (Title IX: Research and Development, Sec. 925—6/8/05)

Authorizes $140 million over five years for fuel cell research on proton exchange membrane technology for commercial, residential and transportation applications. (Title IX: Research and Development, Sec. 951, 952—6/8/05)

Authorizes $891 million over three years for R&D and commercial application programs to facilitate systems including integrated gasification combined cycle, advanced combustion systems, turbines for synthesis gas derived from coal, carbon capture and sequestration research and development. (Title IX: Research and Development, Sec. 951, 955—6/8/05)

Establishes a Federal/State cooperative program for research, development, and deployment of energy efficiency technologies. (Title I—Energy Efficiency, Sec. 126—6/8/05)

Authorizes $110 million over three years to establish a research partnership to develop and demonstrate railroad locomotive technologies that, in part, increase fuel economy. (Title VII—Vehicles and Fuels, Sec. 721—6/8/05)

Mandates a study of feasibility and effects of reducing the use of fuel for automobiles. (Title XIII—Studies, Sec. 1309—6/8/05)

Calls for a study of how to measure energy efficiency. (Title XIII—Studies, Sec. 1323—6/8/05)

RENEWABLE ENERGY

Authorizes $20 billion over three years for renewable energy research, development and demonstration including:

Biofuels research aimed at making fuels that are price-competitive with gasoline or diesel in internal combustion or fuel- cell-powered vehicles; (Title IX: Research and Development, Sec. 931, 932—6/8/05)

Concentrating Solar Power Research Program for the production of hydrogen including cogeneration of hydrogen and electricity. (Title IX: Research and Development, Sec. 931, 933—6/8/05)

Hybrid Solar lighting R&D for novel lighting that combines sunlight and electrical lighting. (Title IX: Research and Development, Sec. 934—6/8/05)

Evaluation of other technologies including ocean, wave, wind, and coal gasification technologies; (Title IX: Research and Development, Sec. 935—6/8/05)

Establishes a Federal/State cooperative program for research, development, and deployment of renewable energy technologies. (Title I—Energy Efficiency, Sec. 126—6/8/05)

Establishes the Advanced Biofuel Technologies Program to demonstrate advanced technologies for the production of alternative transportation fuels. (Title II—Renewable Energy, Sec. 209—6/8/05)

Requires a study of the Energy Policy Act of 1992 and its impact on alternative fueled vehicle technology, availability of technology and cost of alternative fueled vehicles. (Title XIII—Studies, Sec. 1305—6/8/05)

Requires a strategy for a research, development, demonstration, and commercial application program to develop hybrid distributed power systems that combine one or more renewable electric power generation technologies. (Title XIII—Studies, Sec. 1310—6/8/05)

NUCLEAR

Authorizes $1.6 billion over 3 years for Nuclear Energy research, development, demonstration and commercial application activities including:

Research to examine reactor designs for large-scale production of hydrogen using thermochemical processes. (Title IX: Research and Development, Sec. 942—6/8/05)

Nuclear Energy Plant Optimization Program to address productivity, reliability, and availability of nuclear plants. (Title IX: Research and Development, Sec. 942—6/8/05)

Generation IV Nuclear Energy Systems initiative to advance understanding of efficiency and cost opportunities for next generation nuclear power plants. (Title IX: Research and Development, Sec. 942—6/8/05)

SEQUESTRATION

Establishes grant program to encourage projects that sequester carbon dioxide as part of enhanced oil recovery. (Title III—Oil and Gas, Sec. 327—6/8/05)

Mandates research on technologies to capture carbon dioxide from pulverized coal combustion units. (Title IX—Research and Development, Sec. 956—6/8/05)

Institutes loan guarantees for projects that avoid, reduce, or sequester anthropogenic emissions of greenhouse gases and employ new or significantly improved technologies. (Title XIV—Incentives for Innovative Technologies, Sec. 1401–1404—6/8/05)

SCIENCE

Authorizes $13.7 billion over three years for basic science research that could have significant implications for long-term trends in the nation's greenhouse gas emissions. (Title IX: Research and Development, Sec. 961—6/8/05). These programs include:

Fusion Energy Science Program (Sec. 962);

Fusion and Fusion Energy Materials Research Program (Sec. 969);

Catalysis science research that may contribute to new fuels for energy production and more efficient material fabrication processes (Sec. 964);

Nanoscale science and engineering research (Sec. 971);

Advanced scientific computing for energy missions (Sec. 967);

Genomes to Life Program with a goal of developing technologies and methods that will facilitate production of fuels, including hydrogen, and convert carbon dioxide to organic carbon (Sec. 968).

USE OF HIGH-EFFICIENCY TECHNOLOGIES AND ZERO OR LOW-GHG ENERGY SOURCES

NATIONAL

Mandates that motor vehicle fuel sold in U.S. contains 4 billion gallons of renewable fuel in 2006, rising to 8 billion gallons in 2012. (Title II—Renewable Energy, Sec. 204—6/8/05)

Establishes a self-sustaining national public energy education program which will cover, among other things, conservation and energy efficiency, and the impact of energy use on the environment. (Title I—Energy Efficiency, Sec. 133—6/8/05)

Authorizes $450 million over five years to create a comprehensive national public awareness program regarding the need to reduce energy consumption, the benefits of reducing energy consumption during peak use periods, and practical, cost-effective energy conservation measures. (Title I—Energy Efficiency, Sec. 134—6/8/05)

Requires the President to implement measures to reduce U.S. petroleum consumption by one million barrels per day in 2015 as compared to 2005 EIA reference case. (Title I—Energy Efficiency, Sec. 151—6/8/05)

FEDERAL AGENCIES

Directs Secretary of Energy to revise Federal building energy efficiency performance standards to require, if life-cycle cost-effective, that new Federal buildings achieve energy consumption levels at least 30 percent below the most recent version of ASHRAE or the International Energy Conservation Code. (Title I—Energy Efficiency, Sec. 107—6/8/05)

Promotes plans for energy and water savings measures in Congressional buildings as well as reductions in energy consumption in federal buildings nationwide. Authorizes $10 million over five years for the Architect of the Capitol to carry out the Master Plan Study. (Title: I—Energy Efficiency, Sec. 101—6/8/05)

Establishes percentage reduction schedule for fuel use per gross square foot of Federal buildings for 2006 through 2015. (Title: I—Energy Efficiency, Sec. 102—6/8/05)

Calls for all Federal buildings to be metered or sub-metered to promote efficient energy use and reduce electricity costs. (Title I—Energy Efficiency, Sec. 103—6/8/05)

Directs federal agencies to procure Energy Star or FEMP designated-energy efficient products. (Title I—Energy Efficiency, Sec. 104—6/8/05)

Permanently extends and expands existing federal agency authority to contract with energy service companies to assume the capital costs of installing energy and water conservation equipment and renewable energy systems in federal facilities, and recover lifecycle energy cost savings over the term of the contract. (Title I—Energy Efficiency, Sec. 105—6/8/05)

Authorizes the Secretary of Energy to enter into voluntary agreements with energy intensive industrial sector entities to significantly reduce the energy intensity of their production activities. (Title I—Energy Efficiency, Sec. 106—6/8/05)

Promotes increased use of recovered mineral component in Federally funded projects involving procurement of cement or concrete. (Title I—Energy Efficiency, Sec. 108—6/8/05)

Amends the Energy Policy Act of 1992 to require Federal agencies to purchase ethanol-blended gasoline and biodiesel. (Title II—Renewable Energy, Sec. 205—6/8/05)

Amends Energy Policy and Conservation Act to promote Federal agencies' use of alternative fuels in duel-fuel vehicles. (Title VII—Vehicles and Fuels, Sec. 701—6/8/05)

Requires energy savings goals for each Federal agency and requires the use of fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells. Authorizes $450 million over five years to achieve these goals. (Title VII—Vehicles and Fuels, Sec. 732, 733—6/8/05)

Mandates a study on energy conservation implications of widespread adoption of telecommuting by Federal employees. (Title XIII—Studies, Sec. 1324—6/8/05)

Requires a study on the amount of oil demand that could be reduced by oil bypass filtration technology and total integrated thermal systems and feasibility of using the technologies in Federal motor vehicle fleets. (Title XIII—Studies, Sec. 1325, 1326—6/8/05)

COMMUNITIES AND STATES

Amends the Energy Conservation and Production Act and reauthorizes $1.2 billion over three years for weatherization assistance. (Title I—Energy Efficiency, Sec. 121—6/8/05)

Authorizes $325 million over three years and amends the Energy Policy and Conservation Act to promote State review their energy conservation plans, with a state energy efficiency goal of a 25 percent or more improvement by 2012 compared to 1992. (Title I—Energy Efficiency, Sec. 122—6/8/05)

Authorizes $250 million over five years for State energy efficient appliance rebate programs. (Title I—Energy Efficiency, Sec. 123—6/8/05)

Authorizes $150 million over five years for grants to State agencies to assist local governments in constructing new energy efficient public buildings that use at least 30 percent less energy than comparable public building meeting the International Energy Conservation codes. (Title: Energy Efficiency, Sec. 124—6/8/05)

Authorizes $100 million over five years for grants to local government, private, and non-profit community development organizations, and Indian tribes to improve energy efficiency, develop alternative renewable energy supplies, and increase energy conservation in low income rural and urban communities. (Title I—Energy Efficiency, Sec. 125—6/8/05)

Authorizes $1.25 billion worth of grants over five years to States to develop and implement building codes that exceed the energy efficiency of the most recent building energy codes. (Title I—Energy Efficiency, Sec. 127—6/8/05)

Calls for a study of State and regional policies that promote utilities to undertake cost-effective programs reducing energy consumption. (Title I—Energy Efficiency, Sec. 139—6/8/05)

Authorizes $25 million for States to carry out programs that encourage energy efficiency and conservation of electricity or natural gas. (Title I—Energy Efficiency, Sec. 140—6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR PUBLIC HOUSING

Encourages increased energy efficiency and water conservation through amendments to the U.S. Housing Act of 1937 by promoting installation of equipment conforming to new standards. (Title I—Energy Efficiency, Sec. 161—6/8/05)

Requires public housing agencies to purchase energy-efficient appliances that are Energy Star products or FEMP-designated products when purchasing appliances unless these products are not cost-effective. (Title I—Energy Efficiency, Sec. 162—6/8/05)

Includes energy efficiency standards in amendments to the Cranston-Gonzalez National Affordable Housing Act. (Title I—Energy Efficiency, Sec. 163—6/8/05)

Directs the Secretary of Housing and Urban Development to develop and implement an integrated strategy to reduce utility expenses at public and assisted housing through cost-effective energy conservation, efficiency measures, as well as energy efficient design and construction. (Title I—Energy Efficiency, Sec. 164—6/8/05)

EFFICIENCY STANDARDS AND INCENTIVES FOR INDIVIDUALS AND BUSINESSES

Creates energy conservation standards for commercial clothes washers, ice makers, refrigerators, freezers, air conditioners, and heaters. (Title I—Energy Efficiency, Sec. 136—6/8/05)

Authorizes $6 million for pilot projects designed to conserve energy resource by encouraging use of bicycles in place of motor vehicles. (Title VII—Vehicles and Fuels, Sec. 722—6/8/05)

Authorizes $95 million over three years to reduce energy use by reducing heavy-duty vehicle long-term idling. (Title VII—Vehicles and Fuels, Sec. 723—6/8/05)

Authorizes $15 million over three years for a biodiesel testing partnership with engine, fuel injection, vehicle and biodiesel manufacturers to test and improve biodiesel technologies. (Title VII—Vehicles and Fuels, Sec. 724—6/8/05)

Authorizes $10 million over five years for CAFE enforcement obligations. (Title VII—Vehicles and Fuels, Sec. 711—6/8/05)

Establishes a DOE/EPA voluntary Energy Star Program under the Energy Policy and Conservation Act to identify and promotes energy-efficient products and buildings. (Title I—Energy Efficiency, Sec. 131—6/8/05)

Directs the Secretary of Energy in cooperation with EPA to undertake an educational program for homeowners and small businesses on energy savings from properly maintained air conditioning, heating, and ventilating systems. (Title I—Energy Efficiency, Sec. 132—6/8/05)

Adds energy conservation standards definitions for additional products (e.g. lamps, battery chargers, refrigerators, external power supply, illuminated exit sign, low-voltage, transformer, traffic signal module) to the Energy Policy and Conservation Act. (Title I—Energy Efficiency, Sec. 135—6/8/05)

Initiates a rulemaking under the Energy Policy and Conservation Act to evaluate and improve the effectiveness of current energy efficiency labeling on consumer products. (Title I—Energy Efficiency, Sec. 138—6/8/05)

Requires natural gas and electric utilities to evaluate energy efficiency or other demand reduction programs and, if beneficial and feasible, to adopt them. (Title I—Energy Efficiency, Sec. 141—6/8/05)

SUPPLY OF HIGH-EFFICIENCY TECHNOLOGIES AND ZERO OR LOW-GHG ENERGY SOURCES

RENEWABLE ENERGY AND INCREASED EFFICIENCY

Authorizes study of the potential for increasing hydroelectric power production capability at federally owned or operated water regulation, storage, and conveyance facilities. (Title XIII—Studies, Sec. 1302—9/29/03)

Prioritizes funds for renewable energy production incentives, placing emphasis on solar, wind, geothermal and closed-loop biomass technologies. (Title II—Renewable Energy, Sec. 202, 9/29/03)

Establishes goals for the share of federal government purchases of electricity from renewable sources to the extent economically feasible and technically practicable. (Title II—Renewable Energy, 203, 9/29/03)

Authorizes $36 million for the establishment of a Sugar Cane Ethanol Program to promote the production of ethanol from sugar cane. (Title II—Renewable Energy, Sec. 207—6/8/05)

Expands the scope of the Commodity Credit Corporation Bioenergy Program. (Title II—Renewable Energy, Sec. 208—6/8/05)

Authorizes $125 million over 5 years for grants to facilities that use biomass to produce electricity, sensible heat, transportation fuels or substitutes for petroleum-based products. (Title II—Renewable Energy, Sec. 232, 9/29/03)

Authorizes $125 million over 5 years for grants to persons researching ways to improve the use of biomass or add value to biomass utilization. (Title II—Renewable Energy, Sec. 233, 9/29/03)

Improves geothermal energy leasing procedures, terms and conditions to increase use of geothermal energy. (Title II—Renewable Energy, Subtitle D, 9/29/03)

Facilitates use of the OCS for alternative energy sources such as wind power and ocean thermal energy. (Title III—Oil and Gas, Sec. 321, 9/29/03)

Calls for a study of the potential for renewable energy on Federal land and make recommendations for statutory and regulatory mechanisms for developing these resources. (Title XIII—Studies, Sec. 1304—6/8/05)

NATURAL GAS SUPPLIES

Provides incentives to continue natural gas production on low-yield (marginal) properties by reducing the royalty rate when prices fall. (Title III—Oil and Gas, Sec. 313, 9/29/03)

Provides incentives for natural gas production from deep wells in the shallow water of the Gulf of Mexico. (Title III—Oil and Gas, Sec. 314, 9/29/03)

Extends royalty relief for natural gas production in the deepwater of the Gulf of Mexico. (Title III—Oil and Gas, Sec. 315, 9/29/03)

Authorizes $125 million over five years to reduce fugitive methane emissions by establishing a program to properly plug and abandon orphaned, abandoned, or idled wells on federal land. (Title III—Oil and Gas, Sec. 319, 9/29/03)

Authorizes $350 million over five years to facilitate timely action on natural gas leases and permits and creation of Best Management Practices for processing permits. (Title III—Oil and Gas, Sec. 342, 9/29/03)

Requires the creation of a Memorandum of Understanding between the Department of Interior and Department of Agriculture to facilitate natural gas development on National Forest lands. (Title III—Oil and Gas, Sec. 343, 9/29/03)

Establishes a Federal Permit Streamlining Pilot Project to expedite processing of natural gas permits. (Title III—Oil and Gas, Sec. 344—6/8/05)

Facilitates the building of LNG terminals thereby increasing the supply of natural gas. (Title III—Oil and Gas, Sec. 381, 9/29/03)

Authorizes $165 million over 5 years for research aimed at facilitating production of natural gas from Methane Hydrates. (Title IX—Research and Development, Sec. 953—6/8/05)

NUCLEAR ENERGY TECHNOLOGIES

Reauthorizes for 20 years the Price-Anderson Act, the long-standing liability insurance system for all nuclear operations in the country. This system has existed for more than 40 years and never required payment from the federal government. (Title VI—Nuclear Matters, Sec. 602—6/8/05)

Improves the regulatory treatment modular reactors, facilitating the installation of new, more cost effective nuclear power reactor designs. (Title VI—Nuclear Matters, Sec. 608—6/8/05)

Mr. DOMENICI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

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

The PRESIDING OFFICER. The Senator from Nebraska has 6 minutes remaining.

Mr. HAGEL. Mr. President, let me summarize the Hagel-Pryor climate change amendment. This amendment offers a comprehensive voluntary approach to addressing the issue of climate change by connecting domestic and international economic, environmental, and energy policies. It takes a market-driven, technology-based approach to climate change by using public-private partnerships to meld together the institutional leverage of the Government with the innovation of industry.

With that, I ask unanimous consent that all time be yielded back.

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

Mr. HAGEL. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 817.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—66

Alexander	DeWine	Mikulski
Allard	Dole	Murkowski
Allen	Domenici	Murray
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Pryor
Bennett	Feinstein	Reid
Bingaman	Frist	Roberts
Bond	Graham	Rockefeller
Brownback	Grassley	Salazar
Burns	Hagel	Santorum
Burr	Hatch	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Coburn	Isakson	Smith
Cochran	Kyl	Specter
Coleman	Landrieu	Stabenow
Conrad	Levin	Stevens
Cornyn	Lincoln	Talent
Craig	Lott	Thomas
Crapo	Lugar	Vitter
Dayton	Martinez	Voinovich
DeMint	McConnell	Warner

NAYS—29

Akaka	Dodd	Lieberman
Biden	Durbin	McCain
Boxer	Feingold	Nelson (FL)
Bunning	Gregg	Obama
Byrd	Harkin	Reed
Cantwell	Inouye	Sarbanes
Carper	Kennedy	Snowe
Chafee	Kohl	Sununu
Collins	Lautenberg	Wyden
Corzine	Leahy	

NOT VOTING—5

Dorgan	Johnson	Thune
Jeffords	Kerry	

The amendment (No. 817) was agreed to.

Mr. HAGEL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope the Senator from Colorado, Mr. SALAZAR, will find his way to the Senate Chamber because he asked us to get him some time, and we are doing that right now in this request.

The suggestion I have for the Senate is as follows: I understand Senator SALAZAR from Colorado would like to speak for 3 minutes as in morning business about a deceased general in his State. Then Senator MCCAIN will offer a climate change amendment along with his cosponsor, Senator LIEBERMAN. That will be debated tonight, and we will set some additional

debate time for tomorrow if required by the distinguished Senators or anybody in opposition.

We may, however, have an additional vote tonight. I want everybody to know this. We might have a vote tonight. It will not be on the McCain amendment, but we will set that amendment aside, without objection from the Senator from Arizona, and take up this other amendment.

We have a number of amendments that are pending, besides the one I just indicated. One of those is a DeWine-Kohl amendment. We are going to try to work that in here and that would be without a rollcall vote. The Voinovich amendment is the one on which we will be voting.

We will proceed, as I have indicated, and recognize the Senator from Colorado, if he is here. If he is not here, we are going right to Senator MCCAIN. If he comes, maybe the Senator from Arizona can accommodate Senator SALAZAR. If not, we will let Senator MCCAIN proceed.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, may I ask unanimous consent to speak for 30 seconds as in morning business while we are waiting?

Mr. DOMENICI. We are not waiting. Senator MCCAIN is yielding time.

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

Ms. LANDRIEU. Mr. President, I thank my colleagues from New Mexico and Arizona. I thank my colleague from New Mexico for moving this Energy bill forward and making such progress.

(The remarks of Ms. LANDRIEU and Ms. STABENOW are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 826

Mr. MCCAIN. Mr. President, I have an amendment at the desk on behalf of myself and Senator LIEBERMAN. I ask unanimous consent the pending amendment be set aside, and the amendment on behalf of myself and Senator LIEBERMAN be considered.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. LIEBERMAN, proposes an amendment numbered 826.

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

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

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

Mr. MCCAIN. Mr. President, first I would like to congratulate the sponsors of the amendment that was just passed. They did a good job on the amendment. I appreciate it because it is very indicative of where this debate has gone.

My dear friend from Connecticut and I, last October of 2003, forced a vote—or we had a vote on, basically, this issue, although we have changed this somewhat with the inclusion of the incentives for technological advances, as well as some nuclear power provisions which have proven somewhat controversial with some of our environmental friends.

At that time the debate on the amendment was: there is no such thing, it is a myth, this simply bears no relation to reality—on and on. There were some fascinating statements made about what a myth climate change was.

Now, obviously, we have, by passage of the Hagel amendment, recognized—at least by a majority of the Senate—that climate change is real and action needs to be taken. So I believe we have made significant progress since October 2003. At the same time, I have noticed on other reform issues that I have been involved in over the years, once the opponents of reform see reality, then they try to put up some kind of legislation which appears to address the issue but actually does not. Unfortunately, the amendment by my good friend from Nebraska that was just approved by the Senate simply has no bearing on the requirement that we act.

The Senator from Connecticut and I are going to present, not our opinions but evidence, scientific evidence, that climate change is real, it is happening, and as we speak we will see things happening to our environment which will have long-term devastating effects on this globe on which we reside. When we talk about scientific evidence and opinion, with the exception of those who may somehow be financially related to certain opponents of this legislation, there is very little doubt as to the scientific evidence of every objective observer, not to mention our European friends who have so concluded and are acting to reduce the effects of greenhouse gas emissions in the world.

By the way, they have not faced Armageddon to their economies, as predicted by some of the speakers who have already addressed this issue. I found them entertaining. Do you know why I found them entertaining? Because every time I have been in a reform issue—whether it be installation of safety belts in automobiles, or airbags, or campaign finance reform—the Apocalypse was upon us.

In this amendment we encourage technology in order to reduce greenhouse gas emissions and make energy use more efficient, and we are trying at the expense of some support to recognize that nuclear power is a very important contributor to our energy needs in the coming years, particularly since 20 percent of our energy supply is already supplied by nuclear power and those powerplants are going out of business fairly soon. We have a proposal that is balanced and fair and not only tries to minimize and, over time, reduce the damage that has already been inflicted by greenhouse gas emissions, but also will provide for energy that this world—our country as well as others—needs.

Is this Kyoto that Senator LIEBERMAN and I are proposing? No. Sometimes I wish that it were, but it is not. It is far less stringent in its requirements to address the issue of greenhouse gas emissions. It is something that we believe is not only affordable but doable.

Does it involve some sacrifice on the part of the American people? Yes. I have to tell you, every time I talk to young Americans and say, Are you willing to make some sacrifice to prevent the occurrences that we see are happening now, these young Americans are more than willing to do so.

When we talk about jobs, these Draconian estimates of lost jobs that they have hired some think tank to come up with, what about the jobs and the economic effect on the United States of America that is already taking place when we have four hurricanes in one season in Florida; when we have greater and more extreme climatic effects generated by greenhouse gas emissions? How much is it going to cost when the great barrier reef dies? The Australian Government has said that the great barrier reef will die by—I think the year is 2040. What happens then to the food chain? What is the cost then?

What is the cost to the Alaskan Inuit Tribe when, as we speak, their villages are falling into the ocean because of the melting of the permafrost? What are those costs?

I will tell you what they are; they are astronomical. They may hire a lot of people, in the form of emergency workers and FEMA and all of that.

I have a very long statement. I am not going to take too long because I want my friend, Senator LIEBERMAN, to talk. But why is it that our best partner in Europe, Tony Blair, is so dedicated to the proposition that we need to act on this issue? I do not find him to be an irrational individual. What does Prime Minister Tony Blair say? I think he puts it better than anyone.

The opponents, particularly my friend from Oklahoma, will come down and say all this climate change is just a myth, the Earth is not warmer, there is no real basis for this whatsoever. And he will find some obscure scientist who will say, yes, it is a myth—despite the overwhelming body of evidence that dictates that climate change is real and its effects are already being felt in a variety of ways.

Suppose the Senator from Connecticut and I, and the overwhelming body of scientific evidence, and Tony Blair, and all the Europeans, and all the signatories to the Kyoto treaty, they are all wrong and we went ahead and made these modest proposals. What would we have? We would have a cleaner Earth. We would have an Earth with a less polluted atmosphere. We

would have cleaner technologies. We would have found a way to again utilize nuclear power in a safe and efficient fashion.

But suppose that we are right. Let's suppose the National Academy of Sciences is right when they say:

There will always be uncertainty in understanding a system as complex as the world's climate, however there is now strong evidence that significant global warming is occurring.

This comes from the National Academy of Sciences, the National Academies from the G8 countries along with those from Brazil, China, and India.

The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gas emissions.

Remember, this is from the U.S. National Academy of Sciences, National Academies from other G8 countries along with other countries:

We urge all nations to take prompt action to reduce the causes of climate change, adapt to its impact, and ensure that the issue is included in all relevant national and international strategies.

Suppose they are right. Suppose they are right and we, as stewards of our environment, have failed to act. The consequences are clear. The effects are devastating. They are extremely difficult to reverse, as any scientist will tell you. And we will have done such a terrible thing to future generations not only in America but in the world because of our enormous contributions to the greenhouse gas emissions which are causing such devastating effects already as we speak.

I am going to yield to my friend from Connecticut. But I hope my colleagues make no mistake about what we just did, which is nothing—which is nothing. There is nothing in the last amendment that has any requirements whatsoever—except perhaps some more reporting. I believe the time for reports is past. I think we have a sufficient number of reports and assessments. It has done nothing.

This amendment, I am sure, will be attacked—thousands of jobs will be lost, we will find some obscure scientist, some will talk about the dangers of encouraging the use of nuclear power. The fact is, we are going to win on this issue. The reason we are going to win is because every single month there is another manifestation of the terrible effects of what climate change is doing to our Earth. The problem is how late will it be when we win? How devastating will be the effects of climate change on this Earth on which we live? I am very much afraid that every day that goes by our challenge becomes greater and greater.

That is what this debate is all about. I know the chances of our passing this amendment are probably not as good as we would like. But I hope my colleagues and the American people will pay attention to this debate because it may be the most important single issue that is addressed by this Senate in all the time that I have been here.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona with whom I am proud, once again, to sponsor the Climate Stewardship and Innovation Act to combat global warming.

Senator MCCAIN has, as is his characteristic mode of behavior, talked straight. He has sounded a clarion call. He has spoken in words that I would echo right now: This is the challenge of our generation, environmentally. It will begin to affect the way we live on planet Earth.

We feel so strongly about it that we are going to stick together, and I believe our ranks will grow over time, I hope before the worst effects of global warming occur, before the most cataclysmic effects occur.

We are going to get this done because it has to be done. This amendment we are offering is the only proposal the Senate will consider that will actually put a halt to the rise in carbon emissions that cause global warming. It will also spur technological innovations to deal with that problem.

In some sense, as I view this—and I have spent a lot of time working on it—what is involved is a conflict between science and the resistance to change. Change is frightening sometimes, particularly when the worst consequences of not changing are not apparent. This is why this is such a great challenge to our political system because, although we are beginning to see the effects of global warming, the worst effects are over the horizon.

The challenge now, having been put on notice by science, is whether the political leadership of our country will take the steps necessary to protect the generations that will follow from the worst consequences of global warming.

I will paraphrase Jonas Salk, who invented the polio vaccine: One of the tests of every generation is whether we have been good ancestors, whether we have acted in a way that those who follow us will say that we had farsighted ancestors who saw this problem coming and dealt with it.

That is the challenge this amendment offers. Because it is about science. With the distinguished Presiding Officer, particularly, I cannot resist going into a bit of history. It was 100 years ago this month, June 30, 1905, that Albert Einstein finished a paper with the very dense title ''On the Electrodynamics of Moving Bodies.'' Today we know it better as the Theory of Special Relativity or E equals MC squared.

Why do I bring this up in the context of global warming? Because when Einstein first proposed the theory, it was dismissed as unrealistic, as a dream. Its consequences were widely misunderstood. Over time, the best scientists agreed not only that Einstein's theory was true, but they expanded upon it and used it to the extraordinary benefit of the generations that have followed.

With apologies to another great scientist, Darwin, this process might be called the ''Evolution of Theory.'' The theory that the Earth is warming with dire consequences may have started off with little understanding or acceptance. In fact, when we first began to talk about it, Senator MCCAIN and I, a lot of people including in this Senate discussed it as if it had a Chicken Little ''sky is falling'' quality. The fact is, we were basing our actions and our arguments on temperatures that were rising. But the worst effects that we were projecting were based on scientific modeling.

Now the best scientific minds in the world have examined the evidence and stated that climate change is real. Its cost to our economies will be devastatingly real. Its costs to our people and the way they live will be devastatingly real if we do not act.

Just a few months ago, the head of the International Panel on Climate Change, Dr. Pachauri, whose candidacy for that position that was supported by the Bush administration, said:

We are already at a dangerous point when it comes to global warming. Immediate and very deep cuts in greenhouse gases are needed if humanity, as we know it, is to survive.

The truth is, at this point, we do not need the scientists to tell us that the globe is warming. We can see it with our own eyes. The most compelling evidence is the satellite photographs of the polar ice caps. Look back 10, 15, 20 years; they are shrinking before our eyes.

Consider this very real example that is a consequence of that warming: 184 Alaskan coastal villages already are facing the threat of relocation because their land and infrastructure are being impacted by advancing seas and warmer temperatures that are melting the permafrost. One estimate I have seen says it will cost $100 million to locate just one of those villages or towns. I hesitate to articulate this fear, but what would be the price if we needed to relocate New Orleans or Miami or Santa Cruz, CA?

One of North America's leading reinsurers, Swiss Re, projects that climate-driven disasters could cost global financial centers more than $150 billion per year within the next 10 years. That is not Senator MCCAIN or me or some environmental group. It is a business, an insurance company, which is on the line for the costs of climate-driven disasters: $150 billion a year within the next 10 years.

I could go on with stories of wildlife appearing in places where they have never appeared before. Even in Connecticut, we have certain birds that are lingering longer in our State, because it is staying warmer longer. In Maine, our colleagues say the sugar maples are being affected by the alteration in the climate.

What is the United States doing? The United States, the largest emitter, the largest source of the greenhouse gases that cause global warming, what are we doing? Nothing. Literally nothing. In some sense, less than nothing because we pulled out of the Kyoto Protocol that subsequently has been ratified by enough of the industrialized world.

I agree with Senator MCCAIN about the preceding amendment. It is a fig leaf. It may allow some people to say we are doing something about global warming but it does not do anything. It leaves it all to voluntary action to support some research. It asks for reports. This goes back to the early 1990s, when the first President Bush was very actively involved in the Rio conference on global warming and recognized the reality of global warming, supported measures to deal with it, and set voluntary standards. They did not work. That is why Kyoto came along in 1997.

We saw, in the intervening years, if you leave it just plain voluntary, nothing will happen. People will continue to do things as before. Sources of greenhouse gases will not change. We have to show some leadership.

The last amendment I call ''fiddling while the Earth is warming.'' In its way, it is more consequential than Rome burning.

The Climate Stewardship and Innovation Act, which Senator MCCAIN and I introduced as an amendment to this Energy bill, is the needed first step, second step, and third step. It is the only proposal that will come before the Senate that puts an absolute stop to the increase in greenhouse gas emissions by America. In that sense, it brings us back to some point of moral responsibility. This is a problem for the whole globe. We are the biggest source of it. Yet we are doing nothing about it, while a lot of other countries are.

This amendment is the only proposal that will come before the Senate that creates not old-fashioned command and control but a true market mechanism reflecting the punishing social and economic costs of global warming. And this amendment, the Climate Stewardship and Innovation Act, is the only proposal that will come before the Senate that harnesses these market forces and steers them toward new energy technology that will not only help us meet the standards but will energize our economy because it will create jobs; those jobs will create products that will fill a growing global demand for energy-efficient greenhouse gas-resistant technologies.

Let me briefly state the basics of our bill. The original Climate Stewardship Act was the result itself of a lengthy process Senator MCCAIN and I were involved in, with the stakeholders, sources of greenhouse gases, environmentalists, and scientists working together. A major role was played by the Pew Trust. The original Climate Stewardship Act asked the American people, businesses, to reduce our carbon emissions to 2000 levels by the end of the decade—by 2012—easier to achieve than what Kyoto asked. Kyoto asked to go back to 1990.

There was a graph in one of the papers yesterday that shows reductions from Kyoto about here; if we do nothing, about there; McCain-Lieberman was in between. It is always nice to be in the middle—the golden mean. That is exactly what this proposal is. Our proposal then, and now, will reduce carbon emissions by use of the market, by putting a price on those emissions, with a cap and trade policy modeled on the one used so successfully in the Clean Air Act of 1990 which, as we all know, has reduced acid rain at far less cost than expected without the old ''command and control'' Government.

Simply put, a business that does not reach its emissions target can buy emissions credits from an entity who has managed to move themselves under the target.

Because the cap and trade system creates a market price for greenhouse gas emissions, it exposes the true cost of burning fossil fuels and will drive investments toward lower carbon-emitting technologies. It will, incidentally, also help us break our dangerous dependence on foreign oil which now is approaching $60 a barrel and rising. I fear, as so many others do, no matter how strong we are militarily, it can ultimately compromise our national security.

As the new title of this amendment implies, we have added an innovation section to our original bill because technological change and innovation are the keys in both the fight against global warming and the battle for energy independence. Our amendment creates a dedicated public sector fund for ensuring that investment is directed at the new technologies we need, including, but not limited to, biofuels, clean coal technology, solar and nuclear power, to name just a few off an open-ended menu of climate-friendly technology choices.

Instead of turning to the taxpayer to fund these, our bill uses a very creative self-funding mechanism. It empowers the Secretary of Energy to use some of the money generated through the purchase of emissions credits, funneled through a new public corporation our bill would create to help bring those innovations to market. The amendment will ensure the most important and efficient technological alternatives are supported. We did not pick winners and losers. That is for the market to do. Our bill does make sure, however, that if there are barriers to developing or using these new technologies to meet the standards and cap in our proposal, the resources are available to knock those barriers down.

If we do not help bring these new low carbon or zero carbon technologies to market, believe me, we will be buying them from the nations that do. Here is exhibit A to prove that point: Hybrid cars today are popular. There are waiting lists for them. I heard there is a market where people sell the ticket they have in the line so somebody can buy a hybrid car, low-emitting vehicles that consumers have clearly shown they want.

Where did American companies get the technology to build those hybrids? They have licensed it from Japan. Our bill will ensure that assistance is provided to American manufacturers to help with the transition to new technologies and energy productions with programs to reduce consumer costs and help dislocated workers and communities. The point is, we want what we know will be an enormous market for low carbon, zero carbon, low/zero greenhouse gas-emitting products to be filled by products made in the United States.

When Senator MCCAIN and I sat down to write this bill, we knew it had to pass three tests: First, it had to guarantee that it would achieve a real reduction in total greenhouse gas emissions across our society. Second, it had to create a true wide-open market for emissions reductions. And third, it had to provide businesses, and ultimately consumers, with a wide range of low-emission, low-cost energy choices through technological innovations.

I am proud to say to my colleagues our amendment meets all three of those tests.

The Senate should scrutinize any alternatives that are offered to this amendment we have proposed and ask whether those meet those same tests, whether, as the planet is warming and the rest of the world is trying to do something about it, the United States is fiddling.

I mentioned at the outset that 100 years ago this month that young man sitting in a Swiss patent office changed our understanding of the universe with the power of his new ideas.

A century later, we are facing a real threat. To meet it, we need to empower our best minds to use the power of new ideas to help provide new sources of power to our world. If we do not take these simple steps now, steps that are well within both our technological and financial reach, the generations that come will rightfully look back at us with scorn and ask why we acted so selfishly, why we yielded to the status quo that did not want to change, why we cared only for short-term comforts or profits, and why we left them a global environment in danger.

Einstein once said:

> The significant problems we face cannot be solved at the same level of thinking with which we created them.

Senator MCCAIN and I and our other cosponsors and supporters believe the Climate Stewardship and Innovation Act will not only set standards for reducing global warming but will lead us to the new thinking, to the new ideas, and the new products we need to halt global warming, achieve energy independence and protect the world as we know it and love it for the generations to come.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to say thank you to both Senator LIEBERMAN and Senator MCCAIN for giving this Senate the first real start to reduce global warming. I was one who voted for the Hagel amendment, but I did so realizing it really had very little bang for the buck. This is the first real global warming bill this body will come to grips with. I think it is extraordinarily important.

In real terms, passage of this bill would mean that instead of having 8 billion tons of greenhouse gases emitted into the air in 2010, as would be the case if we do not pass the amendment, we will emit slightly less than 6 billion tons in 2010. That means this amendment would reduce emissions by almost 2 billion tons, or 25 percent, by the end of the decade.

In order to achieve the goal, the amendment would implement a market-based emissions cap and trade system. Currently, the United States is the largest emitter of greenhouse gases in the world. We account for one-fourth of all global greenhouse gas emissions.

In a single year, the average American produces the same greenhouse gas emissions as 4.5 people in Mexico or 18 people in India or 99 people in Bangladesh.

In the past 200 years, since the Industrial Revolution, the concentration of carbon dioxide in the Earth's atmosphere has risen by roughly 30 percent. If we do nothing to reduce these emissions, CO2 levels are estimated to again rise by 30 percent in only the next 50 years.

Here it is on the chart. You see, as temperature rises, global warming takes place, and carbon dioxide emissions increase.

The hottest year on record is 1998, followed by a tie for the second hottest year between 2002 and 2003.

Let me say what the National Academy of Sciences has reported. Let me just briefly quote:

> Since the 1900s global average temperature and atmospheric carbon dioxide concentration have increased dramatically, particularly compared to their levels in the 900 preceding years.

Carbon dioxide is the No. 1 global warming gas. We have already begun to see, as both Senators MCCAIN and LIEBERMAN have said, the real impacts of global warming.

Glaciers are beginning to disappear throughout the United States and around the world at a rapid rate. This chart demonstrates the rapid loss of the South Cascade Glaciers in Washington State. In addition, it is predicted that all the glaciers in Glacier National Park in Montana will be gone by 2030.

Here on the chart, you can see the South Glacier. In 1928, you could see the full glacier. Then, this is what you saw in 1979. And you can see that in 2003 it was just about one-half of what it was.

Since 1979, more than 20 percent of the polar ice cap has melted away due to the increase of global temperatures. Senator LIEBERMAN mentioned that in his speech, but I think this chart shows it dramatically. This line indicates the Arctic sea ice boundary in 1979. You can see how large it was. And you see more than 20 percent of the polar ice cap has already melted away. That is disastrous because the top of the planet is more impacted than the bottom of the planet.

Now, this is forcing Eskimos in Alaska to move inland. My husband just visited an Eskimo village. They were preparing to move their village because it was being inundated by the ocean.

Over the last century, the global sea level has risen by 6 inches. The United Nations Intergovernmental Panel on Climate Change predicts that by the next century, the global sea level will rise even higher to anywhere from 4 inches to 3 feet. That is enormous when you look at these changes.

Let me just speak for a moment about my State.

Since 1900, California has warmed by 2 degrees Fahrenheit. Annual precipitation has decreased over much of the State—by 10 to 25 percent in many areas. The EPA estimates that the temperature in California could rise by as much as 5 degrees by the end of this century if the current global warming trends continue.

That increase is going to have a drastic impact on many facets of California life—water, for one. As the largest agricultural State in the Union, we need it to farm and grow our crops. We need water to keep the ecosystem in balance, and we need water for 37.5 million people to drink, to wash, and to water crops and plants.

The Sierra Nevada snowpack is the largest source of water. The snowpack equals about half the storage capacity of all of California's man-made reservoirs. It is estimated that by the end of the century, the shrinking of the snowpack will eliminate the water source for 16 million people. That is equal to all of the people in the Los Angeles Basin. That is how big this is.

What this chart shows is, if we take strong action to curb greenhouse gas emissions, 27 percent of the snowpack will remain in the Sierras; strong action will only protect 27 percent. If we do nothing to reduce our greenhouse gas emissions, only 11 percent of the Sierra Nevada snowpack will be left by the end of the century. You clearly see it. That is Armageddon for California. That is Armageddon for the fifth largest economy on Earth.

Now, we have already begun to see a decline in the Sierra Nevada snowpack due to warmer winter storms that bring more rain than snow and also cause a premature melting of the snowpack.

If just a third of the snowpack is lost, it would mean losing enough water to serve 8 million households. So you can see how big this is. That is why this bill is so important—the first bill that actually does something about it.

Let me talk for just a second about our wine industry. It is recognized throughout the world. It is a $45 billion industry in sales, jobs, tourism, and tax revenue.

Grown throughout the State, wine grapes are sensitive to temperature and moisture. It is predicted that by the end of the century, grapes will ripen up to 2 months earlier and will be of poorer quality. The result is a decline for California's premier wine industry.

Let me talk about dairy. We are the largest dairy-producing State in the Union, much to the chagrin of my distinguished colleague from Wisconsin. Studies indicate that due to increased temperatures, our milk production could be reduced anywhere from 5 to 20 percent. This would not only have a drastic impact on California's agriculture industry, but it would also affect other States that rely on California to provide milk and other dairy products.

Beaches and coastlines—we are known for them. When most people think of California, they think about our beaches. The rising sea level, due to global warming, is slowly swallowing these beaches and eroding the coastline. Over the last century, the sea level has risen 3 to 8 inches. Scientists predict it will continue to rise an additional 13 to 19 inches by the end of this century. This will force municipalities to replenish land on beaches stretching from Santa Barbara to San Diego. The EPA says this could cost from $174 million to $3.5 billion.

Global warming is California's No. 1 environmental problem.

Now, let me talk for a moment about what cities are doing. Cities are not waiting for us. Cities are moving. Members of the United States Conference of Mayors unanimously passed a resolution earlier this month that requires their member cities to attempt to meet or exceed emissions standards set by Kyoto. They have agreed to try to meet or beat the Kyoto Protocol targets in various communities around the Nation. They have agreed to urge their State governments and the Federal Government to enact policies to reduce greenhouse gas emissions, and they have agreed to urge us to pass the McCain-Lieberman bill.

So far, 167 cities have signed up to enforce the Kyoto requirements.

Nearly 40 States, to date, have developed their own climate plans. Four-fifths of the United States is moving on its own because we are so slow to act.

An emission trading system is emerging in the Northeast that will require large power plants from Maine to Delaware to reduce their carbon emissions.

Eighteen States and the District of Columbia have enacted standards to require that electricity be generated with renewable fuels rather than fossil fuels. These States include California,

Arizona, Colorado, Connecticut, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Texas, and Wisconsin.

The point is, our States are moving. Why are we so bloody slow? California has enacted legislation that will reduce greenhouse gas emissions from vehicle tailpipes. It is expected that the Northeastern States and Canada will also follow California's lead.

Yet, without concerted Federal action, the United States will not be able to achieve real, significant greenhouse gas reductions. If Members of the U.S. Senate agree with the science, if they agree with virtually all of the literature to date, if they look out and study the weather and they see the changes, if they see the fluctuation in weather patterns, the aberrant behavior of weather, they will come to the conclusion that global warming is real. It is real, and we now have the first bill to do something positive about it, and that is the Lieberman-McCain legislation.

I believe all of California supports it. I am proud to support it. I urge its passage to this distinguished body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank our friend and colleague from California for a very powerful statement. In a personal sense, and I know I speak for Senator MCCAIN, we are grateful for her support. We are honored to have it. But what a statement. I hope every Member of the Senate gets a chance to read the text of the Feinstein statement. In very practical terms, it describes the impact of inaction on our largest State—California—on water supply, not to mention the dairy industry and, perhaps of more national significance, the California wine industry. But this is real-life stuff. Shame on us if we don't take real action to stem the problem.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak out of order.

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

REMARKS ON GUANTANAMO BAY

Mr. DURBIN. Mr. President, more than most people, a Senator lives by his words. Words are the coin of the realm in our profession. Occasionally, words will fail us. Occasionally, we will fail words.

On June 14, I took the floor of the Senate to speak about genuine, heartfelt concerns about the treatment of prisoners and detainees at Guantanamo and other places. I raised legitimate concerns that others have raised, including Secretary of State Colin Powell, about the policies of this administration and whether they truly do serve our needs to make America safer and more secure; whether, in fact, some of the policies might, in fact, endanger our troops or in some way disparage the image of America around the world.

During the course of that presentation, I read an e-mail from the Federal Bureau of Investigation that was discovered to exist last August and has now been produced as part of a Freedom of Information Act. After reading the horrible details in that memo, which characterized the treatment of prisoners at Guantanamo, I then, on my own—my own words—made some characterizations about that memo. I made reference to the Nazis, to the Soviets, and other repressive regimes.

Mr. President, I have come to understand that was a very poor choice of words. Last Friday, I tried to make this very clear, that I understood that those analogies to the Nazis and Soviets and others were poorly chosen. I issued a release which I thought made my intentions and my innermost feelings as clear as I possibly could. Let me read to you what I said in that release last Friday:

> I have learned from my statement that historical parallels can be misused and misunderstood. I sincerely regret if what I said caused anyone to misunderstand my true feelings: Our soldiers around the world and their families deserve our respect, admiration and total support.

It is very clear that even though I thought I had said something that clarified the situation, to many people it was still unclear. I am sorry if anything I said caused any offense or pain to those who have such bitter memories of the Holocaust, the greatest moral tragedy of our time. Nothing should ever be said to demean or diminish that moral tragedy.

I am also sorry if anything I said in any way cast a negative light on our fine men and women in the military. I went to Iraq a few months ago with Senator HARRY REID and a delegation, a bipartisan delegation; the Presiding Officer was part of it. When you look in the eyes of the soldiers, you see your son or your daughter. They are the best. I never, ever intended any disrespect for them. Some may believe that my remarks crossed the line. To them, I extend my heartfelt apologies.

There is usually a quote from Abraham Lincoln that you can turn to in moments such as this. Maybe this is the right one. Lincoln said: If the end brings me out right, what is said against me won't amount to anything. If the end brings me out wrong, 10,000 angels swearing I was right wouldn't make any difference.

In the end, I don't want anything in my public career to detract from my love for this country, my respect for those who serve it, and this great Senate.

I offer my apologies to those who are offended by my words. I promise you that I will continue to speak out on the issues that I believe are important to the people of Illinois and to the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to say what is unnecessary, and that is that the Senator from Illinois just made a heartfelt statement, one of apology. All of us, I believe, who have had the opportunity to serve in public life from time to time have said things that we deeply regret. I know that I have. I can't speak for the other Members of this body. I would like to say to the Senator from Illinois, he did the right thing, a courageous thing, and I believe we can put this issue behind us. I thank the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want very briefly to thank my friend and colleague, Senator DURBIN, for the statement he has just made. I know it has been a very difficult period of time for him. Which one of us has not erred? Which one of us, particularly in public life, has not said something that didn't come out exactly as we intended it to and certainly had an impact we never could have imagined?

When I first heard about what Senator DURBIN said last week, and I heard some people at home in Connecticut who were agitated by it, I said: I know DICK DURBIN. I know he would never really compare the suffering of people in the Nazi concentration camps or the Soviet gulag or under Pol Pot to what is happening in Guantanamo, as much as he is concerned and has criticized some of what we have learned, including in the FBI report he cited. It is just not him. I know his character. I know his person.

Look, we have seen it today. It takes a big person to stand up and apologize on the floor of the Senate. He has done it. I just appeal to everyone now to move on. Let this be the end of this. Anyone who will continue to try to fester this some more is doing a disservice to the Senate and to our country. Senator DURBIN has made clear his regrets for what he said and the way it was misunderstood. He is a good man. He is an extraordinary Senator. He is a good friend. I thank him for the courage he showed in coming up and saying what is hard for us in public life, but we are no different than anybody else: I am sorry. I made a mistake.

To err is human, but it is also important to say that to forgive is not only divine, it ought to be human as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Does the Senator from New Mexico have the floor?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I believe that I could now argue against the pending amendment, but I choose at this point, if we could, because I made some arrangements that I don't think are inconsistent with the minority leader—not

agreements but arrangements—if we could let Senator INHOFE, who is now in opposition to the amendment, proceed, he would like to speak for 10 minutes.

Mr. REID. Mr. President, the Senator from New Mexico has the floor. I would like to speak for a couple minutes before that.

Mr. DOMENICI. And then could we go to Senator INHOFE for 10 minutes?

Mr. REID. I think maybe 5 more minutes, and then we will get to him.

Mr. DOMENICI. OK. This is an interesting moment. I don't want to object.

Mr. REID. We will be very quick.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I ask unanimous consent that following my remarks, the Senator from California be recognized for 2 minutes.

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

Mr. REID. Mr. President, I have stated on a number of occasions publicly my great affection for my friend from Illinois. We came together to Congress. He has been a very close personal friend. I have such great admiration for him. He has been a great whip during the 5 months that I have been the leader. As we know, he has been a strong supporter of the troops. He has worked for the Guard and Reserve especially, more than anyone I know in the Senate. I know how hard it was for him to come and speak as he has today.

I have said things in the past that I wish I hadn't said. In the last 6 or 7 months, they have been noted more than in the past. So I certainly appreciate the strength and the courage of my friend from Illinois.

I also want to say a word about my friend who is not on the floor now, JOHN MCCAIN. He and I came to this body also with Senator DURBIN. He and I have been very close in seniority. He is one ahead of me because the State of Arizona is larger than the State of Nevada. That is what happened when we came to the Senate. For someone with his military background to say what he just said about Senator DURBIN is very typical for JOHN MCCAIN. Not only do I express my appreciation for the statement of my friend from Illinois but also for the statement of the Senator from Arizona. It was a very typical JOHN MCCAIN statement, and it shows that he is a person who speaks from the heart.

If I may impose on my friend from Oklahoma, the other Senator from Illinois is here. Senator FEINSTEIN has 2 minutes. May I give him 2 minutes?

Mr. INHOFE. No objection.

Mr. REID. I ask unanimous consent that following Senator FEINSTEIN, Senator OBAMA be recognized for 2 minutes.

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

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Democratic leader and Senator INHOFE for this courtesy.

I don't think there is a Member of this body who hasn't gone to an event, made a speech, answered a question, advocated a cause, who hasn't said: Oh, I wish I had done it differently. I don't think there are any of us who haven't awoken the next morning and said: Gee, I really meant it, and I am sure it is going to be taken out of context, or they are going to think I meant this or that. I don't think there are any of us who haven't sometimes written letters to correct what we have said.

We know DICK DURBIN. We know he is patriotic. We know he cares about the men and women serving. And we know that he would do nothing to ever mean anything to the contrary.

I was very much taken by his remarks. More importantly, I was taken by the emotion behind the remarks. We have been having in the Judiciary Committee a legitimate debate on Guantanamo. Hearings have been held. Debate is taking place. That is healthy. That is what this system is all about. Senator DURBIN has played a role in that debate. I hope, too, that this will mark the end of it.

I thank, too, the Senator from Arizona for what he said. No one has a more distinguished military record than he. I also hope that everyone who has heard Senator DURBIN tonight recognizes his sincerity and his depth of concern. Let this be the end of it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I thank Senator INHOFE, Senator REID, and Senator DOMENICI for allowing me this time.

I know DICK DURBIN. I serve with him in Illinois. We have traveled together through the byways and highways of our great State. I have rarely met someone with greater dedication to ordinary Americans, a stronger belief in the greatness of this Nation, or a more longstanding commitment to public service as an expression of that patriotism than DICK DURBIN.

This recent episode obviously has pained him a great deal because although I am new in the Senate, one of the things I am discovering is that we have a tendency, perhaps because we don't share as much time on the floor as we should, perhaps because our politics seem to be ginned up by interest groups and blogs and the Internet, we have a tendency to demonize and jump on and make mockery of each other across the aisle. That is particularly pronounced when we make mistakes. Each and every one of us is going to make a mistake once in a while. We are going to say something unartful; we are going to say something that doesn't appropriately describe our intentions. And what we hope is that our track record of service, the scope of how we have operated and interacted with people, will override whatever particular mistake we make.

Senator DURBIN has established himself as one of the people in this Chamber who cares deeply about our veterans and our troops. He hasn't just talked the talk, he has walked the walk. I have been distressed to see my partner from Illinois placed in the situation in which he has been placed. I am grateful he had the courage to stand up and acknowledge that he should have said what he said somewhat differently. But I am also grateful that people, such as the distinguished Senator from Arizona and others, recognize this for what it was—a simple misstatement—and that now we can move on to talk about the substance of the issues that are of legitimate concern to this body, including making certain that when we operate institutions such as those at Guantanamo, we hold the United States to that high standard that all of us expect.

I yield the floor.

AMENDMENT NO. 826

The PRESIDING OFFICER (Mr. BURR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I thank the leader for allowing me to get in about 10 minutes to respond to some of the things said about the McCain-Lieberman legislation. First of all, I know how sincere both Senators MCCAIN and LIEBERMAN are. They deeply believe in their cause.

However, as chairman of the Environment and Public Works Committee, I feel compelled to refute some of the things that have been said. So what I have done—and I think I can do this in a very short period of time—is look at some of the statements made and respond to them. Now, tomorrow, we will have enough time to get into a lot of details. I have charts I wish to show. I will give a full-blown presentation. For tonight, I will let my colleagues know there are a lot of things we should be looking at and not just assuming that everything that has been said is true. I know they believe it, but some of these things are not true.

First of all, the discussion on hurricanes—that hurricanes are going to be impacted in a way that will be detrimental and we are all going to blow away. Let's keep in mind that the same people who are talking about global warming and all of the catastrophic things are the same ones who were talking about gobal cooling about 25 years ago, saying that another ice age is coming, that we are all going to die. On hurricanes, according to Dr. Christopher Lansey, one of the foremost experts today on hurricanes, he said that hurricanes are going to continue to hit the United States on the Atlantic and gulf coast, and the damage will probably be more extensive than in the past, but this is due to natural climate cycles, which cause hurricanes to be stronger and more frequent and rising property prices on the coast, not because of any affect of CO_2 emissions on weather. He goes on to say that it is determined that the total number of Atlantic hurricanes making landfall in the United States decreased from the normalized trend of U.S. hurricanes. The damage reveals a decreasing rate. In other words, they are decreasing. Finally, contrary to the belief—this is Dr. Christopher Lansey—reducing CO_2 emissions will not lessen the impact of hurricanes.

We can say anything we want on the floor of the Senate. These are scientists. He says the best way to reduce the toll hurricanes will take on coastal communities is through adaptation and preparation. I believe that is true.

Second, they brought up the Arctic. I think when you look at some of the reports on the Arctic—I will quote from the report that was given before the Commerce Committee, Senator MCCAIN's Committee, at that time. He said:

Arctic climate varies dramatically from one region to another and, over time, in ways that cannot be accurately reproduced by climate models. The quantitative impacts of natural and anthropogenic factors remain highly uncertain, especially for a region as complex as the Arctic. In contrast to global and hemispheric temperatures, the maritime Arctic temperature was higher in the 1930s through the early 1940s than it was in the 1990s.

That contradicts everything that has been said about the Arctic. I will elaborate on this tomorrow.

It has been stated by one of the proponents of the McCain-Lieberman bill that there are modest costs involved. I will look at the impact. This is the CRA International analysis—not of S. 139 as it was before but as it has been pared down and supposedly will have less economic impact. They said that enacting McCain-Lieberman will cost the economy $507 billion in year 2020. Enacting McCain-Lieberman would mean a loss of 840,000 U.S. jobs in 2010. It will result in 1.306 million jobs in 2020. That is not just a domino effect. Enacting McCain-Lieberman would cost the average U.S. household up to $810 in 2020. The figure used before was $2,700 for the average family of four.

The NAS, a letter about the NAS, let's take a look at that. The National Academy of Sciences—and I will quote out of their report—said:

There is considerable uncertainty and current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols.

Further quoting:

A casual linkage between the buildup of greenhouse gases and the observed climate change in the 20th century cannot be unequivocally established; thirdly, the IPCC—

That is the report of the International Panel on Climate Change of the United Nations.

Summary for policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

Again, that is the National Academy of Sciences.

The Senator from California brought up the hockey stick theory. I believe that deserves more time than we will have tonight. I plan on talking about this tomorrow because when Michael Mann came up with the whole hockey stick theory, he talked about projecting the temperatures over the period of time, until the 20th century came along, and then they went up and off the charts. What he neglected to say, I say to my friend from Connecticut, is that there was another blade to this hockey stick, and that was the blade there during the medieval warming period. It is pretty well established now that the temperatures during the medieval warming period were actually higher than they were during this century—the current blade he talks about. That is significant. We will have a chance to elaborate on that.

Finally, in the timeframe I have, I will say that when it is referred to that the Senator from Oklahoma will come up with some ''obscure'' scientist who might disagree, you are right, he will, because there are a lot of them out there who are pretty well educated. The Oregon Petition was made up of 17,800 scientists. I will quote from their report. They said:

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing, or will in the foreseeable future cause, catastrophic heating of the earth's atmosphere and disruption of the earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the earth.

I think we are going to have an opportunity—at least I will—to talk about many of the other scientists. At least we have to come to the conclusion that there are uncertainties out there. I think the people who try to say the science is settled believe that if they keep saying the same thing over and over again, people will believe it. Quite frankly, there is a very friendly media to the alarmists, those who want to believe there is a real serious problem that, No. 1, the climate is changing; and, No. 2, the changes are due to anthropogenic gases or manmade gases, when, in fact, the science is not settled.

I believe this is very important for people to realize. People might ask the question, If the science is not settled and if there is that much of an economic problem with this, then what could be motivating people to be so concerned about our signing on to the Kyoto treaty? Margot Wallstrom is the EU Environment Commissioner. She said that Kyoto is about the economy, about leveling the playing field for big business worldwide. Another hero to some, Jacques Chirac, had a lot to say when he weighed in. Talking about it has nothing to do with climate change, he said that Kyoto represents the first component of an authentic global governance.

There are people who are motivated by wanting to effect economic damage to our country. Tomorrow, we will have opportunity to cover in much more detail the fact that there is another side to this story.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The senior Senator from Ohio.

Mr. DEWINE. What is the pending business?

The PRESIDING OFFICER. The current business is amendment No. 826 offered by the Senators from Arizona and Connecticut.

Mr. DEWINE. I yield to my colleague from New Mexico.

Mr. DOMENICI. Mr. President, I have already told the minority what I was going to do if I can get an understanding. Senators DEWINE and KOHL want to offer an amendment. I ask them if they could complete their amendment—allowing the Senator from New Mexico 1 minute—in 6 minutes between the two.

Mr. DEWINE. We can certainly do whatever the Senator would like us to do.

Mr. DOMENICI. I am not trying to tell you; I am asking if you can do that.

Mr. DEWINE. Yes.

Mr. DOMENICI. That will be voice voted, however it turns out. Then we are going to proceed, without objection, to Senator VOINOVICH, who has an amendment which has been circulated for a while. He desires to debate that amendment and have a rollcall vote, correct?

Mr. VOINOVICH. Yes.

Mr. DOMENICI. If anybody wants to speak in opposition, I will ask that they have 1 minute and that you have 6 minutes on your side. Is that satisfactory?

Mr. VOINOVICH. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent for that.

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

Mr. DOMENICI. I ask that it be in order to ask for the yeas and nays now for the Voinovich amendment when it is appropriately before the Senate.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. We can proceed with the rest of the consent agreement, and then we are back on the Senator's amendment. If I failed to ask that the McCain-Lieberman be temporarily set aside while this is occurring, I so request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, let me understand the unanimous consent agreement. The pending amendment would be set aside.

The PRESIDING OFFICER. Senator DEWINE and Senator KOHL will be recognized for 6 minutes.

Mr. MCCAIN. And Senator VOINOVICH will be recognized, and we will have a vote following that; is that correct?

The PRESIDING OFFICER. That is correct. And one addition; the Senator from New Mexico wants 1 minute to speak.

Mr. MCCAIN. Now I understand.

Mr. DOMENICI. I thank the Senator. I am sorry I did not make it clear enough. I yield the floor.

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

The senior Senator from Ohio is recognized for 6 minutes.

AMENDMENT NO. 788

Mr. DEWINE. Mr. President, I send to the desk amendment No. 788.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. KOHL, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Mr. COBURN, Mr. LEVIN, Ms. SNOWE, Mrs. BOXER, and Mr. DAYTON, proposes an amendment numbered 788.

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

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

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the appropriate place, insert the following:

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2005'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

Mr. DEWINE. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DEWINE. Mr. President, today I join my colleague, Senator KOHL, and 16 cosponsors to offer the No Oil Producing and Exporting Cartels Act of 2005 to the Energy bill. This amendment would give the Department of Justice and the Federal Trade Commission legal authority to bring an antitrust case against the Organization of Petroleum Exporting Countries.

We need this amendment because, simply put, gas and oil prices are too high, and it is time that we do something about it. Every consumer in America knows that gasoline prices are simply too high.

What is the cause? There are a number of causes, but certainly one of them, the primary cause, is the increase in imported crude oil prices. Who sets these prices? OPEC does. The unacceptably high price of imported crude oil is a direct result of price fixing by the OPEC nations to keep the price of oil unnaturally high.

What this amendment does is to give the executive branch permission or authority—it does not compel them to do it—it gives them authority to file under our antitrust laws against OPEC. If this was any other business, if this was any business in this country or any other international business, they could be filed against. What this amendment simply does is it makes it very clear that they come under our antitrust laws.

It is the right thing to do. I ask my colleagues to adopt the amendment.

Mr. President, I yield to my colleague, Senator KOHL.

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

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes 50 seconds.

Mr. KOHL. Mr. President, I rise to offer, with Senator DEWINE, an amendment which will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. Indeed, it is time for the U.S. Government to fight back on the price of oil and hold OPEC accountable when it acts illegally. This amendment, identical to our NOPEC bill, which passed the Judiciary Committee unanimously three times over the past 5 years, most recently this past April, will enable our Government to hold OPEC member nations to account under U.S. antitrust law for illegal conduct in limiting supply and fixing prices in violation of the most basic prices of free competition.

Let me tell you what our amendment does and what it does not do. What it does is it simply authorizes our Government to take legal action against OPEC member nations to participate in a conspiracy to limit the supply or fix the price of oil. But this amendment will not require the Government to bring legal action against OPEC member nations. This decision will remain entirely in the discretion of the executive branch. Private suits are not authorized. All our amendment will do is give our law enforcement agencies a tool to employ against the OPEC oil cartel. The decision whether to use this tool will be entirely up to the administration. They can use this tool as often as they see fit, however they see fit to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations that warrant it.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit or fix price. There can be no free market without this foundation, and we should not permit any nation to flout this fundamental principle.

There is nothing remarkable about applying U.S. antitrust law overseas. Our Government has not hesitated to do so when faced with the clear evidence of anticompetitive conduct that harms American consumers. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price-fixing scheme. But OPEC members have used the shield of sovereign immunity to escape accountability for their price fixing. The Foreign Sovereign Immunities Act, however, already recognizes that the commercial activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit as OPEC nations do.

The suffering of consumers across our country in the last year demonstrates yet again that this legislation is necessary. Our amendment will have, at a minimum, a deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. It will force OPEC member nations to face substantial and real antitrust sanctions should they persist in their illegal conduct.

Before yielding the floor, I want to express my gratitude to my good friend and colleague, Senator DEWINE, for all his efforts over the past 5 years on this important measure. I also wish to thank the many cosponsors who have joined us on this amendment, including the chairman and the ranking member of the Judiciary Committee.

I thank the Chair. I yield the floor.

Mr. LEAHY. I am proud to cosponsor this amendment, as I have been glad to cosponsor the ''No Oil Producing and Exporting Cartels Act,'' which we have been working to pass since 2001. I commend our lead sponsors Senators DeWine and Kohl.

I wish that we could have considered and passed this bill, S. 555, on its own. This bill passed out of the Judiciary Committee with overwhelming support earlier this year. I have repeatedly called for its consideration by the Senate over the last several months.

In the face of crude oil prices over $55 a barrel and gas prices at historic and sustained high levels, and in the face of determined inaction by the White

House, we must seize whatever opportunity presents itself.

It is long past time for the Congress to hold OPEC accountable for its anticompetitive behavior. This amendment will prevent the U.S. from being at the mercy of the OPEC cartel by making them subject to our antitrust laws. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities.

In March of 2004, more than a year ago, I wrote Senator HATCH to request a hearing about the skyrocketing cost of gasoline. In that letter, I raised concerns that this increase was largely due to market manipulation by OPEC, and I cited the high average price for a gallon of gasoline, which at the time was around $1.74. Many of us would today consider that price a bargain, having been forced to pay over $2.00, and even more this year. At that hearing, witnesses told us what we had suspected to be true: The price of crude oil, determined by OPEC's artificial production quotas, is the factor that most explains the price Americans pay at the pump.

The artificial pricing scheme enforced by OPEC affects all of us. This week, Vermonters were paying $2.10 for a gallon of regular gasoline, just three cents below the national average. These prices affect everyone. Higher fuel prices can add thousands of dollars in yearly costs to a 100-head dairy operation in the Northeast. And as our summer months approach, many families are going to find that OPEC has put an expensive crimp in their plans. Some are likely to stay home—others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

Rising interest rates are also adding to the burden felt by working Americans. Pension insecurity is another catastrophe for some and a looming specter for too many others. Millions of Americans who trusted that the pensions they were promised by their employers would be there for them when they retired are being shocked by rulings in bankruptcy cases that let their employers off the hook and turn their pension security into a hollow promise.

Congress needs to do more. The administration needs to do more. Authorizing action against illegal oil price fixing and taking that action without delay is one thing we can do without additional obstruction or delay.

Last month, as some Republicans were pushing this body to the brink of the so-called nuclear option, Americans were thinking not about the handful of controversial judicial nominees on which the Senate was fixated, but about the pinch they feel at the pump every time they fill up their cars. A survey by the Pew Research Center for the People & the Press showed that Americans were following news about gasoline prices more closely than any other story, including the ongoing conflict in Iraq. It is long passed the time for walking hand-in-hand with Saudi princes and exchanging kisses with those who are responsible for the artificially high prices that are gouging American working families at the pump.

The President's solution to high gasoline prices this summer is to open the Arctic National Wildlife Refuge, pristine wilderness area, to oil drilling. The only catch is drilling in ANWR will not provide any new oil for at least 7 to 12 years. ANWR drilling will do absolutely nothing to help my constituents who have sticker shock at the gas pump or will be facing record-high home heating prices in a few months.

This amendment will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now, rather than waiting for another decade.

Again, I am pleased to support this amendment and urge my colleagues to maintain it in the final version of the bill. After the years of Judiciary consideration, including a hearing on this topic, after twice reporting the measure to the Senate, it is time for Senators to finally say ''no'' to OPEC.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There is 20 seconds.

Mr. DEWINE. Mr. President, this is what our bill says: When you want to do business with America, you must abide by our antitrust laws and rules of the free market. When OPEC one day abides by the rules of the free market, we will all see lower oil and gas prices. That is what this amendment is about.

I yield the floor. I thank Senator DOMENICI.

The PRESIDING OFFICER. All time has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously I am letting this amendment proceed, but, frankly, I do not think the amendment should be on this bill. I do not think it could ever become law. The United States has never done this. These are sovereign nations, and for us to decide here on the Senate floor that we are going to establish some new forum for jurisdiction and litigation against the OPEC cartel is nothing short of incredible.

Nonetheless, I do not question the goodwill and the authenticity of the two Senators in their approach. They do not insist on a rollcall vote, and I will not insist on one. We will, therefore, have a voice vote. I hope those who are listening to this and see what we do understand that the Senate does things different ways at different times.

After the amendment is adopted by voice vote, I will tell the Senate and those interested what is going to happen to the amendment.

I yield the floor and suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 788.

The amendment (No. 788) was agreed to.

Mr. DOMENICI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, we are going to proceed to the Voinovich amendment. I thank Senator DEWINE for accommodating us tonight and for his good intention. I wish we could do something and accomplish what he wanted to do today. I want everybody to know because we had a voice vote and accepted this amendment, we will go to conference with the House. It should be clearly understood that the House does not have anything like this. I want everybody to know that this amendment is going to have to be bundled up with this bill. Those are the rules. But it might get lost between the floor and the time we get over to the Senate, and we may not be able to find it when we get over there, just so everybody understands what the fate of this amendment is. But it has been adopted.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Ohio.

AMENDMENT NO. 799

Mr. VOINOVICH. Mr. President, I wish to make a brief statement before we vote on the Voinovich, Carper, Feinstein, Jeffords, Hutchison, Stevens, Clinton, Obama, Lautenberg, DeWine, Levin, and Alexander amendment. It is based on the Diesel Emissions Reduction Act of 2005, S. 1265. That bill is cosponsored by the Environment and Public Works Committee chairman, JIM INHOFE, Ranking Member JEFFORDS, Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN.

The bill was developed in close consultation with a strong and diverse group of environmental, industrial, and public officials. The groups range from the Environmental Defense, to the Union of Concerned Scientists, to the Associated General Contractors of America, to the Engine Manufacturers Association, to the Chamber of Commerce, to the National Conference of State Legislators.

The cosponsors and these groups do not agree on many issues, which is why this amendment is so special. It is focused on improving air quality and protecting public health. It establishes voluntary national and State level grant and loan programs to promote the reduction of diesel emissions. It authorizes $1 billion over 5 years, $200 million annually.

Onroad and nonroad diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide, and diesel retrofits have proven to be one of the most cost-effective emission reduction strategies. The

bill has a 13-to-1 cost-benefit ratio. Spectacular.

This would help bring counties into attainment with new air quality standards by encouraging the retrofitting and replacements of diesel engines.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support and is needed desperately. I urge my colleagues to vote for this amendment.

Mr. President, I would like to now yield the remainder of my time to my longstanding good friend, Senator CARPER, and say it is wonderful to be on the floor of the Senate cosponsoring with him an amendment that has such broad support.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator for the leadership he has shown on this particular issue to unite environmental groups and business groups, people from the Republican chairman of our Environment and Public Works Committee, to the junior Senator from New York on our side. It is a remarkable coalition that has been put together in a very short period of time.

With respect to diesel engines, there is good news and bad news. The good news is that diesel engines last a long time. The bad news is that old diesel engines that are still on our highways and roads last a long time. In fact, there are about 11 million of them. While next year our new EPA requirements for lean-burn, clean-burn diesel engines—so-called tier 2 standards—kick in and requirements for lower sulfur content diesel fuel kick in, we have 11 million older diesel vehicles, some of which will be around until 2030 belching out nitrogen oxide.

Half the nitrogen oxide we emit comes from these 11 million diesel engines—school buses, regular buses, boats, locomotives, trucks. That is where half of our nitrogen oxide emissions come from. It causes fog, and the particulates that come out of our diesel engines lead to all kinds of lung diseases in people young and old. That is the bad news.

There is some more good news. The good news is we can do something about it. Senator VOINOVICH and others said the thing to do is create a partnership with the Federal Government, State government, EPA, and some of the private sector folks to put in place retrofit devices on these older diesel engines to reduce emissions of nitrogen oxide and particulate, in some cases, by as much as 85 percent.

It is cost effective. The effect will be immediate. We do not have to wait until 2030 until these vehicles are off the road to start cleaning up our engines.

The last thing I will say is good environmental policy can also be good business policy. Companies such as Corning, Cummings, Caterpillar are making these devices and installing these devices, and they will do a whole lot more in the days to come. They will make money, a profit, from doing this. They will create products that can be exported, not jobs but products that can be exported to other parts of the world.

We will have cleaner air and, frankly, a stronger economy. That is a great win-win situation for all of us. I am delighted Senator VOINOVICH proposed this. I am delighted to join him as a principal sponsor on our side and anxious to get this vote recorded.

My hope is that maybe we can actually pass this unanimously. That would be a wonderful thing for our country and a good thing for this bill. I thank my friend from Ohio for yielding this time and providing such terrific leadership.

Mr. LEVIN. Mr. President, I am pleased to join my colleague from Ohio as a cosponsor of this important amendment to improve air quality and public health by reducing emissions from diesel engines.

I believe that this amendment will take important strides not only toward the stated goal of reducing emissions but also in making advanced clean diesel technology more viable in the United States. Diesel engines now can increase fuel economy by as much as 25 to 40 percent. If we can do that—and do it without harmful tailpipe emissions—we could make significant progress toward improving overall fuel economy and reducing our oil consumption.

This bipartisan amendment would establish national and State grant and loan programs to promote reduction of diesel emissions. The amendment authorizes $200 million annually for 5 years to fund programs that will help us to replace older diesel technology with newer, cleaner diesel technology. The grant program, which will be administered by the Environmental Protection Agency, has the potential to result in significant reductions in diesel particulate matter and help communities in meeting national ambient air quality standards.

Under this amendment, 70 percent of the funds available would be to provide grants and low-cost revolving loans on a competitive basis for retrofit of buses, heavy duty trucks, locomotives, or non-road engines to help achieve significant emissions reductions particularly from fleets operating in poor air quality areas. The remaining 30 percent of the funds would go for grant and loan programs administered by states.

The important steps that will be taken by these programs offer great promise for reducing diesel emissions and making clean diesel a commercially viable advanced vehicle technology in the U.S. Our friends in Europe have taken advantage of the opportunities that diesel offers for improving fuel economy and reducing oil dependence. We have not been able to do so here in the U.S. because of our concerns about tailpipe emissions. Initiatives such as those included in this amendment will help the U.S. to develop advanced diesel technology that will be able to meet our emissions standards in a cost-effective manner.

I am pleased to join my colleagues today in supporting this amendment.

Mr. INHOFE. Mr. President, I rise in support of the Voinovich amendment on diesel emissions reductions. I am an original cosponsor of the legislation which is the same as this amendment. I agree with the intent of this amendment, I believe it is helpful to provide a voluntary national and state-level grant and loan program to promote the reduction of diesel emissions. However, I am concerned that this proposal is being rushed through the process without the benefit of consideration by the committee of jurisdiction, the Environment and Public Works Committee, which I chair.

I would prefer, prior to Senate action, that the Environment and Public Works Committee conduct legislative hearings on the issue, and ensure that the program design meets its goals in a cost-effective manner. I am concerned about the $1 billion cost of the program and I believe the goals might be accomplished with a smaller sum. I also believe that if this amendment is adopted, it needs to be reconciled with section 723 of this bill. I hope these issues will be given consideration as this legislation is reconciled with the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I did not hear. Pardon me. What is the question?

Mr. CARPER. I have no question.

Mr. DOMENICI. Are we finished? Is the Senator finished with his time?

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I understand that there is no further time. I am supposed to sit down. We are not supposed to ask for a motion, say we move to proceed, we just sit down, and then the Chair does it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 799. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

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

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—92

Akaka	DeWine	McConnell
Alexander	Dodd	Mikulski
Allard	Dole	Murkowski
Allen	Domenici	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Inouye	Shelby
Chafee	Isakson	Smith
Chambliss	Kennedy	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Leahy	Sununu
Collins	Levin	Talent
Cornyn	Lieberman	Thomas
Corzine	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
Dayton	Martinez	Wyden
DeMint	McCain	

NAYS—1

Enzi

NOT VOTING—7

Conrad	Johnson	Thune
Dorgan	Kerry	
Jeffords	Lautenberg	

The amendment (No. 799) was agreed to.

Mr. DOMENICI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are not going to have any additional votes tonight. That is the first announcement I would like to make. But I also would like to suggest that, while the principal amendment, in terms of time tomorrow, is the McCain-Lieberman amendment on global climate change, there are now a number of amendments that are percolating up on the Democratic side predominantly. We are unable yet to come up with a list, but we are trying.

It seems the distinguished Senator from New York, standing right in front of me, might have one we could go with rather quickly in the morning and perhaps the Senator from California, but I have to consult both with Senator BINGAMAN, obviously, and others.

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

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

Mr. ENZI. Mr. President, I am here to speak on the importance of a national energy policy and to express my staunch opposition to the inclusion of an amendment offered by my colleagues from Arizona and Connecticut that creates a mandatory carbon cap and trade program.

Before doing so, however, I want to take a moment to thank the chairman of the Energy and Natural Resources Committee, Senator DOMENICI, for his hard work on the bill. Senator DOMENICI has worked exceedingly hard to craft truly bipartisan consensus legislation. I commend him for that work. I commend everyone that has worked on this bill under his direction. It is extremely important we have an energy policy.

I remember 1973 when OPEC shut off the supply. We had gas lines for what little natural gas there was. At that time, the seat I now hold was held by Senator Cliff Hansen from Wyoming. He expressed the need for an energy policy. Ever since that time we have been talking about the need for an energy policy. Now is the time we can have an energy policy. Let's finish the job.

From the time I was first elected to be the mayor of Gillette, WY, during the energy boom years of the 1980s, I have advocated the need for a comprehensive national energy policy. I come to the Senate today as a strong advocate for such a policy and to share my support for the version of the bill pending before the Senate. We have debated the merits of a comprehensive Energy bill for years. We have come close to passing an Energy bill on a number of occasions. At the end of the day, however, the Congress has not made those discussions a reality and our inaction has caused the energy situation in our Nation to worsen.

Oil prices have reached nearly $60 a barrel, more than double what they were in 2000. Unfortunately, as our demand for gasoline has increased, our Nation's refining capacity has not. This has led to record-high gasoline prices, and while high natural gas prices have helped my State, they continue to have damaging effects on consumers across the Nation.

Without a comprehensive national energy strategy, there is no end in sight for the problems we see. The high energy prices that are hurting small business will continue to make increased investment in those businesses difficult. The high energy prices that limit the ability of families to go on vacations will continue to make those trips more and more rare. The high energy prices that make it difficult for lower income people to pay their bills each month will continue to price them out of proper heating in the winter and proper cooling in the summer.

Never before has there been a time when it is more appropriate for Congress to act. Before the Senate, we have a comprehensive Energy bill that is a step in the right direction. This bill balances the need for increased domestic production while maintaining a commitment to environmental protection and energy conservation. It will help reduce our dependence on foreign sources of oil and will enhance our energy security.

This bill provides a blueprint for future energy production. At the same time, it addresses our energy needs of today. In its current form, the bill recognizes that the production of energy and the protection of environment are not mutually exclusive. It recognizes we can grow our economy and conserve energy.

Specifically, I am pleased this bill includes a number of important provisions that support and promote clean coal development. Coal is an extremely important resource in Wyoming and throughout our Nation. We have as many Btu's in coal in Wyoming as the Middle East has in oil. Wyoming has the largest coal reserves in our Nation. In fact, the county in which I served as a mayor has more coal than most foreign countries. Thus, any comprehensive energy solution that seeks to lessen our dependence on foreign energy sources must make coal a central part of the discussion.

Recognizing this, H.R. 6 authorizes $200 million per year for fiscal years 2006 through 2014 to be spent on clean coal technologies. It also incorporates a number of necessary changes to the Mineral Leasing Act to promote the development of our Federal coal resources.

The bill also repeals the Public Utility Holding Company Act of 1935, also known as PUHCA. PUHCA was enacted to eliminate unfair practices and other abuses by electricity and gas holding companies by requiring Federal control and regulation of interstate public utility holding companies. In 1935, that made sense. But today, with the oversight by the Federal Energy Regulatory Commission, by State public utility commissions, by the Department of Justice, and by the Federal Trade Commission, what was once a useful and necessary tool now unnecessarily stands as a barrier to increased investment in transmission capacity.

I am pleased that the tax title of the bill includes a provision to address our Nation's need for increased refinery capacity. I am pleased that it promotes increased investment in renewable technologies, such as wind power and hydrogen. There is no question that we need to pass the energy bill we are debating because it will truly benefit our nation.

While I support this bill as it is currently written, the amendment that is currently pending would have a disastrous effect on our economy and would ignore principles that the Senate laid out in previous debates dealing with the issue of climate change. Passage of an amendment like the one before us, that would implement a mandatory carbon cap-and-trade program, would jeopardize my support of the overall bill. I want to take a moment to share my staunch opposition to that amendment.

Climate change is a topic that we have debated for years. This topic should be familiar to us. Nonetheless, it is important to share a historical

perspective about where the Senate stands on climate change and to make clear that the proposal we are discussing, which implements a mandatory carbon cap-and-trade program, flies in the face of the Senate's stated position on global climate change.

I took advantage of the opportunity to go to Kyoto for the global climate change conference that was held there. At that conference, the Kyoto Protocol was drafted. One of the things I noticed when I got to the conference was that the United States was the only country there that thought it was an environmental conference. The rest of the world approached it as an economic conference, one where they had an opportunity to slow down the U.S. economy and allow for growth in their nations.

On the other hand, we approached it as an environmental conference. In doing so, we laid out some strict guidelines for our delegation to work within as they tried to reach an agreement. Unfortunately, on the last night some of those were compromised. The United States made some agreements that would be impossible for us to ever meet.

Before the debate first began in Kyoto about the need to control carbon emissions—that was in 1997—the Senate made a clear and direct statement of principle on that subject. When it came to negotiations on climate, we stated that any agreement that did not treat all nations, both developed and developing, equally was unacceptable. We also made it clear that we would not support an agreement that would cause serious harm to our economy. By a vote of 95 to 0, on July 25, 1997, the Senate approved the Byrd-Hagel resolution that explicitly stated the Senate's position.

The Byrd-Hagel resolution addressed the concerns of those who believe that a global climate change policy would ''result in serious harm to the United States economy, including significant job loss, trade disadvantages, and increased energy and consumer costs.''

It also addressed concerns that any effort to reduce global emissions would be imposed only on developed nations, ignoring developing nations where emissions would continue to rise without any effective controls. Let me repeat that again. We would oppose any efforts to reduce global emissions that would be imposed only on developed nations, ignoring the developing world where emissions would continue to rise without any effective controls.

Now, the Senate agreed to take this position in the 105th Congress. Since that time, nothing has changed. The science behind global climate change remains uncertain. The modeling that many used to ''prove'' that climate change exists remains fatally flawed. Yet we continue to have the same debate year after year.

We ignore the fact that the Bush administration has taken steps to reduce our carbon emissions. We ignore the fact that as a nation we are doing better than nearly every European signatory of the Kyoto Protocol when comparing greenhouse gas intensity reductions.

We also ignore the fact that climate change is a global problem. Unless we engage the developing world, whatever reductions we have in the United States will not improve the situation on a global scale.

We are just a couple of years from having China exceed the emissions that we have in the United States. They will do so without any of the environmental safeguards that we have already put in place.

When I was at the Kyoto conference, I had an opportunity to meet with the Chinese delegation. I had a couple things that I was interested in: One, why they thought, as a developing nation, they should not have to do anything to address climate change; and, just as importantly, at what point they thought they would no longer be a developing nation so they could participate in this.

They let me know they expected to always be a developing nation and to never have a part in the Kyoto Protocol. It is pretty easy to sign something that you do not have to do anything on, especially when it will force one of your main economic competitors to comply and reduce their production.

Then, I even asked: Is there any time at some future, unspecified date that you would be willing to participate? They said no. That is as loose as you can make it: some future, unspecified date. And they are not interested in participating.

Not only is the rest of the developing world not participating. The biggest polluter—in a couple of years—is not going to be a part of any of the action to reduce carbon emissions in the world.

Now, instead of working to improve the science and to improve technologies that will inevitably reduce the amount of carbon released into the atmosphere, a number of my colleagues focus on the need for a mandatory carbon cap-and-trade system. They focus on implementing what can only be described as another energy tax. Such a tax will cause the United States to lose jobs and will shift production to other parts of the world where the environmental standards are not as strict. Instead of having the effect of lowering the amount of carbon that seeps into our atmosphere, the effect will be the opposite as those developing nations allow for production without any environmental controls.

Yet, without sound science, without sound economics, and without the developing world, some Senators continue to insist that we must implement a cap-and-trade system in the United States.

As stated by the Cooler Heads Coalition:

> The risks of global warming are speculative; the risks of global warming policy are all too real.

The proposal offered by my colleagues from Arizona and Connecticut ignores the principles expressed in the Byrd-Hagel resolution. Passage of their mandatory cap-and-trade proposal will dramatically harm our economy at home without incorporating the developing world. It would lead to a drastic increase in transportation costs and home electricity costs. It would be costly for small business owners, and it would cause manufacturers to pay even more than they already do for natural gas.

Overall, according to the Independent Energy Information Administration, the Nation's energy costs would increase between $64 billion and $92 billion in 2010, between $152 billion and $214 billion by 2020, and between $220 billion and $274 billion in 2025.

My constituents simply cannot afford to have us enact such legislation. If we, as a Senate, really want to stand for improving global conditions, then we need to stand behind the principles of the Byrd-Hagel Resolution, as we did earlier this afternoon when we voted in favor of an amendment offered by the Senator from Nebraska. His legislation took a technology-based approach at home and encouraged the spread of the technology to the developing world. It made sound environmental and economic sense, and I voted in favor of that proposal.

While I oppose the pending amendment on policy alone, I think it is important for my colleagues to recognize the overall impact of including the current amendment in the Energy bill. Passage of this proposal has the potential to derail this important legislation. The Senate and House versions of the Energy bill are very different, and even without a climate change amendment, the conference with the House will be difficult. The addition of a mandatory carbon cap and trade program could be the poison pill that brings this Energy bill to a halt.

Why are we going to risk derailing a comprehensive Energy bill to implement a system that will harm our economy and will have little effect on the amount of carbon emissions released into the atmosphere? Why are we moving forward with something when the science behind the proposals remains unproven and the models used to prove that science remain flawed?

We must consider all of these issues as we cast our vote on this amendment. I will be opposing it, and I will urge other Members to do the same.

It is important to note, that although I oppose any attempt to include a mandatory carbon cap-and-trade program in the Energy bill, I strongly support the overall Energy bill. Comprehensive energy policy will undoubtedly benefit our Nation, and I look forward to working with my colleagues to finally make this legislation a reality.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 839

Mr. REID. Mr. President, on behalf of Senator LAUTENBERG, I call up amendment No. 839 and ask that once it is reported by the clerk, it be set aside.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LAUTENBERG, proposes an amendment numbered 839.

The amendment is as follows:

(Purpose: To require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison)

At the appropriate place, insert the following:

TITLE —SAVE CLIMATE SCIENCE

SEC. —01. SHORT TITLE.

This title may be cited as the ''Save Climate Scientific Credibility, Integrity, Ethics, Nonpartisanship, Consistency, and Excellence Act'' or the ''Save Climate SCIENCE Act''.

SEC. —02. FINDINGS.

The Congress finds the following:

(1) Federal climate-related reports and studies that summarize or synthesize science that was rigorously peer-reviewed and that cost taxpayers millions of dollars, were altered to misrepresent or omit information contained in the underlying scientific reports or studies.

(2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies.

(3) Such alteration of Federal climate-related reports and studies raises questions about the credibility, integrity, and consistency of the United States climate science program.

SEC. —03. PUBLICATION REQUIREMENT.

(a) IN GENERAL.—Within 48 hours after an executive agency (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President 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 make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public both the final version and the last draft version before it was modified to reflect those comments.

(b) FORMAT AND EASE OF COMPARISON.—The documents shall be made available—

(1) in a format that is generally available to the public; and

(2) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 texts.

SEC. —04. ENFORCEMENT.

The failure, by the head of an executive agency, to comply with the requirements of section —02 shall be considered a failure to file a report required by section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. —05. ANNUAL REPORT BY COMPTROLLER GENERAL.

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section —02 by executive agencies that includes information on the status of any enforcement actions brought under section 104 of the Ethics in Government Act of 1978 (5 U.S.C. App.) for violations of section —02 of this Act during the 12-month period covered by the report.

SEC. —06. WHISTLEBLOWER EXTENSION FOR DISCLOSURES RELATING TO INTERFERENCE WITH CLIMATE SCIENCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 2302(b)(8) of title 5, United States Code, are amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by inserting after clause (ii) the following:

''(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading,''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1212(a)(3) of title 5, United States Code, is amended—

(A) by striking ''regulation, or gross'' and inserting ''regulation; gross''; and

(B) by adding at the end the following: ''or tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by inserting ''or'' at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''; and

(B) in paragraph (2)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking ''safety.'' in subparagraph (B) and inserting ''safety; or''; and

(C) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.''.

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Energy bill tomorrow morning, Senator FEINSTEIN be recognized in order to offer an amendment relating to LNG; provided further that there be 60 minutes equally divided for debate, with no second-degree amendments in order prior to the vote in relation to the Feinstein amendment.

I further ask that following the debate on the Feinstein amendment, Senator BYRD be recognized in order to offer an amendment related to rural gas prices; provided further, that when the Senate resumes debate on the McCain-Lieberman climate change amendment, there be 3 additional hours for debate, with Senator MCCAIN or his designee in control of 90 minutes, Senator DOMENICI in control of 30 minutes, and Senator INHOFE in control of the remaining 60 minutes; further, that following that debate, the Senate proceed to a vote in relation to the McCain amendment and there be no second-degree amendments in order to the amendment prior to the vote. I understand this has been cleared.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. DOMENICI. Mr. President, we had another good day debating the amendments on this Energy bill, and we disposed of a number of them. We are going to return tomorrow with a lineup in the morning, and we are going to talk about that in a minute. We are going to have amendments relating to the LNG, liquefied natural gas, the world gas prices, to SUVs and the continuation of the climate change debate. Having said that, I remind everyone this is our second week of considering this bill. I am very pleased and thankful for the cooperation we have had on both sides of the aisle. Our leader has said on a number of occasions that we need to finish this bill this week. Therefore, on behalf of the majority leader, I now send a cloture motion to the desk to the underlying bill.

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

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 6, a bill to ensure jobs for our future with secure, affordable, and reliable energy.

Bill Frist, Pete Domenici, Lamar Alexander, Kay Bailey Hutchison, Jim DeMint, Michael Enzi, Ted Stevens, Larry Craig, Craig Thomas, Mike Crapo, Conrad Burns, David Vitter,

Richard Burr, Kit Bond, Wayne Allard, Jim Inhofe, Lisa Murkowski, George Voinovich.

Mr. DOMENICI. I ask unanimous consent that the live quorum be waived.

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

Mr. DOMENICI. For the information of all Senators, this vote will occur on Thursday. In the meantime, I expect another full day to tomorrow with votes throughout the day. The cloture vote Thursday will enable us to bring this debate to a close and have a final vote on passage of the Energy bill this week.

MORNING BUSINESS

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

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

JUVENILE DIABETES

Ms. LANDRIEU. Mr. President, I thought I would take a moment to acknowledge that here with us today around the Capitol are hundreds of young advocates for a cure for juvenile diabetes. There are three young women who came to my office a few moments ago: Dominique Legaux, Liz Kramm, and Laura Rutledge. I would like to take this opportunity to submit their letters for the RECORD. All of these letters call on us to focus on the challenges before so many of our young people with juvenile diabetes and call on us to explore the possibility of stem cell research on their behalf.

I thank the chairman. I ask unanimous consent these letters be printed in the RECORD.

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

DEAR SCHEDULER CENICOLA, thank you for talking the time to schedule a meeting between myself and Senator Landrieu. I know that you must be very busy, but your time will not be wasted scheduling this meeting. The continued research for juvenile diabetes is very important to me and I wish to convey this message to Senator Landrieu on June 21.

Many thanks,

DOMINIQUE LEGANX.

DEAR MS. AMY CENICOLA, my name is Liz Kramm and I am a children's delegate for JDRF's 2005 Children's Congress. Thanks so much for helping me set up a meeting with Senator Landrieu on the 21st of June.

Many thanks,

LIZ KRAMM.

DEAR MS. CENICOLA, my name is Laura Rutlege, I am eleven years old, and I am a 2005 Juvenile Diabetes Research Foundation Children's Congress delegate. I was diagnosed with Type One Diabetes when I was 17 months old. I suffer daily and deal with a lot of self-control and discipline. Thank you for helping me meet with Senator Landrieu on June 21!

Many thanks,

LAURA RUTLEDGE.

Ms. STABENOW. Mr. President, will my colleague yield for a question?

Ms. LANDRIEU. For one moment, yes.

Ms. STABENOW. Mr. President, I was going to ask a question relating to stem cell research. I had a wonderful group of young people from Michigan in my office as well. I commend the Senator from Louisiana for bringing up this issue. We have families here talking literally about saving lives and about hope for their children.

I am hopeful, as I am sure the Senator from Louisiana is, that we will, by July, have the opportunity to bring before this body the very important issue of stem cell research and have a vote by this body.

I thank my colleague from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Michigan. I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

EXPLANATION OF ABSENCE

• Mr. DORGAN. Mr. President, I will be necessarily absent from the business of the Senate for a portion of today in order to attend the high school graduation ceremonies for my son. I will also necessarily be absent from the Senate beginning tomorrow afternoon and continuing into late afternoon Thursday, in order to join my colleagues from North Dakota and Minnesota to attend the hearings of the base-closing commission that are being held in Grand Forks, ND. I have notified the leadership of these expected absences.•

DEMOCRACY AND HUMAN RIGHTS EDUCATION IN MIDDLE EAST

Mr. CHAFEE. Mr President, I recently spoke on the floor about the Ninth Annual World Congress on Civic Education in Amman, Jordan sponsored by the Center for Civic Education. The purpose of that conference was to share information about successful education programs under the Civitas: An International Civic Education Exchange Program, an authorized program of the No Child Left Behind Act and one which is helping to strengthen democratization efforts throughout the world.

A recent news editorial in The Jordan Times supporting the goals of the conference and the outstanding work the Center for Civic Education and their international colleagues are doing in this strategic part of the world was welcome support. I ask unanimous consent that the editorial from The Jordan Times on Sunday, June 5, 2005, be printed in the RECORD.

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

[From the Jordan Times, Jun. 5, 2005]

CIVIC RESPONSIBILITY

Parents, teachers and official policy makers should be keeping a keen eye on an important congress taking place in Amman this week—the World Congress on Civic Education. But more importantly, they, and all citizens should be made aware of the work of the Jordanian Centre for Civic Education Studies (JCCES) and the Arab Civic Education Network (Arab Civitas)

In a nutshell, these organisations are teaching our children about being good citizens. They are teaching them about not only their rights as citizens. but also their responsibilities. They are teaching elementary school students to respect the basics of democracy by engaging them, through stories, on the concepts of responsibility, privacy, authority and justice.

To many, democracy, and all that it entails, is taken for granted. It never should be.

That Jordan brought back an elected Parliament in 1989 was a milestone in the process of the country's democratisation. And while that process has been confronted with obstacles that have contributed to its regression, one arena that can save and enhance it is educatlon.

It was therefore encouraging to hear Minister of Education Khalid Touqan address the opening plenary of the congress on behalf of Her Majesty Queen Rania and say that ''efforts are still being exerted to make democracy part of our daily life, in families, schools, public life and mass media.''

When the ministry accepted to introduce civic education as a separate subject in the Kingdom's schools, the first big step was taken. Today, the Project Citizen programme, being undertaken in schools as well as universities through the JCCES and Arab Civitas, is preparing generations of civic-minded citizens by educating them and involving them in problem-solving issues affecting their community and society, such as pollution, basic utilities, elections, the jobless rate and taxes. The programme helps instill a sense of community responsibility while educating the students on their rights.

It is precisely this sort of awareness that will help motivate citizens to vote for candidates who will fulfil their needs, not tribal members who will perpetuate the culture of ''waste.'' It is precisely this sort of programme that will help guarantee His Majesty King Abdullah's plan to bring local government back to the people and this time have it work.

This is why the JCCES and Arab Civitas projects and programmes must be supported and even extended to the larger community.

TRIBUTE TO SENATOR JIM EXON

Mr. LEVIN. Mr. President, it's an honor to pay tribute to a great man, a distinguished Senator, and a dear friend who passed away on June 10, Senator Jim Exon of Nebraska.

Last week, I joined several of my colleagues in attending his funeral in Lincoln, NE. It was inspiring to be with the people who knew him best and loved him most. Jim was a giant in Nebraska politics not because of the power he wielded but because of the respect and affection he had earned.

Jim Exon was a decent man, without pretension or prejudice. He spoke plainly. He called it like he saw it. He did what he thought was right, regardless of the pressure that might have been put on him. Jim laughed the same wonderful, booming laugh with Presidents as he did with the people back home. He was a large man, and he had a heart to match.

That is why he was beloved in Nebraska and never lost an election, serving two terms as Governor and then three terms as Senator. That is why he was popular even as the father of the Democratic Party in an overwhelmingly Republican State. And that is why his friendship and kindness meant the world to me.

Jim and I were both members of the class of 1978, and we—and our wives—quickly became close friends. We served together on the Armed Services Committee; in fact, we sat next to each other for 18 years. We had honest, substantive debates about our defense policy, and I will always cherish the memories of that time. His only interest was the security and prosperity of our country and his beloved Nebraska.

Jim worked for a strong national defense. He supported responsible budget policies. And he was ahead of his time in warning against terrorism and arguing for a Department of Homeland Security. For so many of us, he was a source of wise counsel and trusted advice. With Jim, you could always be certain he was telling you what he thought was right, and he usually was right.

We will miss him terribly, but we are fortunate to have had him for so long. My thoughts and prayers, and those of my wife Barbara, are with his loving wife Pat and his entire family.

HONORING OUR ARMED FORCES

TYLER L. CREAMEAN, DUSTIN C. FISHER, AND PHILLIP N. SAYLES

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the lives of three very special Arkansans; Army Specialists Phillip N. Sayles, Tyler L. Creamean, and Dustin C. Fisher. They will be remembered by their family and friends as loving souls who lived their lives with energy and passion; they will be remembered by their Nation as dedicated soldiers who bravely answered their Nation's call to service and gave their lives in the defense of our freedom.

Those who knew Phillip Sayles often spoke of his quiet demeanor and the way he showed determination whenever there was a task at hand, focusing on getting the job done and never complaining. He called the central Arkansas town of Jacksonville home, and attended nearby North Pulaski High School. In school, he was active in the ROTC program, where his leadership skills and discipline quickly distinguished him with the qualities of a soldier. Spc. Sayles transferred to Cabot High School for his senior year and, upon his graduation in 1997, enlisted in the U.S. Army.

Despite being born in Texas, Tyler Creamean also spent most of his childhood in Jacksonville. Known for his energy and his light-hearted nature, he had a personality that allowed him to make friends with nearly everyone he encountered. He was also known for playing pranks and causing mischief but did not have a mean bone in his body. Instead, he had a gift for lightening dark moods and bringing a quick smile to the faces of those around him when they needed it most. Spc. Creamean attended Jacksonville High School but left after his sophomore year to join the Youth ChalleNGe Program, a 22-week program sponsored by the Arkansas National Guard to help young adults develop as leaders, earn their G.E.D. and acquire the skills necessary to succeed in life. It was an opportunity for Spc. Creamean to learn more about himself and what he wanted in life, and he did just that. He went on to earn the program's spirit award and shortly after his graduation, he joined the Army in April of 2003.

Spc. Sayles and Spc. Creamean were both a part of the Army's 25th Infantry Division and spent time at Fort Lewis in Washington prior to their service in Operation Iraqi Freedom. While in Iraq, Spc. Creamean served with the 73rd Engineer Company and conducted more than 600 patrols, sweeping roads for explosive devices and clearing the way so that fellow soldiers as well as Iraqi civilians could pass through safely. In late February, he returned home on leave and on February 24, his 21st birthday, he married the love of his life, his girlfriend KaMisha. KaMisha, also a soldier, was stationed at Fort Still, OK, and had begun preparations for her deployment to Iraq. As a result, Spc. Creamean now set his sights on reenlistment, so that his new wife would not have to serve in Iraq without him nearby.

Dustin Fisher was born in the Northwest Arkansas town of Fort Smith. He spent his childhood as many children do; hanging out with his friends, playing sports, and making life difficult for his sister. He was a fun-loving person who had a gift for story-telling and was always quick with a sarcastic remark to lighten a conversation. If looking for him, he could often be found cruising around town in his pink pickup truck, a gift from his father that he used to draw attention and meet girls.

Upon his graduation from Van Buren High School in 2001, Spc. Fisher tried a year of college but found it was not for him. It became apparent that he wanted to make something of himself, so he followed his father and brother into military service. Shortly after joining the U.S. Army, he was sent down to Fort Stewart, GA. At Fort Stewart, he not only seemed to find his niche in life, but he also met his soul mate, a young woman named Alicia. Her presence made him truly happy and two were married just days before his deployment to Iraq in late January.

While serving in Operation Iraqi Freedom, Spc. Fisher's mission often entailed escorting dignitaries across the war-torn country. Although it placed him in ever-present danger, he downplayed its significance to comfort his family and friends. Although he had originally thought of re-enlisting, he now considered returning home to be with Alicia and potentially become a firefighter. He had last been home for Christmas, and was looking forward to returning for a 2-week leave in late June.

Despite the many differences between these three Arkansans, each was a true soldier in every way. Not only did they share a love for their country, but they embodied a selfless courage in the name of freedom that continually put them in harm's way. One week in late May would ensure their fates would forever be intertwined. Early on May 22, while routinely sweeping a stretch of the main highway south of Mosul, Spc. Creamean's military vehicle hit a roadside bomb that killed him and a fellow soldier. On May 24, while escorting a high-ranking Iraqi official, Spc. Fisher was one of three soldiers killed when a car bomb exploded near their convoy. On May 28, Spc. Sayles was checking for weapons in three cars that had been pulled over by American troops in Mosul. An improvised explosive device was detonated nearby, killing him and wounding 21 others; including 13 American troops and 8 Iraqi civilians.

Words cannot adequately express the sorrow felt in the hearts of the families and loved ones of Phillip Sayles, Tyler Creamean, and Dustin Fisher, but I pray they can find solace in the courageous way they lived their lives. Although they may no longer be with us, their spirit will forever live on in the examples they set and the many lives they touched. My thoughts and prayers go out to their families, their friends, and to all those who knew and loved them.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. AKAKA. Mr. President, I rise today to talk about S. 147 the Native Hawaiian Government Reorganization Act of 2005. My colleague, the junior Senator from Arizona, for whom I have great respect, has inserted several documents written by outside sources into the CONGRESSIONAL RECORD over the past months, criticizing my legislation as a racebased measure. I vehemently disagree with his characterization of my bill as race-based.

We will be debating S. 147 on the floor of the Senate in a few weeks and, at that time, we will have a full opportunity to talk about the legislation, which extends the Federal policy of selfgovernance and self-determination to Native Hawaiians, Hawaii's indigenous peoples, thereby establishing parity in Federal policy toward American Indians, Alaska Natives and Native Hawaiians.

S. 147 is widely supported in Hawaii. Governor Linda Lingle has testified twice in 4 years in support of this bill. The Hawaii State Legislature has passed resolutions in support of Federal recognition for Native Hawaiians in 2000, 2001, and 2005. Resolutions in support have also been passed by the

Alaska Federation of Natives and National Congress of American Indians. Finally, a substantial number of my constituents, Native Hawaiians and non-Native Hawaiians support this bill.

In 1993, P.L. 103–150, the Apology Resolution, was enacted into law. The Act provides an apology to Native Hawaiians for the participation of U.S. agents in the overthrow of the Kingdom of Hawaii in 1893 and sets up a process of reconciliation between Native Hawaiians and the United States. My colleague from Arizona has submitted multiple articles criticizing the Apology Resolution and purporting to justify one of the most painful experiences in Hawaii's history, the overthrow of the Kingdom of Hawaii in 1893.

I have worked on this bill for the past 6 years with the rest of my colleagues in Hawaii's Congressional delegation. This bill is a step in the right direction for all people of Hawaii because it provides a structured process that will allow us to finally resolve many of the longstanding issues resulting from the overthrow. It is disturbing that opponents to the bill rely so heavily on mischaracterizations of the legislation to advocate their position.

I stand by Hawaii's history as enacted in P.L. 103–150. The facts as cited are well-documented by historians. It greatly saddens me that the opponents to my bill feel the need to rewrite Hawaii's history, as painful as it is for those of us who have lived it, in order to advocate their position on S. 147. It is one thing to oppose my bill. It is quite another, however, to trivialize the history of Hawaii.

THIRTY-THIRD ANNIVERSARY OF TITLE IX

Ms. CANTWELL. Mr. President, I rise today to mark the 33rd anniversary of the enactment of title IX, a law that has opened doors to educational opportunities for countless women and girls across America.

Prior to passing title IX, roughly 295,000 girls participated in high school sports, and only about 25,000 played sports at the college level. When President Nixon signed the educational amendments of 1972 into law 33 years ago, skeptics claimed the law would do little to change women's participation in sports.

They could not have been more wrong. Recent data show that nearly 2.6 million high school girls and over 135,000 women in college participate in organized sports, constituting more than 40 percent of all high school athletes.

In Washington State, women at public colleges and universities represented less than one-third of most schools' athletes less than 15 years ago. Today, women represent 48 percent of athletes at public institutions of higher education in our State. As the numbers of girls participating in sports has increased, there has been a decrease in the number of girls who drop out of school, smoke, drink alcohol or have unwanted pregnancies. What's more, adolescent girls that participate in organized sports enjoy improved physical and mental health throughout their lives.

Today, 1 in every 2.5 girls participates in athletics, which is an 800-percent increase in participation rates since the enactment of title IX. Yet attempts to weaken title IX persist. Last March, the Department of Education issued a policy guidance that would weaken Title IX. The new clarification would allow institutions to avoid offering sports opportunities to women if a sufficient number of the student body failed to respond to an e-mail survey expressing interest in the program. This allows universities to use what may be highly questionable, potentially inaccurate e-mail survey results to prove that the interests and abilities of the underrepresented sex have been accommodated, as title IX requires.

I am deeply concerned that this policy guidance represents the current administration's repeated attempts to diminish the enforcement of this very important law and believe that e-mail surveys will likely underestimate the need to expand athletic opportunities for women. The growth of opportunity for women and girls should not hang on the outcome of such informal means of data collection.

Our Nation has taken great strides toward equity, and title IX has played a significant role in that success. Millions of girls have access to opportunities that their mothers never knew. However, there is still much to be done before we can say that males and females are treated equability in education. Further progress hinges on our continued commitment to the principles of title IX and proper enforcement of the law.

GENERAL BERNARD ADOLPH SCHRIEVER

Mr. SALAZAR. Mr. President, it is with deep sorrow that I come to speak on the floor of the Senate today. The father of the United States Air Force space and missile program, General Bernard Adolph Schriever, died today of natural causes. He is survived by his wife, his three children, and his two step-children. I offer them my deepest condolences and prayers as they go through this difficult time.

General Schriever was a great American. Born in Bremen, Germany in 1910, Schriever's family moved to America 7 years later, where he became a naturalized citizen in 1923. Schriever would give 33 years of distinguished military service to his new home.

During his exceptional career in the Air Force, General Schriever led America's charge into space. When President Dwight Eisenhower assigned the Nation's highest priority to the development of an Inter-Continental Ballistic Missile, the Air Force assigned Schriever to manage the program. He demanded sweeping authority to accomplish the job, authority that Schriever's commander gladly granted him.

The success of the ballistic missile and space programs managed by Schriever was phenomenal. The progression of the Thor Intermediate Range Ballistic Missile, from program approval to the Initial Operational Capability, took only 3½ years. The Atlas's development time was little more than 5 years, and the Titan's less than 6. Moreover, even as the first Titan lifted off from Cape Canaveral, Schriever's group was already developing the more advanced Titan II.

The Minuteman, from start to finish, took only 4 years and 8 months to deploy. The first ten were on combat alert in their underground silos in October of 1962. Schriever's organization could rightfully take credit for winning the Cold War's race for missile supremacy, helping to ensure America's safety and security in perilous times.

Schriever had assembled an organization with the highest educational level of any U.S. military organization either before or since that time. More than a third of his hand-picked officers had Ph.D.s and Master's degrees. Schriever believed that America had to develop its mind power if the country was to survive in the space age, a belief we would be well served to listen to today.

General Schriever's legacy lives on in the men and women of Schriever Air Force Base in Colorado Springs. The more than 3,400 military and civilian employees continue to provide our Nation with an aerospace capability second to none. The base flies nearly all of the Department of Defense's satellites.

Colorado is proud of the men and women who serve at Schriever Air Force Base, and we are proud of the legacy left to us by General Bernard Adolph Schriever.

ADDITIONAL STATEMENTS

CHAMBER OF COMMERCE MILESTONES

• Mr. ALLEN. I am pleased today to recognize the Prince William County-Greater Manassas Chamber of Commerce which celebrates its 70th anniversary this year. For seven decades, the Chamber has supported the community, educational and business interests of Prince William County and the cities of Manassas and Manassas Park.

In 1935, a small group of citizens gathered together in the Town of Manassas with an idea to form the Chamber of Commerce. These leaders founded an organization that has prevailed through times of prosperity and depression, and that continues to grow and prosper. Today, the Chamber has almost 1000 members, and it holds an accreditation from the United States Chamber of Commerce. Only 15 percent

of Chambers of Commerce throughout the country have earned this distinction.

The Prince William County-Greater Manassas Chamber of Commerce continues to perform outstanding work in representing and promoting its citizens and the entire Commonwealth of Virginia. I congratulate its members on seventy successful years, and thank them for the work they are doing to make Virginia a better place to live, work and raise a family.●

TRIBUTE TO ROCK SPRINGS CHURCH

● Mr. CHAMBLISS. Mr. President, today I would like to pay tribute to a very special group of people in my home State who will soon celebrate an important 1-year anniversary.

Deep in the heart of Georgia, right in the middle of my former House district, a small Congregational Methodist Church has been ministering to the people in their community for more than 150 years. This small town church is making a big difference in many lives across my State. Since 1852, this group of Christians has faithfully gathered each Sunday in the halls of a humble church building to worship God and seek His guidance for their lives.

It is clear that God has heard and answered their prayers. One year ago, under the leadership of my good friend of Dr. Benny Tate, Rock Springs Church in Milner opened the doors to their new sanctuary—a room that seats more than double that of the previous sanctuary. The new sanctuary has equipped this thriving church with the tools they need to minister to even more folks than ever in the long life of this church.

I am personally encouraged by the dedication of this congregation to do whatever it takes to see that they could provide a place of worship for the growing number of people attending Sunday services.

As the son of a minister, I spent my youth traveling across the southeast, as my dad served in the Episcopal Church. I know first hand the challenges of church leadership and the joys of seeing God answer prayers.

Dr. Tate, known by his friends as Pastor Benny, has demonstrated remarkable vision and direction as the head pastor of Rock Springs Church. My wife Julianne and I have had the opportunity to attend Rock Springs Church as Pastor Benny's guests on ''Friend Day'' and the parishioners there always make us feel welcome.

I am proud to recognize my friends at Rock Springs Church in celebration of this momentous occasion and encourage each new member to reflect on the offerings and sacrifice on the part of those faithful few who helped make this new sanctuary a reality.●

LIBRARY OF THE YEAR

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor the Fayetteville Public Library which was recently named the 2005 ''Library of the Year'' by Thompson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and leadership. Thompson Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association's annual conference in Chicago, IL.

I would like to recognize Louise Schapter, Executive Director of the Fayetteville Public Library, and her outstanding staff for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter's tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,658, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment!

I would also like to mention that the library has more than 160 regular volunteers who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.●

150TH ANNIVERSARY OF THE SOO LOCKS

● Ms. STABENOW. Mr. President, this year marks the 150th anniversary of one of our Nation's most visionary engineering feats—the construction of the world famous Soo Locks at Sault Ste. Marie, MI. The Soo Locks shaped the course of our Nation's history and have become a key part of Michigan's cultural heritage. There will be a grand celebration on Engineers Day, June 24, to kick off a summer of special events in commemoration of this significant anniversary.

The St. Mary's River is the connection between Lake Superior and the other Great Lakes. The challenge with this natural link is the 21-foot drop in elevation between Lake Superior and the lower lakes which creates the St. Mary's Rapids. Early traders were forced to unload their cargo, haul it around the rapids by land, and then reload it into other boats. And if it wasn't for the vision of three men, Alpheus Felch, Pierre Barbeau, and James P. Pendill, we might still be using the same shipping methods today.

The story of the Soo Locks really begins in 1850 when two Senators from Michigan, Lewis Cass and Alpheus Felch, realized the need for a large-scale lock system at the Soo in order to transport iron ore from Michigan Hills to the mills in Pennsylvania and Ohio. As a former governor of Michigan, Senator Felch took charge of the project. He met with Mayor Pierre Barbeau and the two convinced the people of the Soo to vote to build the locks. Now that they had the public's support, they needed the materials for construction. The lumber for this ambitious project was provided by James Pendill, who owned the land that would be later gifted to the American public as Hiawatha National Forest. Construction began in 1853 and a system of two 350-foot locks was designated. The State locks opened in 1855.

It soon became clear that the State lock and canal were of national importance for commerce. In 1881, the locks were transferred to the United States Army Corps of Engineers. The Corps operates and maintains the locks to this day. The lock system gives safe passage to a variety of ships and creates the major artery for shipping and trade in the Great Lakes.

I hope that my colleagues will join me in honoring and celebrating the Sesquicentennial of the Soo Locks and the vision of the people of Michigan.●

TRIBUTE TO McCROSSAN BOYS RANCH

● Mr. THUNE. Mr. President, today I rise to congratulate the McCrossan Boys Ranch of South Dakota. McCrossan Boys Ranch is a nonprofit organization that provides mentoring services to troubled boys and helps guide them into becoming responsible and balanced adults.

Some of the valuable services they provide are education and GED classes, help with chemical dependency, individual and group therapy, psychiatric care and moral development.

They will be celebrating their 50th anniversary on June 29 and I would like to recognize the valuable service they have provided to the many boys and families they have helped over the years.●

MESSAGE FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that pursuant to 10 U.S.C. 9355(a), amended by public law 108–375, and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Ms. KILPATRICK of Michigan.

MEASURES REFERRED

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

H.R. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2745. An act to reform the United Nations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–2667. A communication from the Administrator, General Service Administration, transmitting, a report relative to lease prospectuses supporting the Administration's fiscal year 2006 program; to the Committee on Environment and Public Works.

EC–2668. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''2003 Drinking Water Infrastructure Needs Survey and Assessment: Third Report to Congress''; to the Committee on Environment and Public Works.

EC–2669. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, the Commission's monthly status report on its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2670. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emission Standards in the Hampton Roads VOC Emissions Control Area'' (FRL# 7925–6) received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2671. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Awards of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2005 Appropriations Act'' received on June 17, 2005; to the Committee on Environment and Public Works.

EC–2672. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules, Fee Recovery for FY 2005'' (RIN3150–AH61) received on June 16, 2005; to the Committee on Environment and Public Works.

EC–2673. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Broadening Scope of Access Authorization and Facility Security Clearance Regulations'' (RIN3150–AH52) received on June 16, 2005; to the Committee on Environment and Public Works.

EC–2674. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision'' (RIN3150–AH64) received on June 16, 2005; to the Committee on Environment and Public Works.

EC–2675. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning an amendment to Parts 120, 123, 124, 126, and 127 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–2676. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2677. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–2678. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Department's annual report entitled ''Assessment of the Cattle, Hog, and Poultry Industries''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2679. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2680. A communication from the Management Analyst, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Parts 1700 and 1709, Assistance to High Energy Cost Rural Communities'' (RIN0572–AB91) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2681. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Designated Marketing Associations for Peanuts'' (RIN0560–AH20) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2682. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, Decreased Assessment Rate'' (Docket No. FV05–958–1 IFR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2683. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, Relaxation of Handling Regulations'' (Docket No. FV05–945–1 FR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2684. A communication from the Acting Administrator, Agriculture Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Suspension of Handling and Reporting Requirements, Extension of the Suspension of Outgoing Inspection and Volume Control Regulations, and Extension of the Suspension of the Prune Import Regulation'' (Docket No. FV05–993–2 IFR) received on June 17, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2685. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus; to the Committee on Finance.

EC–2686. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam; to the Committee on Finance.

EC–2687. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Finality of Foreign Adoptions'' (Rev. Proc. 2005–31) received on June 16, 2005; to the Committee on Finance.

EC–2688. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—April 2005'' (Rev. Rul. 2005–37) received on June 16, 2005; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications inter-operability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ''Alice R. Brunsich Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 1276. A bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1277. A bill to amend title XVIII of the Social Security Act to require hospitals and critical access hospitals, as a condition of participation under the medicare program, to meet certain requirements in order to advertise that the hospital has the capability of addressing emergency and acute coronary syndromes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE,

Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. BROWNBACK, Mr. DEMINT, Mr. INHOFE, Mr. CORNYN, Mr. SANTORUM, Mr. SESSIONS, Mr. BUNNING, Mr. ENSIGN, Mr. ALLEN, and Mr. VITTER):

S. 1279. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE):

S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself and Mr. NELSON of Florida):

S. 1281. A bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 1282. A bill to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes; considered and passed.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mrs. BOXER, Ms. SNOWE, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1283. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1284. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Montana (Mr. BAUCUS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 37, supra.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 354

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 354, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 392

At the request of Mr. LEVIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 401

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 455

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 455, a bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to facilitate United States openness to international students, scholars, scientists, and exchange visitors, and for other purposes.

S. 467

At the request of Mr. DODD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 580

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 611

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 642

At the request of Mr. FRIST, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Vermont

(Mr. LEAHY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 852

At the request of Mr. SPECTER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Mr. STEVENS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 911

At the request of Mr. CONRAD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1086

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1088

At the request of Mr. KYL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1152

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1152, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1208

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1208, a bill to provide for local control for the siting of windmills.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 19

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. BOXER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. VITTER), the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

S. CON. RES. 37

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as ''National Health Center Week'' in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as ''National Mammography Day''.

AMENDMENT NO. 799

At the request of Mr. VOINOVICH, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 799 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 799 proposed to H.R. 6, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. LEVIN, and Mr. AKAKA):

S. 1274. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation designed to finally address one of the most long-standing and difficult problems facing our Nation's first responders—the lack of communications interoperability.

I want to thank Chairman COLLINS of the Homeland Security and Governmental Affairs Committee, Senator LEVIN and Senator AKAKA for joining me in this effort.

I don't want to be confused with the evil road captain in ''Cool Hand Luke,'' but there is only one way to say this: ''What we have here is a failure to communicate!''

By now, we all know that the inability of first responders to talk to one another when responding to emergencies costs lives during terrorist attacks or natural disasters. According to the 9/11 Commission, the lack of interoperability contributed to the deaths of more than 100 fire fighters in New York on 9/11.

However, this failure to communicate also creates problems during every day emergency operations, endangering both first responders and the public while also wasting precious resources. For example, when law enforcement officers cannot communicate effectively about a suspect fleeing across jurisdictions, criminals can escape.

It is past time we fixed this problem.

Achieving interoperability is the top priority for State homeland security advisors. It is essential for first responders to achieve the national preparedness goals that the Department of Homeland Security has established for the Nation.

However, for most States obtaining the equipment and technology to fulfill this goal remains a challenge. And a major hurdle continues to be lack of sufficient funding. A non-partisan task force of the Council on Foreign Relations recommended spending at least $6.8 billion over five years. DHS has also estimated the cost of modernizing equipment for 2.5 million public safety first responders across the country at $40 billion.

I am convinced that we can achieve interoperability for much less—but only if strong national leadership drives cooperation and adoption of smart new technology solutions.

Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. The result is that first responders typically operate on different radio systems, at different frequencies, unable to communicate with one another.

Strong national leadership is necessary to ensure that different jurisdictions come together to work out the often complex issues that prevent interoperability in the first place.

The legislation we are introducing today will provide this much needed Federal leadership and provide dedicated grants, enhance technical assistance to State and local first responders, promote greater regional cooperation, and foster the research and development necessary to make achieving interoperability a realistic national goal.

The ''Improve Interoperable Communications for First Responders Act of 2005'' or the ICOM Act for short, gets us there in three distinct ways.

First, the ICOM Act will provide the Office of Interoperability and Compatibility (OIC) within DHS the resources and authorities necessary to systematically overcome the barriers to achieving interoperability.

ICOM requires OIC to conduct extensive, nationwide outreach and facilitate the creation of task forces in each State to develop interoperable solutions. It requires coordinated and extensive technical assistance through the Office of Domestic Preparedness' Interoperable Communications Technical Assistance Program. OIC will also be charged with developing a national strategy and national architecture so that we systematically move towards a truly national system of public safety communications.

This Act authorizes OIC to fund and conduct pilot programs to evaluate and validate new technology concepts needed to encourage more efficient use of spectrum and other resources and deploy less costly public safety communications systems.

Second, the ICOM Act will identify and answer the policy and technology questions necessary to achieve interoperability by requiring the Secretary to establish a comprehensive, competitive research and development program.

This research agenda will focus on: understanding the strengths and weaknesses of today's diverse public safety communications systems; examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner; evaluating and validating new technology concepts; and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

The legislation authorizes some $126 million for each of fiscal years 2006 through 2009 for the operations of the Office for Interoperability and Compatibility so DHS can finally provide the national leadership necessary to achieve interoperability in the most cost effective manner; for research and development; and to provide enhanced technical assistance to state and local officials around the country.

Third, the ICOM Act will provide consistent, dedicated funding by authorizing $3.3 billion over five years for initiatives to achieve short-term or long-term solutions to interoperability. It authorizes grants directly to States or regional consortium within each State to be used specifically for key aspects of the communications life-cycle, including: State-wide or regional communications planning; system design and engineering; procurement and installation of equipment; training and exercises; or other activities determined by the Secretary to be integral to the achievement of this essential capability.

The bill adopts the same formula for distributing funds in S. 21, the Homeland Security Grants Enhancement Act as reported by the Homeland Security and Government Affairs Committee. Each State will receive a minimum baseline amount of 0.55 percent of the total funds appropriated under the bill. States that are larger/and or more densely populated receive a higher baseline amount, based on a formula that combines population and population density.

The remaining funds—over 60 percent of the total—will be distributed based on additional threat and risk-based factors. This will ensure that the majority of funds are distributed to those areas at highest risk, while we systematically ensure that this very basic communications capability is built in every state across our country.

The Secretary will be required to establish a panel of technical experts, first responders, and other State and local officials, to review and make recommendations on grant applications.

This legislation also promotes regional cooperation, consistent with the National Preparedness Goal, which identifies the essential capabilities States and localities need to fight the war on terrorism, rewarding those jurisdictions that join together in robust regional bodies to apply for funds.

Most importantly, this dedicated funding program for interoperability will ensure that jurisdictions can receive and rely on a consistent stream of funding for vital interoperability projects, without also being forced to neglect all of the other essential capabilities DHS has said they need to develop.

This legislation is crucial for the safety of our citizens and the men and women who go to work everyday pledged to protect them. It will ensure that, for the first time, achieving communications interoperability is an achievable national goal, a genuine national priority.

To win the war on terrorism and protect the American people, we cannot have a failure to communicate.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1274

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 ''Improve Interoperable Communications for First Responders Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A major barrier to sharing information among police, firefighters, and others who may be called on to respond to terrorist attacks and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency.

(2) Communications interoperability has been identified by the Department of Homeland Security as 1 of the most essential capabilities necessary for first responders to achieve the national preparedness goal the Department of Homeland Security has established for the Nation.

(3) The lack of interoperability costs lives during terrorist attacks or natural disasters, but also during everyday emergency operations.

(4) Achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments

(5) Achieving the level of communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal public safety agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(7) However, much more remains to be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.

(8) Over 70 percent of public safety communications equipment is still analog, rather than digital. In fact, much of the communications equipment used by emergency responders is outdated and incompatible, which inhibits communication between State and local governments and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(9) Stronger and more effective national, statewide, and regional leadership are required to improve interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing substantial technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(10) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also further develop its own internal expertise to enable it to better lead national interoperability efforts and to provide technically sound advice to State and local officials.

(11) Achieving interoperability requires the sustained commitment of substantial resources. A non-partisan task force of the Council on Foreign Relations recommended spending at least $6,800,000,000 over 5 years towards achieving interoperability. The Department of Homeland Security has estimated the cost of modernizing first-responder equipment for the 2,500,000 public safety first responders across the country at $40,000,000,000.

(12) Communications interoperability can be accomplished at a much lower cost if strong national leadership drives cooperation and adoption of smart, new technology solutions.

SEC. 3. OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.

(a) IN GENERAL.—Section 7303(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended to read as follows:

''(2) OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.—

''(A) ESTABLISHMENT OF OFFICE.—There is established an Office for Interoperability and Compatibility within the Directorate of Science and Technology of the Department of Homeland Security to carry out this subsection.

''(B) DIRECTOR.—There shall be a Director of the Office for Interoperability and Compatibility, who shall be appointed by the Secretary of Homeland Security.

''(C) RESPONSIBILITIES.—The Director of the Office for Interoperability and Compatibility shall—

''(i) assist the Secretary of Homeland Security in developing and implementing the program described in paragraph (1);

''(ii) carry out the Department of Homeland Security's responsibilities and authorities relating to the SAFECOM Program;

''(iii) carry out section 510 of the Homeland Security Act of 2002; and

''(iv) conduct extensive, nationwide outreach and foster the development of interoperable communications systems by State, local, and tribal governments and public safety agencies, and by regional consortia thereof, by—

''(I) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

''(II) developing a national architecture, which defines the components of an interoperable system and how they fit together;

''(III) establishing and maintaining a task force that represents the broad customer base of State, local, and tribal public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve communications interoperability;

''(IV) working with the Office of Domestic Preparedness Interoperable Communication Communications Technical Assistance Program to—

''(aa) provide technical assistance to State, local, and tribal officials; and

''(bb) facilitate the creation of regional task forces in each State, with appropriate governance structures and representation from State, local, and tribal governments and public safety agencies and from the Federal Government, to effectively address interoperability and other information-sharing needs;

''(V) promoting a greater understanding of the importance of interoperability and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

''(VI) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving interoperability;

''(VII) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving communications interoperability;

''(VIII) funding and conducting pilot programs, as necessary, in order to—

''(aa) evaluate and validate new technology concepts in real-world environments to achieve public safety communications interoperability;

''(bb) encourage more efficient use of existing resources, including equipment and spectrum; and

''(cc) test and deploy public safety communications systems that are less prone to failure, support new non-voice services, consume less spectrum, and cost less; and

''(IX) performing other functions necessary to achieve communications interoperability.

''(D) SUFFICIENCY OF RESOURCES.—The Secretary of Homeland Security shall provide the Office for Interoperability and Compatibility with the resources and staff necessary to carry out the purposes of this section. The Secretary shall further ensure that there is sufficient staff within the Office of Interoperability and Compatibility, the Office for Domestic Preparedness, and other offices of the Department of Homeland Security as necessary, to provide dedicated support to public safety organizations consistent with the responsibilities set forth in subparagraph (C)(iv).''.

(b) DEFINITION.—Section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)) is amended to read as follows:

''(1) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.''.

(c) Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 314. INTEROPERABILITY ASSESSMENT AND REPORT.

''(a) BASELINE ASSESSMENT.—The Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

''(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary, acting through the Director of the Office for Interoperability and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the Department's progress in implementing and achieving the goals of the Improve Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessment conducted under subsection (a).''.

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is amended by adding at the end the following:

"SEC. 315. INTEROPERABILITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote communications interoperability among first responders, including by—

''(1) promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency; and

''(2) considering establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on enhancing information and communications systems for first responders.

''(b) PURPOSES.—The purposes of the program established under subsection (a) include—

''(1) understanding the strengths and weaknesses of the diverse public safety communications systems currently in use;

''(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner;

''(3) exploring Federal, State, and local policies that will move systematically towards long-term solutions;

''(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technologies for interoperability; and

''(5) advancing the creation of a national strategy to promote interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of first responders in valuable new ways.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized to be appropriated by section 7303(a)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(3)), there are authorized to be appropriated for the operations of the Office for Interoperability and Compatibility, to provide technical assistance through the office for Domestic Preparedness, to fund and conduct research under section 315 of the Homeland Security Act of 2002, and for other appropriate entities within the Department of Homeland Security to support the activities described in section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194) and sections 314 and 315 of the Homeland Security Act of 2002, as added by this Act—

(1) $127,232,000 for fiscal year 2006;

(2) $126,549,000 for fiscal year 2007;

(3) $125,845,000 for fiscal year 2008;

(4) $125,121,000 for fiscal year 2009; and

(5) such sums as are necessary for each fiscal year thereafter.

SEC. 5. DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

"SEC. 1801. INTEROPERABILITY GRANTS.

''(a) IN GENERAL.—The Secretary, through the Office, shall make grants to States and eligible regions for initiatives necessary to achieve short-term or long-term solutions to statewide, regional, national and, where appropriate, international interoperability.

''(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions to interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

''(1) statewide or regional communications planning;

''(2) system design and engineering;

''(3) procurement and installation of equipment;

''(4) training and exercises; and

''(5) other activities determined by the Secretary to be integral to the achievement of communications interoperability.

''(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with Office of Interoperability and Compatibility, the Directorate of Science and Technology, and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of communications interoperability consistent with the national strategy.

''(d) APPLICATION.—

''(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

''(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

''(B) describe how—

''(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, are consistent with the national strategy and architecture; and

''(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

''(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(e) STATE REVIEW AND SUBMISSION.—

''(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Secretary.

''(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Secretary.

''(3) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(A) notify the Secretary in writing of that fact; and

''(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

''(f) AWARD OF GRANTS.—

''(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Secretary shall consider—

''(A) the nature of the threat to the State or eligible region;

''(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from an attack on critical infrastructure in nearby jurisdictions;

''(C) the size of the population, as well as the population density of the area, that will be served by the interoperable communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences;

''(D) the extent to which grants will be utilized to implement interoperability solutions—

''(i) consistent with the national strategy and compatible with the national architecture; and

''(ii) more efficient and cost effective than current approaches;

''(E) the number of jurisdictions within regions participating in the development of interoperable communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

''(F) the extent to which a grant would expedite the achievement of interoperability in the State or eligible region with Federal, State, and local agencies;

''(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving communications interoperability by supplementing Federal funds with non-Federal funds;

''(H) whether the State or eligible region is on or near an international border;

''(I) the extent to which geographic barriers pose unusual obstacles to achieving communications interoperability; and

''(J) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk site or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions.

''(2) REVIEW PANEL.—

''(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

''(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Secretary regarding applications for grants under this section.

''(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include individuals with technical expertise in communications interoperability as well as emergency response providers and other relevant State and local officials.

''(3) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support interoperability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

''(4) ALLOCATION.—

''(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall ensure that each State receives, for each fiscal year, the greater of—

''(i) 0.55 percent of the amounts appropriated for grants under this section; or

''(ii) the eligible State's sliding scale baseline allocation of 28.62 percent of the amounts appropriated for grants under this section.

''(B) OTHER ENTITIES.—Notwithstanding subparagraph (A), the Secretary shall ensure that for each fiscal year—

''(i) the District of Columbia receives 0.55 percent of the amounts appropriated for grants under this section;

''(ii) the Commonwealth of Puerto Rico receives 0.35 percent of the amounts appropriated for grants under this section;

''(iii) American Samoa, the Commonwealth of the Northern Mariana islands, Guam, and the Virgin Islands each receive 0.055 percent of the amounts appropriated for grants under this section; and

''(C) POSSESSIONS.—Except as provided in subparagraph (B), no possession of the United States shall receive a baseline distribution under subparagraph (A).

''(g) DEFINITIONS.—As used in this section, the following definitions apply:

''(1) ELIGIBLE REGION.—The term 'eligible region' means—

''(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes or other general purpose jurisdictions that—

''(i) have joined together to enhance communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

''(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

''(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8.

''(2) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

''(3) OFFICE.—The term 'office' refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

''(4) SLIDING SCALE BASELINE ALLOCATION.—The term 'sliding scale baseline allocation' means 0.0001 multiplied by the sum of—

''(A) the value of a State's population relative to that of the most populous of the 50 States of the United States, where the population of such States has been normalized to a maximum value of 100; and

''(B) ¼ of the value of a State's population density relative to that of the most densely populated of the 50 States of the United States, where the population density of such States has been normalized to a maximum value of 100

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section—

''(1) $400,000,000 for fiscal year 2006;

''(2) $500,000,000 for fiscal year 2007;

''(3) $600,000,000 for fiscal year 2008;

''(4) $800,000,000 for fiscal year 2009;

''(5) $1,000,000,000 for fiscal year 2010; and

''(6) such sums as are necessary each fiscal year thereafter.''.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

(1) inserting after the item relating to section 313 the following:

''Sec. 314. Interoperability assessment and report.

''Sec. 315. Interoperability research and development.''.

(2) adding at the end the following:

''TITLE XVIII—DEDICATED FUNDING TO ACHIEVE INTEROPERABILITY.

''Sec. 1801. Interoperability grants.''.

Ms. COLLINS. Mr. President, I am very pleased to join my good friend, the Senator from Connecticut, Senator LIEBERMAN, in introducing the Improve Interoperable Communications for First Responders Act of 2005. This legislation will strengthen our capabilities to prevent and respond to acts of terrorism. The bill we are introducing will improve communications among the various levels of government and will assist our State and local first responders in upgrading their communications equipment. I thank Senator LIEBERMAN for his efforts in putting together this very important legislation and for working with me to make this bill a bipartisan effort.

According to the 9/11 Commission Report, interoperability—the ability for emergency responders to communicate with one another during an incident—was a serious problem on 9/11. On that fateful day, the NYPD Emergency Service Unit did manage to successfully convey evacuation instructions to personnel in the North Tower after the South Tower's collapse. This was accomplished by a combination of ''1. the strength of the radios, 2. the relatively small numbers of individuals using them, and 3. use of the correct channel by all.'' On the other hand, the 9/11 Commission Report pointed out that ''the same three factors worked against successful communication among FDNY personnel. First, the radios' effectiveness was drastically reduced in the high-rise environment. Second, tactical channel 1 was simply overwhelmed by the numbers of units attempting to communicate on it at 10:00 a.m. Third, some firefighters were on the wrong channel or simply lacked radios altogether.''

In addition, a Government Accountability Office report on interoperable communications released in June 2004 notes that the lives of first responders and those they are trying to assist can be lost when first responders cannot communicate effectively. That is the crux of the matter that the Lieberman-Collins bill seeks to address. A substantial barrier to effective communications, according to the GAO, is the use of incompatible wireless equipment by many agencies and levels of government when they are responding to a major emergency. From computer systems to emergency radios, the technology that should allow these different levels of government to communicate with each other too often is silenced by incompatibility. Clearly, the barrier to a truly unified effort against terrorism is a matter of both culture and equipment. This legislation will help break down that barrier.

The GAO recommends that Federal grants be used to encourage States to develop and implement plans to improve interoperable communications and that the Department of Homeland Security should establish a long-term program to coordinate these same communications upgrades throughout the Federal Government. Our legislation would do much to implement these sensible recommendations.

The National Governors Association recently released a survey of State and territorial homeland security advisors to determine their top 10 priorities and challenges facing states in the future. The number one priority was achieving interoperability in communications.

One of the most persistent messages that I hear from Maine's first responders is strong concern about the lack of compatibility in communications equipment. It remains a substantial impediment to their ability to respond effectively in the event of a terrorist attack. For a State like mine that has the largest port by tonnage in New England, two international airports, key defense installations, hundreds of miles of coastline, and a long international border, compatible communications equipment is essential. Yet it remains an illusive goal.

Maine's firefighters, police officers, and emergency medical personnel do an amazing job in providing aid when a neighboring town is in need. Fires, floods, and accidents are local matters in which they have great expertise and experience. Their work on the front lines in the war against terrorism is, however, a joint responsibility. Maine's first responders, along with first responders across the country, are doing their part, but they need and deserve Federal help.

It is vitally important that we assist the States in getting the right communications technology into the hands of their first responders. That would be accomplished by the interoperability grant program in this legislation. The grant program guarantees every state a share of interoperability funding and makes additional funding available for states with special needs and vulnerabilities. It is designed to get this vital funding to first responders quickly, in coordination with a statewide plan.

A recent study by the Council on Foreign Relations estimates the total cost of nationwide communications compatibility at $6.8 billion.

Our legislation authorizes a total of $3.3 billion over a 5 year period for grants dedicated to achieving communications interoperability. That is a reasonable and necessary contribution by the Federal Government to this important partnership.

The legislation will also help to identify and answer the policy and technology questions necessary to achieve interoperability. It directs the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes conducting research through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency, (HSARPA) and establishing a Center of Excellence focused on enhancing information and

communications systems for first responders.

The Intelligence Reform and Terrorism Prevention Act of 2002, P.L. 108–458, which Senator LIEBERMAN and I authored, directs the Office for Interoperability and Compatibility (OIC) in DHS to provide overall federal leadership to achieve interoperability. Our legislative initiative builds on this current policy by providing the OIC the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy and national architecture, and conduct pilot programs to evaluate and validate new technology concepts.

We must all work together to achieve interoperability for all our first responders. Coordination and cooperation among all stakeholders will be imperative if the brave men and women who risk their lives on a daily basis are to be fully prepared.

I urge my colleagues to join us in supporting this legislation to build a better and stronger homeland security partnership with our first responders.

Mr. LEVIN. Mr. President, I join my colleagues in introducing the Improve Interoperable Communications For First Responders, or ''ICOM,'' Act of 2005. We have all heard the stories of how the first responders could not communicate on 9/11 and this lack of communication cost lives. The same situation is happening all over this country and we need to improve interoperable communications before more lives are lost. Attaining this objective will require substantial resources and a strong commitment by Congress and the Administration. This legislation takes an important first step in this effort.

We have seen how bad the problem is in Michigan. For example, on the morning of Sunday, October 26, 2003, Michigan first responders held an exercise to test the emergency communications response capabilities at Michigan's international border with Canada. As we all know, during any emergency, effective communications is an absolute requirement. However, during the exercise, in order to communicate between fire agencies, the fire commanding officer needed 3 portable radios literally hanging around his neck and hooked to his waist band to attempt scene coordination. The Incident Commander was shuffling radios up and down to his ear and mouth in an attempt to figure out ''who'' was requesting or providing information. Further, the fire commanding officer had no communication with any law enforcement or Emergency Medical Service agencies. To communicate with those agencies, 5 additional radios would be required. This is totally unacceptable.

First and foremost, the ICOM Act will provide dedicated funding for initiatives to achieve short- and long-term solutions to interoperability to States or regional consortia within each State for State-wide or regional communications planning, system design and engineering, procurement and installation of equipment, training and exercises, or other activities determined by the Secretary of Homeland Security to be integral to the achievement of communications interoperability.

This legislation will also provide the recently authorized Office for Interoperability and Compatibility the resources and authorities necessary to conduct extensive, nationwide outreach, develop a national strategy, facilitate the creation of regional task forces in each State, fund and conduct pilot programs to evaluate and validate new technology concepts, encourage more efficient use of resources, and test and deploy more reliable and less costly public safety communications systems. Finally, the ICOM Act also requires the Secretary of Homeland Security to establish a comprehensive, competitive research and development program. This includes promoting research through the Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency, and considering establishing a Center of Excellence. The research agenda will focus on understanding the strengths and weaknesses of today's diverse public safety communications systems, examining how current and emerging technology can make public safety organizations more effective, and how local, State, and Federal agencies can utilize this technology in a coherent and cost-effective manner, evaluating and validating new technology concepts, and advancing the creation of a national strategy to promote interoperability and efficient use of spectrum.

I recently authored an amendment that passed the Homeland Security and Governmental Affairs Committee that would assist our first responders by creating demonstration projects at our northern and southern borders. The ICOM Act will complement that legislation by providing funding, support, research and development to improve interoperable communications on a national level.

Mr. AKAKA. Mr. President, I rise today to join my colleagues, Senators LIEBERMAN, COLLINS, and LEVIN, in introducing the Improve Interoperable Communications for First Responders Act of 2005 (the ICOM Act), which will strengthen the interoperability of first responder communications across the country.

Since September 11, Federal, State, and local authorities have grappled with the challenge of achieving interoperable communications for emergency response personnel. This should not be a difficult task since the necessary technology exists. But as with many public policy challenges, achieving interoperability comes down to organization and funding.

The 9–11 Commission found that the inability of first responders to communicate at the three September 11 crash sites demonstrated ''that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains a important problem.'' In my home State of Hawaii, for example, first responders are unable to communicate by radio over 25 percent of the Island of Hawaii because of inadequate infrastructure and diverse geography. The Commission recommended that federal funding of local interoperability programs be given a high priority.

The Department of Homeland Security (DHS) estimated it would cost $40 billion to modernize communications equipment for the Nation's 2.5 million public safety first responders. In 2003, an independent task force sponsored by the Council on Foreign Relations recommended investing $6.8 billion over five years to ensure dependable, interoperable first responder communications, a need which they describe as ''so central to any kind of terrorist attack response.''

However, funding alone will not solve this urgent problem. The Government Accountability Office (GAO) has found that DHS leadership is critical to utilizing effectively interoperability technologies. In an April 2005 report, ''Technology Assessment: Protecting Structures and Improving Communications during Wildland Fires,'' GAO stated that even if two neighboring jurisdictions have the funding to purchase an interconnection device, such as an audio switch, organizational challenges remain. GAO stated, ''To effectively employ the device, they must also jointly decide how to share its cost, ownership, and management; agree on the operating procedures for when and how to deploy it; and train individuals to configure, maintain, and use it.'' Achieving such planning and coordination will require federal leadership.

According to GAO, the federal government has increased interoperability planning and coordination efforts in recent years. However the Wireless Public Safety Interoperable Communications Program (SAFECOM), which is run out of the Office for Interoperability and Compatibility (OIC) in DHS, has made limited progress in achieving communications interoperability among entities at all levels of government.

The ICOM Act will increase federal coordination and provide dedicated funding for interoperability. Our bill will increase the resources and authority of the OIC, which was established by the Intelligence Reform and Terrorism Prevention Act of 2004. Specifically, the OIC will be tasked with creating a national strategy and national architecture, facilitating the creation of regional task forces, and conducting pilot programs to evaluate new technology concepts. The OIC will be responsible not only for short-term solutions, but also for simultaneously pursuing a long-term interoperability

strategy, something that has been lacking from Federal efforts to date.

The ICOM Act will also create an interoperability grant program and authorize $3.3 billion over five years for the program. Recognizing that achieving interoperability is crucial to every State's emergency response capabilities, the bill gives each State a baseline amount of .55 percent of the funding.

The ICOM Act also requires the Secretary to look to at the unique geographic barriers in each State which may impede interoperability when awarding grants. This is key to States like Hawaii that may require additional transmitter towers and other types of equipment to overcome the obstacles that come with being a mountainous or island State.

Last year, I joined Senators LIEBERMAN and COLLINS in introducing S. 2701, the Homeland Security Interagency and Interjurisdictional Information Sharing Act of 2004. Many of the provisions in S. 2701 were incorporated into the Intelligence Reform and Terrorism Prevention Act. However, there still continue to be problems in terms of leadership and funding in federal interoperability policy. I ask my colleagues to not wait another year to begin to fill this hole. I urge support of this important piece of legislation.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1275. A bill to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the 'Alice R. Brusich Post Office Building'; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, I send to the desk legislation to designate the U.S. Post Office located at 7172 North Tongass Highway in Ward Cove, AK after Alice R. Brusich.

Alice Brusich started her career with the Postal Service in 1954 as an Assistant Postmaster. Through her hard work and efforts, she became Postmaster in 1956.

During her service with the Postal Service, Alice was also one of the founders of the Tongass Community Club. She was also one of the founding members and top officer of the Alaska Chapter 51 National Association of Postmasters in the United States.

Alice was also in charge of the Ketchikan Post Office in the 70's. In 1985, Alice retired after 31 years of service. She remains an active supporter of the Postal service and is dedicated to improving the services at the Ward Cove Post Office. Alice has always been a strong advocate of improving and maintaining the Postal Service in Alaska, and it is only appropriate that we honor her service by dedicating the Ward Cove Post Office after her.

By Mr. LEAHY (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. CORZINE, Mr. JEFFORDS, Mrs. BOXER, Mr. FEINGOLD, Mrs. MURRAY, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1278. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Today I am introducing the Uniting American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. It is nearly identical to the Permanent Partners Immigration Act that I introduced in the last Congress, and which Congressman NADLER—who is introducing this bill in the House today—has sponsored for the last four Congresses. I am pleased to have Senators CHAFEE, KENNEDY, CORZINE, JEFFORDS, BOXER, FEINGOLD, MURRAY, DAYTON, and LAUTENBERG as cosponsors.

Under current law, committed partners of Americans are unable to use the family immigration system, which accounts for about 75 percent of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to live legally and permanently with them.

This bill rectifies that problem while retaining strong prohibitions against fraud. To qualify as a permanent partner, petitioners must prove that they are at least 18 and are in a committed, intimate relationship with another adult in which both parties intend a lifelong commitment, and are financially interdependent with one's partner. They must also prove that they are not married to, or in a permanent partnership with, anyone other than that person, and are unable to contract with that person a marriage cognizable under the Immigration and Nationality Act. Proof could include sworn affidavits from friends and family and documentation of financial interdependence. Penalties for fraud would be the same as penalties for marriage fraud—up to five years in prison and $250,000 in fines for the U.S. citizen partner, and deportation for the alien partner.

There are Vermonters who are involved in permanent partnerships with foreign nationals and who have felt abandoned by our laws in this area. This bill would allow them—and other gay and lesbian Americans throughout our Nation who have come to feel that our immigration laws are discriminatory—to be a fuller part of our society.

The idea that immigration benefits should be extended to same-sex couples has become increasingly prevalent around the world. Indeed, sixteen nations—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom—recognize same-sex couples for immigration purposes.

Our immigration laws treat gays and lesbians in committed relationships as second-class citizens, and that needs to change. It is the right thing to do for the people involved, it is the sensible step to take in the interest of having a fair and consistent policy, and I hope that the Senate will act.

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

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act'' or the ''Permanent Partners Immigration Act''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. DEFINITIONS.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(51) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both parties intend a lifelong commitment;

''(B) is financially interdependent with the individual described in subparagraph (A);

''(C) is not married to or in a permanent partnership with anyone other than the individual described in subparagraph (A);

''(D) is unable to contract, with the individual described in subparagraph (A), a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of the individual described in subparagraph (A).

''(52) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by inserting ''permanent partners,'' after ''spouses,'';

(2) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(3) by striking ''remarries.'' and inserting ''remarries or enters into a permanent partnership with another person.''.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph header, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the header to subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the header to subparagraph (C), in the heading by inserting ''WITHOUT PERMANENT PARTNERS'' after ''DAUGHTERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b) (8 U.S.C. 1152(b)) is amended—

(1) by striking ''except that (1)'' and inserting the following: '', except that—

''(1)'';

(2) by striking ''(2) if an alien'' and inserting the following:

''(2) if an alien'';

(3) by striking ''his spouse'' and inserting ''the spouse or permanent partner of the alien''

(4) by inserting ''or permanent partners'' after ''husband and wife'';

(5) by striking ''the spouse he'' and inserting ''the spouse or permanent partner who the alien'';

(6) by striking ''such spouse'' and inserting ''such spouse or permanent partner'';

(7) by striking ''(3) an alien'' and inserting the following:

''(3) an alien''; and

(8) by striking ''(4) an alien'' and inserting the following:

''(4) an alien''.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS AND CITIZENS.—Section 203(a) (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (2), by striking ''(2)'' and all that follows through ''permanent residence,'' and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, AND UNMARRIED SONS AND DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—

''(A) the spouses, permanent partners, or children of an alien lawfully admitted for permanent residence; or

''(B) the unmarried sons without permanent partners or unmarried daughters without permanent partners of an alien lawfully admitted for permanent residence,''; and.

(2) in paragraph (3), by striking ''(3)'' and all that follows through ''citizens'' and inserting the following:

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS OF CITIZENS WITH PERMANENT PARTNERS.—Qualified immigrants who are the married sons, married daughters, or sons or daughters with permanent partners, of citizens''.

(b) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting ''or permanent partner'' after ''spouse'';

(2) in subparagraph (A)(iii)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears; and

(3) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place such term appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph header, by inserting ''OR PERMANENT PARTNER'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'' each place such term appears;

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,'' each place such term appears; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

(b) WAIVERS OF INADMISSIBILITY ON HUMANITARIAN AND FAMILY UNITY GROUNDS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,'' each place such term appears.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended—

(1) by inserting ''permanent partner,'' after ''spouse,''; and

(2) by inserting '', permanent partner,'' after ''resident spouse''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The section header for section 216 (8 U.S.C. 1186a) is amended by striking ''**and sons**'' and inserting ''**, permanent partners, sons,**''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse''; and

(B) by inserting ''permanent partner,'' after ''spouse,'' each place it appears.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection header, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by inserting ''or permanent partnership'' after ''marriage''; and

(B) by amending clause (ii) to read as follows—

''(ii) has been judicially annulled or terminated, or has ceased to satisfy the criteria for being considered a permanent partnership under this Act, other than through the death of a spouse or permanent partner; or''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(2) in paragraphs (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the header, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by adding at the end the following: ''or is a permanent partnership recognized under this Act;''; and

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by striking '', and'' and inserting ''or permanent partner; and'' after ''spouse''; and

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place such term appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage'' each place such term appears; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) SECTION HEADING.—

(1) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended in the heading by inserting ''**PERMANENT PARTNERS,**'' after ''**SPOUSES,**''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

(b) IN GENERAL.—Section 216A(a) (8 U.S.C. 1186b(a)) is amended by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

(e) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

SEC. 14. DEPORTABLE ALIENS.

(a) IN GENERAL.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place such term appears;

(B) in subparagraph (E), by inserting ''permanent partner,'' after ''spouse,'' each place such term appears;

(C) in subparagraph (H)(i)(I), by inserting ''or permanent partner'' after ''spouse''; and

(D) by adding at the end the following:

''(I) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, not later than 2 years after such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provisions of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership which in the opinion of the Secretary of Homeland Security was made for the purpose of procuring the alien's admission as an immigrant.'';

(2) in paragraph (2)(E)(i), by inserting ''or permanent partner'' after ''spouse'' each place such term appears; and

(3) in paragraph (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place such term appears.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240(e)(1) (8 U.S.C. 1229a(e)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (2)—

(A) in the header, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that the permanent partnership was entered into in good faith and in accordance with section 101(a)(51) and the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant and no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner. In accordance with regulations, there shall be only 1 level of administrative appellate review for each alien seeking relief under this paragraph.''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 18. MISREPRESENTATION AND CONCEALMENT OF FACTS.

Section 275(c) (8 U.S.C. 1325(c)) is amended by inserting ''or permanent partnership'' after ''marriage''.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended, in the matter following paragraph (2), by inserting ''or permanent partner'' after ''spouse''.

SEC. 20. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

Section 324(a) (8 U.S.C. 1435(a)) is amended, in the matter following ''after September 22, 1922,'', by inserting ''or permanent partnership'' after ''marriage'' each place such term appears.

SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act Amendments of 2000 (114 Stat. 2763A09325) is amended—

(1) in the section header, by inserting '', **PERMANENT PARTNERS,**'' after ''**SPOUSES**'';

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in subsections (b) and (c)—

(A) in the subsection headers, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place such term appears.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUYE):

S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2005.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 32,000 calls for assistance, and saved 5,500 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, acts of terror, and other national security threats. In 2004, the Coast Guard seized 376,000 pounds of illegal narcotics, preventing them from reaching our streets and playgrounds. They also stopped over 11,000 illegal migrants from reaching our shores. In addition they conducted 4,500 boardings to protect our vital fisheries stocks and they responded to 23,904 pollution incidents.

In today's post–9/11 world, the men and women of the Coast Guard have been working harder than ever securing the nation's coastline, waterways, and ports. This rapid escalation of the Coast Guard's homeland security mission catalogue continues today. Last year alone, the Coast Guard aggressively defended our homeland by conducting more than 36,000 port security patrols, boarded over 19,000 vessels, escorted over 7,200 vessels, and maintained more than 115 security zones. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

By introducing the Coast Guard Authorization bill today, I intend to continue giving the Coast Guard my full support, and I hope my colleagues will work with me to provide the Coast Guard with the resources it needs to carry out its many critically important missions that it provides to this Nation. Unfortunately, the Coast Guard's rapid operational escalation has come on the backs of its 42,000 men and women who faithfully serve our country. Additionally, it has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs, primarily through the full support of its recapitalization project known as Deepwater.

The bill I introduce today would authorize funding at $8.2 billion for Fiscal Year 2006 and $8.8 billion for Fiscal Year 2007. This represents an 8 percent annual budget increase over the levels contained in last year's authorization bill. This authorization will continue

to allow the Coast Guard to perform non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection, as well as fund the necessary missions related to ports, waterways, and coastal security.

This bill also includes numerous measures that would allow the Coast Guard to enforce provisions of the Maritime Transportation Security Act, an essential element in securing the Nation's ports and waterways. Additionally, it would address maritime safety issues by allowing the Coast Guard to continue training both the commercial fishing industry and the recreational boating public in issues regarding safety at sea. Joint training for foreign Nations is also addressed, which allows for nation-building and the development of bilateral agreements that allow the Coast Guard to effectively combat the trafficking of illegal narcotics into our Nation, keeping them off the streets and out of our schools.

In response to the final report of the United States Commission on Ocean Policy, this bill includes provisions that would allow the Coast Guard to work with other Federal, State, and local agencies in developing plans to assist vessels in distress, thus eliminating the potential for loss of life and environmental damage. It also directs the Coast Guard to develop steps that will allow it to better detect and interdict vessels, both American and foreign flagged, that are violating fishing regulations.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world's 42 similar naval fleets with several cutters dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their overall mission effectiveness and efficiency. Unfortunately, they are reaching the end of their serviceable life just when the Coast Guard needs them the most.

The Coast Guard continues to progress with its major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the procurement strategy the Coast Guard is utilizing. This bill would authorize full funding for this critical long-term recapitalization program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1280

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 ''Coast Guard Authorization Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $5,594,900,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,424,852,000, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $17,400,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $119,000,000.

(b) There are authorized to be appropriated for fiscal year 2007 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard $6,042,492,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,538,840,160, to remain available until expended, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) $1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,920,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $18,792,000, of which $2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration $12,960,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, $128,520,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $1,000,000 to continue deployment of a web-based risk management system to help reduce accidents and fatalities.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

''(d) As used in this section, the term 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Any''; and

(2) by adding at the end the following:

''(b) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation, with a total fine per violation not to exceed—

''(1) for violations occurring during fiscal year 2006, $50,000;

''(2) for violations occurring during fiscal year 2007, $75,000; and

''(3) for violations occurring after fiscal year 2007, $100,000.

''(c) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

''(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.''.

SEC. 203. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take all necessary measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of these assets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating $100,000,000 to carry out this section.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;

(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected United States commercial fishing vessels in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term ''dockside crew survivability examination'' means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

(i) proper crew training on the vessel's safety and survival equipment; and

(ii) the crew's familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

(2) COAST GUARD REPRESENTATIVE.—The term ''Coast Guard representative'' means a Coast Guard member, civilian employee, Coast Guard Auxiliarist, or person employed by an organization accepted or approved by the Coast Guard to examine commercial fishing industry vessels.

(3) UNINSPECTED FISHING VESSEL.—The term ''uninspected fishing vessel'' means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(c) SCOPE OF PILOT PROGRAM.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

(2) for a period of 5 calendar years following the date of the enactment of this Act;

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program;

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) REPORT.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the

industry and lives and property saved as a result of the pilot program;

(2) an assessment of the costs and benefits to the United States government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and

(3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking ''owners, masters, and charterers'' and inserting ''owners, masters, charterers, and mortgagees''.

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 149. Assistance to Foreign Governments and Maritime Authorities;

(2) by inserting ''(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—'' before ''The President''; and

(3) by adding at the end the following:

''(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following:

''149. Assistance to Foreign Governments and Maritime Authorities''.

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—

(1) by striking ''37, 43, 51, and 123'' and inserting ''43, 51, 61, and 123'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting ''The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary's designee.''.

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States may transport fish or shellfish within the coastal waters of the State of Maine if the vessel—

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

(4) has not undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the status of the Coast Guard's implementation of Government Accountability Office's recommendations in its report, GAO-04-380, ''Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight''; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (included in this timeline shall be the amount of assets procured during each year of the accelerated program);

(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard's Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN–C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

''(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels may seek a place of refuge in the United States suitable to the specific nature of distress each vessel is experiencing.

(b) REPORT.—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) PLACE OF REFUGE DEFINED.—In this section, the term ''place of refuge'' means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation and to protect human life and the environment.

SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) IN GENERAL.—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) SPECIFIC ISSUES TO BE ADDRESSED.—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) BIENNIAL UPDATES.—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 401. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) by inserting ''Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve.'' after ''5,000.'' in subsection (a); and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

''(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.''.

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting ''The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.'';

(2) by striking ''a member so designated'' in the second sentence of subsection (b) and inserting ''an individual so designated'';

(3) by striking ''of a member'' in subsection (c) and inserting ''of an individual'';

(4) by striking ''of lieutenant (junior grade) or lieutenant.'' in subsection (c) and inserting ''determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.'';

(5) by striking ''A member'' in subsection (d) and inserting ''An individual''; and

(6) by striking ''When a member's designation is revoked,''in subsection (e) and inserting ''When an individual's designation is revoked,''.

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by striking ''during'' in subsection (a) and inserting ''during, or to aid in prevention of an imminent,'';

(2) by striking ''or catastrophe,'' in subsection (a) and inserting ''catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46, United States Code,'';

(3) by striking ''thirty days in any four month period'' in subsection (a) and inserting ''60 days in any 4-month period'';

(4) by striking ''sixty days in any two-year period'' in subsection (a) and inserting ''120 days in any 2-year period''; and

(5) by adding at the end the following:

''(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.''.

SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY TO SUPPORT COAST GUARD MISSIONS.

(a) MOTORIZED VEHICLE AS FACILITY.—Section 826 of title 14, United States Code, is amended—

(1) by inserting ''(a)'' before ''Members''; and

(2) adding at the end the following:

''(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.''.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking ''or radio station'' each place it appears and inserting ''radio station, or motorized vehicle utilized under section 826(b)''.

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 677. Turn-key selection procedures

''(a) AUTHORITY TO USE.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.

''(b) DEFINITIONS.—In this section—

''(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term 'one-step turn-key selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

''(2) CONSTRUCTION.—The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

''(3) FACILITY.—The term 'facility' means a building, structure, or other improvement to real property.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

''677. Turn-key selection procedures''.

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

''(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.''.

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is amended—

(1) by striking ''The term 'law specialist' '' in paragraph (11) and inserting ''The term 'judge advocate', in the Coast Guard,'';

(2) by striking ''advocate; or'' in paragraph (13) and inserting ''advocate.''; and

(3) by striking subparagraph (C) of paragraph (13).

(b) Section 727 of title 14, United States Code, is amended by striking ''law specialist'' and inserting ''judge advocate''.

(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking ''law specialist'' and inserting ''judge advocate''.

SEC. 408. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

''§ 337. Director, Office of Boating Safety

''The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

''337. Director, Office of Boating Safety''.

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting ''The Department of Homeland Security.'' after ''The Department of Veterans Affairs.'' in section 101'';

(2) by inserting ''the Secretary of Homeland Security,'' in section 2902(b) after ''Secretary of the Interior,''; and

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers' and Sailors' Civil Relief Act of 1940 (Pub. L. 76-861, 56 Stat. 1178, 50 U.S.C. App. 501 et seq.) is amended—

(1) by striking ''Secretary of Transportation'' each place it appears in section 515 and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Secretary of Transportation'' in section 530(d) and inserting ''Secretary of Homeland Security''.

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

(1) by striking ''of Transportation'' in section 3321(c) and inserting ''of Homeland Security.'';

(2) by striking ''of Transportation'' in section 3325(b) and inserting ''of Homeland Security'';

(3) by striking ''of Transportation'' each place it appears in section 3527(b)(1) and inserting ''of Homeland Security''; and

(4) by striking ''of Transportation'' in section 3711(f) and inserting ''of Homeland Security''.

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 44, United States Code, are amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking ''a Coast Guard or'' in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting ''Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard.''; and

(3) by striking ''of Transportation'' in section 13106(c) and inserting ''of Homeland Security''.

SEC. 507. TRANSPORTATION; ORGANIZATION.

Section 324 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (J);

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

''(K) the Department of Homeland Security; and''.

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Na-Zin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary of the Department in which the Coast Guard is operating''.

SEC. 512. ANCHORAGE GROUNDS.

Section 7 of the Rivers and Harbors Act of 1915 (33 U.S.C. 471) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

SEC. 514. LIGHTHOUSES.

(a) Section 1 of Public Law 70-803 (33 U.S.C. 747b) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(b) Section 2 of Public Law 65-174 (33 U.S.C. 748) is amended by striking ''of Transportation'' and inserting ''of Homeland Security''.

(c) Sections 1 and 2 of Public Law 75-515 (33 U.S.C. 745a, 748a) are amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.) is amended—

(1) by inserting ''Homeland Security,'' in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after ''the Interior,'';

(2) by striking ''of Transportation.'' in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting ''of Homeland Security.'';

(3) by striking section 7001(a)(3) (33 U.S.C. 2761(a)(3)) and inserting the following:

''(3) MEMBERSHIP.—

''(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

''(B) A representative of the Department of Transportation shall serve as Chairman.''; and

(4) by striking ''other'' in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) before ''such agencies''.

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking ''of Transportation,'' and inserting ''of Homeland Security,''.

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking ''of Transportation'' each place it appears and inserting ''of Homeland Security''.

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking ''Satisfactory inspection shall be certified in writing by the Secretary of Transportation'' and inserting ''Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.''.

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

''(26) 'nontank vessel' means a self-propelled vessel—

''(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

''(B) other than a tank vessel;

''(C) that carries oil of any kind as fuel for main propulsion; and

''(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 520. DRUG INTERDICTION REPORT.

(a) IN GENERAL.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

''(d) QUARTERLY REPORTS ON DRUG INTERDICTION.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.''.

(b) CONFORMING AMENDMENT.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note) is repealed.

SEC. 521. ACTS OF TERRORISM REPORT.

Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is amended—

(1) by striking ''Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report'' and inserting ''The Secretary of Homeland Security shall report annually''; and

(2) by inserting ''Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.'' after ''ports.''.

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) EXCEPTION.—Sections 501 through 518 of this Act and the amendments made by those sections shall take effect on March 1, 2003.

Ms. CANTWELL. Mr. President, I am pleased to join Chairwoman SNOWE to introduce the Coast Guard Authorization Act of 2005.

Those of us from coastal States are especially aware of the important role of the U.S. Coast Guard in maritime security, marine safety, and search and rescue of mariners. In addition, the Coast Guard is instrumental in protecting our ocean resources through fisheries enforcement and response to oil spills.

We ask a lot of the Coast Guard, and I am grateful to the men and women of the U.S. Coast Guard for their dedication and hard work. In this bill, I believe we have provided the Coast Guard with direction and authorizations that will help them better serve the public and meet the growing demands of the future.

The bill includes authorizations for Fiscal Year 2006 and 2007 appropriations that are approximately 8 percent higher than for each preceding year. The bill also authorizes a number of important new programs including recommendations of the United States Commission on Ocean Policy, makes a number of changes sought by the Coast Guard for personnel and property management, and makes necessary technical corrections resulting from the Coast Guard's move from the Department of Transportation to the Department of Homeland Security.

I am especially pleased that the committee legislation authorizes $47,500,000 for the Coast Guard's continued operation and maintenance of the Nation's only Polar Ice Breaker fleet. The administration's budget for fiscal year 2006 proposed transferring the funding for operation and maintenance of these vessels to the National Science Foundation, while leaving operational responsibility with the Coast Guard. No other Coast Guard asset is funded in this manner. Subjecting the icebreaker program to the budgeting decisions of another federal agency would definitely lead to an uncertain future for the Coast Guard's three icebreakers, ultimately undermining the ability of the Coast Guard to maintain these assets, and threatening the ability of the United States to maintain a presence in the polar regions over the long term. Section 203 of this legislation specifically calls on the Coast Guard to take all necessary measures to maintain its current fleet of polar icebreakers, rather than transferring this responsibility to the NSF.

This bill includes important funding for additional Coast Guard capital improvement priorities including $10,000,000 for the completion of the vessel traffic system upgrade for Puget Sound, one of two regions nationwide that has not yet benefited from this important upgrade in maritime traffic management and safety. This upgraded vessel traffic system will improve vessel traffic efficiency and safety throughout Washington's coastal waters. This funding also includes $3 million for completion of a Coast Guard administrative building on Pier 36 in Seattle that was badly damaged in the Olympia earthquake in 2001. This building is the Command Center for the Coast Guard's Puget Sound search and rescue and homeland security activities and these funds will greatly improve the Coast Guard's capabilities in this area.

I am also pleased that the bill directs the Coast Guard to report to the Commerce Committee on opportunities for, the feasibility of, co-locating Coast Guard assets and personnel at facilities of other armed services branches, and entering into cooperative agreements for carrying out various Coast Guard missions. One such facility where co-location may prove beneficial to both the Coast Guard and the Navy is Naval Station Everett, which will be included in the Coast Guard's evaluation.

In addition, the bill promotes the use of alternative fuels by requiring the Coast Guard to evaluate the feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, with a focus on ports such as the Port of Seattle with very high vessel traffic density. Bio-diesel and other alternative vehicle fuels are already used by the Army at Fort Lewis, King County Metro Transit, and several school districts and cities in Washington State.

We have included in the bill a provision that would extend a requirement for non-tank vessels of over 400 gross tons, operating in waters out to 12 miles from the U.S., to prepare emergency response plans for oil spills. As we have learned with unfortunate oil spills in the past, such as the recent Daleo Passage Spill, every second matters. Requiring large vessels operating in coastal waters to have an emergency response plan will help prevent oil spill disasters and, in the event of a spill, mitigate their effects through preparedness.

Finally, the bill makes several important changes to the Coast Guard's management of personnel. One of these changes modifies current Coast Guard rules regarding recalling reservists for acts of terrorism and for longer periods of time. This provision ensures that the clock for the length of the recall begins to run on the first day that a reservist reports to active duty, including for training. Another provision ensures that the director of the Boating Safety Office remains a uniformed officer at the level of captain, in response to concerns from the boating safety community that the Coast Guard was eliminating this billet.

Effective Coast Guard operations are important for the State of Washington and for the Nation. I am pleased to join Senators SNOWE, STEVENS, and INOUYE in introducing this legislation and I look forward to working with my colleagues on the Commerce Committee and with the Coast Guard to move this legislation quickly through the Committee and the Senate.

By Mrs. HUTCHISON (for herself and Mr. NELSON of Florida):

S. 1281. A bill to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, my friend and colleague, the senior Senator from Florida, and I are today introducing a far-reaching bill to reauthorize the National Aeronautics and Space Administration for 5 years, from fiscal year 2006 through fiscal year 2010.

This legislation is already the product of close bipartisan cooperation among Republicans and Democrats, which should be a surprise to no one, for space exploration is something that is important to all Americans, and promises and provides benefits to all of us, to all of humanity.

This bill represents an important opportunity for the Congress to play its fundamental role, in conjunction with the executive branch, in establishing the policies and principles that will guide our Nation's exploration and utilization of space.

The President has outlined an ambitious new Vision for Exploration that enables us to see where we can be 30 and 40 years ahead, with a renewed US presence on the Moon and crews and habitats on Mars, and perhaps even beyond. I support and endorse that vision and believe it describes a course America must take into the future.

This legislation expresses the sense of the Congress that such a broad, visionary goal is important and necessary to help stimulate our efforts today to develop the capabilities and the skills to reach that goal, and to reap tremendous benefits and rewards for all of us here on Earth as we do.

The bill authorizes funding for NASA for the next 5 fiscal years, from fiscal year 2006 to fiscal year 2010. The authorized levels are close to those requested in the President's budget request for 2006 and increase at a level to keep pace with estimates of inflation over the subsequent years.

Where the legislation differs from the President's request or from the plans that have been developed at NASA to begin the vision for exploration, we believe the adjustments made in this legislation will improve NASA's capability to carry out those plans and to sustain the high level of public and congressional support necessary for the long-term success of the vision for exploration.

Those differences revolve around two major areas of concern: (1) the need to ensure a sustained, continuous ability for the United States to launch crews and cargo into orbit; and (2) the need to maintain our existing commitments to both our international partners and our scientific partners in the International Space Station.

In other areas of space policy and programs, we have included language which expands on the administration proposals. We provide for the establishment, by the President, of a proposed National Policy for Aeronautics and Aeronautical Research, to provide a framework for making intelligent and far-reaching decisions about this crucial aspect of our Nation's ability to remain competitive in the global market of aeronautics. We must know what capabilities must be retained in our present aeronautics research infrastructure and what may be better served by changes that would remove the competition within NASA for limited resources in a constrained budgetary environment. Difficult choices must be made, but the first step in making informed decisions is to have a comprehensive policy framework to guide those decisions.

We endorse and expand, by repeated references in several portions of the bill, the desire to open the door for greater commercial participation in the exploration and utilization of space and space-based assets, from the development of basic launch capabilities, to crew-capable launch vehicles, to resupply and even research management of the International Space Station, and missions to the Moon and Mars, to Earth observation and remote sensing capabilities.

Commercial capabilities have experienced a dramatic upsurge in the recent past which makes this an especially important and promising aspect of this legislation. Just one year ago, on June 21, 2004, SpaceShipOne, built by the private firm of Scaled Composites, flew into the lower reaches of outer space, making pilot Mike Melvill the first civilian to fly a commercially-built spaceship out of the atmosphere and the first private pilot to earn astronaut wings.

As I said earlier, we believe the provisions of this legislation will make it easier for NASA to pursue the vision for exploration. Let me, in conclusion, expand briefly on that statement by referring to two specific areas of interest: the development of a crew exploration vehicle, and the assembly and operation of the International Space Station.

NASA has begun several efforts in the past decade, to develop a replacement vehicle for human space flight, with a view to eventually retiring the space shuttle. Each of them has failed, after considerable expense, to find the technological breakthrough that was necessary for their success. They were focused on new technologies, new systems that were largely untested, and unproven. We are now out of time, and can no longer afford the luxury of attempting to develop a dramatically new and different human space flight capability.

This legislation directs NASA, wherever practical, to use existing technology and industrial capacity, derived from our 24 years of experience with the space shuttle, in developing alternative means for launching crews and cargo into space. This approach promises not only to result in less cost to NASA and less risk of failure in development, but it will enable this nation to avoid an unacceptable—and potentially dangerous—situation where we do not have a capability to launch humans in space, especially at a time when the number of nations who have that capability is increasing, as the entry of China into that long-exclusive ''club'' has demonstrated.

NASA has said it cannot afford to continue to provide for all the research that has been planned for years to be accomplished aboard the International Space Station. It has begun the process of narrowing the scope of the use of the space station to those experiments that can contribute directly to the needs of the vision for exploration, and the support of human missions to the Moon, Mars, and beyond. This legislation states strongly that such a restriction on the range of research disciplines aboard the ISS is not in the best interests of the Nation, or of our partners.

The bill directs NASA to retain and support those ''non-vision'' science disciplines, and authorizes an additional $100 million, initially, for NASA to do that. But more importantly, the bill designates the U.S. portion of the ISS as a national laboratory facility, and directs NASA to provide a plan, by March of next year, which will enable a national laboratory, within NASA, to assume research management responsibility for that on-orbit national laboratory facility.

The potential gain for NASA is that the national laboratory will be empowered to bring other, non-NASA, resources to bear in operating the ISS, thus freeing NASA of much of that operational responsibility, while at the same time allowing it to support the specific research it needs for the vision for exploration.

The legislation provides other authorities, as requested by the administration, to facilitate NASA operations and management, and addresses other issues, such as continued monitoring of safety-related issues. While it adds some reporting requirements for NASA, it also eliminates a number of statutory reporting requirements that are no longer necessary.

This legislation to reauthorize NASA is necessary and vital to the future success of our Nation's effort in the exploration of space, and I take great satisfaction in offering it today for the Senate's consideration. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as ''National Aeronautics and Space Administration Authorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.

(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation's goals for the use and development of space. Basic research and development is an important component of NASA's program of exploration and discovery.

(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. Thus, a gap in United States human space flight capability is harmful to the national interest.

(4) The exploration, development, and permanent habitation of the Moon will—

(A) inspire the Nation;

(B) spur commerce, imagination, and excitement around the world; and

(C) open the possibility of further exploration of Mars.

(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.

(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.

(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter's capabilities for transporting crew and heavy cargo while utilizing the current program's resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

(9) The United States should remain the world leader in aeronautics and aviation. NASA should align its aerospace research to ensure United States leadership. A national effort is needed to assess NASA's aeronautics programs and infrastructure to allow a consolidated national approach that ensures efficiency and national preeminence in aeronautics and aviation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the international space station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) SHUTTLE-DERIVED VEHICLE.—The term ''shuttle-derived vehicle'' means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA's Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term ''in-situ resource utilization'' means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

SEC. 101. FISCAL YEAR 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2006 $16,556,400,000, as follows:

(1) For science, aeronautics and exploration, $9,661,000,000 for the following programs (including amounts for construction of facilities).

(2) For exploration capabilities, $6,863,000,000, (including amounts for construction of facilities), which shall be used for space operations, and out of which $100,000,000 shall be used for the purposes of section 202 of this Act.

(3) For the Office of Inspector General, $32,400,000.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(1) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000, for the following programs (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,995,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

SUBTITLE B—GENERAL PROVISIONS

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA's science portfolio are developed and maintained in a balanced and healthy manner;

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct a broad set of scientific investigations and research around and on the Moon's surface;

(3) upon successful completion of the planned return-to-flight schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA's other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and commercial collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight opportunities for scientific Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities;

(6) develop a long term sustainable relationship with the United States commercial remote sensing industry, and, consistent with applicable policies and law, to the maximum practical extent, rely on their services;

(7) in conjunction with United States industry and universities, develop Earth science applications to enhance Federal, State, local, regional, and tribal agencies that use government and commercial remote sensing capabilities and other sources of geospatial information to address their needs; and

(8) plan, develop, and implement a near-Earth object survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth asteroids and comets in order to assess the threat of such near-Earth objects in impacting the Earth.

SEC. 132. BIENNIAL REPORTS TO CONGRESS ON SCIENCE PROGRAMS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act and every 2 years thereafter, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science setting forth in detail—

(1) the findings and actions taken on NASA's assessment of the balance within its science portfolio and any efforts to adjust that balance among the major program areas, including the areas referred to in section 131;

(2) any activities undertaken by the Administration to conform with the Sun-Earth science and applications direction provided in section 131; and

(3) efforts to enhance near-Earth object detection and observation.

(b) EXTERNAL REVIEW FINDINGS.—The Administrator shall include in each report submitted under this section a summary of findings and recommendations from any external reviews of the Administration's science mission priorities and programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRESENCE BEYOND LOW-EARTH ORBIT.

(a) IN GENERAL.—As part of the programs authorized under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an extensive precursor program, to support security, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The Administrator is further authorized to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Administrator shall—

(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;

(2) as part of NASA's annual budget submission, submit to the Congress the detailed mission, schedule, and budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;

(3) as part of NASA's annual budget submission, submit to the Congress a plan for NASA's lunar robotic precursor and technology programs, including current and planned technology investments and scientific research that support the lunar program; and

(4) conduct an intensive in-situ resource utilization technology program in order to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit.

SEC. 135. GROUND-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) LOCATIONS.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, and other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TRANSITION, CAPABILITIES, AND DEVELOPMENT.

(a) POST-ORBITER TRANSITION.—The Administrator shall develop an implementation plan for the transition to a new crew exploration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

(b) AUTOMATED RENDEZVOUS AND DOCKING.—The Administrator is directed to pursue aggressively automated rendezvous and docking capabilities that can support ISS and other mission requirements and include these activities, progress reports, and plans in the implementation plan.

(c) CONGRESSIONAL SUBMISSION.—Within 120 days after the date of enactment of this Act the Administrator shall submit a copy of the implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 137. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The President, through the Director of the Office of Science and Technology Policy, shall develop, in consultation with NASA and other relevant Federal agencies, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020.

(b) CONTENT.—At a minimum the national aeronautics policy shall describe—

(1) national goals for aeronautics research;

(2) the priority areas of research for aeronautics through fiscal year 2011;

(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and

(4) respective roles and responsibilities of various Federal agencies in aeronautics research.

(c) NATIONAL ASSESSMENT OF AERONAUTICS INFRASTRUCTURE AND CAPABILITIES.—In developing the national aeronautics policy, the President, through the Director of the Office of Science and Technology Policy, shall conduct a national study of government-owned aeronautics research infrastructure to assess—

(1) uniqueness, mission dependency, and industry need; and

(2) the development or initiation of a consolidated national aviation research, development, and support organization.

(d) SCHEDULE.—No later than 1 year after the date of enactment of this Act, the President's Science Advisor and the Administrator shall submit the national aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

SEC. 138. IDENTIFICATION OF UNIQUE NASA CORE AERONAUTICS RESEARCH.

Within 180 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science that assesses the aeronautics research program for its current and potential application to new aeronautic and space vehicles and the unique aeronautical research and associated capabilities that must be retained and supported by NASA to further space exploration and support United States economic competitiveness.

SEC 139. LESSONS LEARNED AND BEST PRACTICES

(a) IN GENERAL.—The Administrator shall provide an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects within 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to assure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain as a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 140. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There'';

(2) by striking ''to it'' and inserting ''to it, including evaluating NASA's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting ''with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also'';

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's safety management culture.

''(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Administrator should—

''(1) ensure that NASA employees can raise safety concerns without fear of reprisal;

''(2) continue to follow the recommendations of the Columbia Accident Investigation Board for safely returning and continuing to fly; and

''(3) continue to inform the Congress from time to time of NASA's progress in meeting those recommendations.''.

SEC. 141. CREATION OF A BUDGET STRUCTURE THAT AIDS EFFECTIVE OVERSIGHT AND MANAGEMENT.

In developing NASA's budget request for inclusion in the Budget of the United States for fiscal year 2007 and thereafter, the Administrator shall—

(1) include line items for—

(A) science, aeronautics, and exploration;

(B) exploration capabilities; and

(C) the Office of the Inspector General;

(2) enumerate separately, within the science, aeronautics, and exploration account, the requests for—

(A) space science;

(B) Earth science; and

(C) aeronautics;

(3) include, within the exploration capabilities account, the requests for—

(A) the Space Shuttle; and

(B) the ISS; and

(4) enumerate separately the specific request for the independent technical authority within the appropriate account.

SEC. 142. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the United States Geological Survey, shall submit a plan to the Senate Committee on

Commerce, Science, and Transportation and the House of Representatives Committee on Science to ensure the long-term vitality of the earth observing system at NASA.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) address such issues as—

(A) out-year budgetary projections;

(B) technical requirements for the system; and

(C) integration into the Global Earth Observing System of Systems; and

(2) evaluate—

(A) the need to proceed with any NASA missions that have been delayed or canceled;

(B) plans for transferring needed capabilities from some canceled or de-scoped missions to the National Polar-orbiting Environmental Satellite System;

(C) the technical base for exploratory earth observing systems;

(D) the need to strengthen research and analysis programs; and

(E) the need to strengthen the approach to obtaining important climate observations and data records.

(c) EARTH OBSERVING SYSTEM DEFINED.—In this section, the term ''earth observing system'' means the series of satellites, a science component, and a data system for long-term global observations of the land surface, biosphere, solid Earth, atmosphere, and oceans.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 161. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, but not to exceed $70,000, for official reception and representation expenses.

SEC. 162. FACILITIES MANAGEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may convey, by sale, lease, exchange, or otherwise, including through leaseback arrangements, real and related personal property under the custody and control of the Administration, or interests therein, and retain the net proceeds of such dispositions in an account within NASA's working capital fund to be used for NASA's real property capital needs. All net proceeds realized under this section shall be obligated or expended only as authorized by appropriations Acts. To aid in the use of this authority, NASA shall develop a facilities investment plan that takes into account uniqueness, mission dependency, and other studies required by this Act.

(b) APPLICATION OF OTHER LAW.—Sales transactions under this section are subject to section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the House of Representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation.

(d) DEFINITIONS.—In this section:

(a) NET PROCEEDS.—The term ''net proceeds'' means the rental and other sums received less the costs of the disposition.

(2) REAL PROPERTY CAPITAL NEEDS.—The term ''real property capital needs'' means any expenses necessary and incident to the agency's real property capital acquisitions, improvements, and dispositions.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasures, applied bio-technologies, technology and exploration research, and other priority areas;

(2) have an ability to support crew size of at least 6 persons;

(3) support crew exploration vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential hiatus between Space Shuttle availability and follow-on crew and cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Within 180 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science NASA's plan to meet the requirements of subsections (a) and (b).

(d) COST LIMITATION FOR THE ISS.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident and the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science;

(2) ensure the capacity to support ground-based research leading to spaceflight of scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity;

(3) restore and protect such potential ISS research activities as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities until such time as additional funding or resources from sources other than NASA can be identified to support these activities within the framework of the National Laboratory provided for in section 203 of this Act; and

(4) within 1 year after the date of enactment of this Act, develop a research plan that will demonstrate the process by which NASA will evolve the ISS research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) MAINTENANCE OF ON-ORBIT ANALYTICAL CAPABILITIES.—The Administrator shall ensure that on-orbit analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an alternative to Earth-based analysis requiring the capability of returning research products to Earth.

(c) ASSESSMENT OF POTENTIAL SCIENTIFIC USES.—The Administrator shall assess further potential possible scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) TRANSITION TO PUBLIC–PRIVATE RESEARCH OPERATIONS.—By no later than the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private–public operating relationship pursuant to section 203 of this Act.

SEC. 203. NATIONAL LABORATORY STATUS FOR INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—In order to accomplish the objectives listed in section 202, the United States segment of the ISS is hereby designated a national laboratory facility. The Administrator, after consultation with the Director of the Office of Science and Technology Policy, shall develop the national laboratory facility to oversee scientific utilization of an ISS national laboratory within the organizational structure of NASA.

(b) NATIONAL LABORATORY FUNCTIONS.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions;

(2) proposed ground-based laboratory facilities;

(3) detailed laboratory management structure, concept of operations, and operational feasibility;

(4) detailed plans for integration and conduct of ground and space-based research operations;

(5) description of funding and workforce resource requirements necessary to establish and operate the laboratory;

(6) plans for accommodation of existing international partner research obligations and commitments; and

(7) detailed outline of actions and timeline necessary to implement and initiate operations of the laboratory.

(d) U.S. SEGMENT DEFINED.—In this section the term ''United States Segment of the ISS'' means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL SPACE STATION OPERATIONS AND UTILIZATION.

The Administrator shall purchase commercial services for support of the ISS for cargo and other needs to the maximum extent possible, in accordance with Federal procurement law.

SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) POLICY.—It is the policy of the United States—

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) USE OF INTERNATIONAL SPACE STATION.—The Administrator shall conduct broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of this title, and advance the Nation's exploration of the Moon and beyond, using the ISS as a test-bed and outpost for operations, engineering, and scientific research.

(c) REPORTS.—No later than March 31 of each year the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPACITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation's aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the Space Shuttle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against orbital debris strikes that offers a high level of safety;

(8) development risk areas;

(9) the schedule and cost;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.

(a) IN GENERAL.—In order to ensure continuous human access to space, the Administrator may not retire the Space Shuttle orbiter until a replacement human-rated spacecraft system has demonstrated that it can take humans into Earth orbit and return them safely, except as may be provided by law enacted after the date of enactment of this Act. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capability in a manner that uses the personnel, capabilities, assets, and infrastructure of the current Space Shuttle program to the maximum extent feasible.

(b) REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATIONS; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

In order to help develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science mission and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in the development of technologies and services.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration.

''(2) USE OF PRIZE AUTHORITY.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas identified in section 134 of this Act or other areas that the Administrator determines to be providing impetus to NASA's overall exploration and science architecture and plans, such as private efforts to detect near Earth objects and, where practicable, utilize the prize winner's technologies in fulfilling NASA's missions. The Administrator shall widely advertise any competitions conducted under the program and must include advertising to research universities.

''(3) COORDINATION.—The program shall be implemented in compliance with section 138 of the National Aeronautics and Space Administration Authorization Act of 2005.

''(b) PROGRAM REQUIREMENTS.—

''(1) COMPETITIVE PROCESS.—Recipients of prizes under the program under this section shall be selected through one or more competitions conducted by the Administrator.

''(2) ADVERTISING.—The Administrator shall widely advertise any competitions conducted under the program.

''(c) REGISTRATION; ASSUMPTION OF RISK.—

''(1) REGISTRATION.—Each potential recipient of a prize in a competition under the program under this section shall register for the competition.

''(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

''(3) RELATED ENTITY DEFINED.—In this subsection, the term 'related entity' includes a contractor or subcontractor at any tier, a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(d) LIMITATIONS.—

''(1) TOTAL AMOUNT.—The total amount of cash prizes available for award in competitions under the program under this section in any fiscal year may not exceed $50,000,000.

''(2) APPROVAL REQUIRED FOR LARGE PRIZES.—No competition under the program may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator or a designee of the Administrator.

''(e) RELATIONSHIP TO OTHER AUTHORITY.—The Administrator may utilize the authority in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

''(f) AVAILABILITY OF FUNDS.—Funds appropriated for the program authorized by this section shall remain available until expended.''.

SEC. 403. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should purchase commercially available space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commercial use and development of space to the greatest extent practicable.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended by striking ''December 31, 2002'' and

inserting ''December 31, 2007'', and by striking ''September 30, 2005'' and inserting ''December 31, 2009''.

SEC. 502. INTELLECTUAL PROPERTY PROVISIONS.

Section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457 et seq.), is amended by inserting after subsection (f) the following:

''(g) ASSIGNMENT OF PATENT RIGHTS, ETC.—

''(1) IN GENERAL.—Under agreements entered into pursuant to paragraph (5) or (6) of section 203(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

''(A) grant or agree to grant in advance to a participating party, patent licenses or assignments, or options thereto, in any invention made in whole or in part by an Administration employee under the agreement; or

''(B) subject to section 209 of title 35, grant a license to an invention which is Federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement, for reasonable compensation when appropriate.

''(2) EXCLUSIVITY.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated field of use for any such invention under the agreement or, if there is more than 1 participating party, that the participating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party.

''(3) CONDITIONS.—In consideration for the Government's contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

''(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552 (b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

''(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

''(i) to require the participating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

''(ii) if the participating party fails to grant such a license, to grant the license itself.

''(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

''(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

''(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

''(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)(B)).

''(4) APPEAL AND REVIEW OF DETERMINATION.—A determination under paragraph (3)(C) is subject to administrative appeal and judicial review under section 203(b) of title 35, United States Code.''.

SEC. 503. RETROCESSION OF JURISDICTION.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 502 of this Act, is further amended by adding at the end the following:

''SEC. 317. RETROCESSION OF JURISDICTION.

''Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.''.

SEC. 504. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 603 of this Act, is further amended by adding at the end the following:

''SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

''(a) IN GENERAL.—

''(1) CONTROL OF REMAINS.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

''(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

''(b) DEFINITIONS.—In this section:

''(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

''(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that—

''(A) is intended to transport 1 or more persons;

''(B) designed to operate in outer space; and

''(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.''.

SEC. 505. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

(2) by striking ''$150,000,000'' in subsection (a) and inserting ''$250,000,000'';

(3) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(4) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

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

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a program or project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results to the customers.''.

SEC. 506. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

''SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

''(a) IN GENERAL.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

''(b) APPLICABILITY.—The program implemented under subsection (a) shall apply to non-commercial acquisitions—

''(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

''(2) that do not involve bundling of contract requirements as defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)); and

''(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(c) NOTICE.—

''(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(c)(4)).

''(2) Providing access to notice in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(d) SOLICITATION.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

''(e) WAIT PERIOD.—

''(1) Whenever a notice required by section 8(e)(1)(A) of the Small Business Act (15 U.S.C. 637(e)(1)(A)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is made accessible in accordance with subsection (c) of this section, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)), shall be reduced by 5 days. If the solicitation applying to that notice is accessible electronically in accordance with subsection (d) simultaneously with issuance of the notice, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)) shall not apply and the period specified in section 8(e)(3)(B) of the Small Business Act and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act for submission of bids or proposals shall begin to run from the date the solicitation is electronically accessible.

''(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the deadline for the submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)) and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(B)).

''(f) IMPLEMENTATION.—

''(1) Nothing in this section shall be construed as modifying regulatory requirements set forth in the Federal Acquisition Regulation, except with respect to—

''(A) the applicable wait period between publication of notice of a proposed contract action and release of the solicitation; and

''(B) the deadline for submission of bids or proposals for procurements conducted in accordance with the terms of this pilot program.

''(2) This section shall not apply to the extent the President determines it is inconsistent with any international agreement to which the United States is a party.

''(g) STUDY.—Within 18 months after the effective date of the program, NASA, in coordination with the Small Business Administration, the General Services Administration, and the Office of Management and Budget, shall evaluate the impact of the pilot program and submit to Congress a report that—

''(1) sets forth in detail the results of the test, including the impact on competition and small business participation; and

''(2) addresses whether the pilot program should be made permanent, continued as a test program, or allowed to expire.

''(h) REGULATIONS.—The Administrator shall publish proposed revisions to the NASA Federal Acquisition Regulation Supplement necessary to implement this section in the Federal Register not later than 120 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005. The Administrator shall—

''(1) make the proposed regulations available for public comment for a period of not less than 60 days; and

''(2) publish final regulations in the Federal Register not later than 240 days after the date of enactment of that Act.

''(i) EFFECTIVE DATE.—

''(1) IN GENERAL.—The pilot program authorized by this section shall take effect on the date specified in the final regulations promulgated pursuant to subsection (h)(2).

''(2) LIMITATION.—The date so specified shall be no less than 30 days after the date on which the final regulation is published.

''(j) EXPIRATION OF AUTHORITY.—The authority to conduct the pilot program under subsection (a) and to award contracts under such program shall expire 2 years after the effective date established in the final regulations published in the Federal Register under subsection (h)(2).''.

SEC. 507. REPORTS ELIMINATION.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note).

(2) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(3) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000.

(b) AMENDMENTS.—

(1) Section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended by striking subsection (a) and redesignating subsections (b) through (f) as subsections (a) through (e).

(2) Section 315(a) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487a(c)) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

Mr. NELSON of Florida. Mr. President, I am pleased to join Senator HUTCHISON today in sponsoring a NASA Authorization Act that provides policy guidance for keeping NASA on track to achieve their objectives; and to ensure that there is a good balance between the different activities that NASA performs.

As chair and ranking member of the Commerce Committee's Subcommittee on Science and Space, Senator HUTCHISON and I believe that through this bill, Congress can provide constructive support to the good work being done by Administrator Michael Griffin, as they begin to implement the President's vision and prepare NASA for the challenges of the future.

This is a 5-year bill, authorizing NASA from 2006 through 2010. It authorizes NASA appropriations in excess of the President's Budget Request.

For fiscal year 2006, the President requested $16.456 billion, which is a 2.4 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes $16.556 billion for fiscal year 2006, which is a 3.0 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes increases at a level of about 3 percent each year, consistently providing more funding than the President's budget projection.

Like many of our colleagues, we believe that recent NASA budget requests have been below the levels required for NASA to perform its various missions effectively. Once this bill is enacted, we intend to work with the Appropriations Committee to ensure that adequate funds are provided for NASA to succeed.

This legislation authorizes NASA to return humans to the Moon, to explore it, and to maintain a human presence on the Moon. Consistent with the President's vision, it also requires using what we learn and develop on the Moon as a stepping-stone to future exploration of Mars.

To carry out these missions, our bill requires NASA to develop an implementation plan for the transition from shuttle to crew exploration vehicle, CEV. The plan will help NASA to make a smooth transition from retirement of the space shuttle orbiters to the replacement spacecraft systems. The implementation plan will help make sure that we can keep the skills and the focus that are needed to assure that each space shuttle flight is safe through retirement of the orbiters, and to retain those personnel needed for the CEV and heavy lift cargo spacecraft.

It is essential to our national security that we prevent any hiatus or gap in which the United States cannot send astronauts to space without relying on a foreign country. The Russians have been good partners in construction of the international space station, and the Soyuz spacecraft has been a reliable vehicle for our astronauts. But with all of the uncertainties in our relationship with Russia, we simply cannot allow ourselves the vulnerability of being totally dependent on the Soyuz. We need to maintain assured access to space by U.S. astronauts on a continuous basis. We therefore require in this legislation, that there not be a hiatus between the retirement of the space shuttle orbiters and the availability of the next generation U.S. human-rated spacecraft.

We recognize that NASA has some concerns regarding our position on a hiatus, and we are aware of Dr. Griffin's efforts to reduce the potential for a gap. We will work with NASA as this legislation moves forward to ensure that a compromise is reached that is mutually satisfying. This provision does not unduly tie the Administrator's hands, while still guaranteeing us assured access to space.

Our bill directs NASA to plan for and consider a Hubble servicing mission after the 2 space shuttle return to flight missions have been completed.

Americans are inspired by the images that Hubble produces. The new instruments to be added during the SM–4 Hubble servicing mission will produce higher quality images; enable us to see further into space; and give scientists a better understanding of our Universe's past, and perhaps of our future. The replacement gyroscopes and batteries that are planned for the mission will extend Hubble's life by 5 or more years.

This NASA authorization bill calls for utilization of the international space station for basic science as well as exploration science. It is important that we reap the benefits of our multi-billion dollar investment in the space station. The promise of some basic science research requires a microgravity or a space environment for us to better understand the problem that we are trying to solve. This bill ensures that NASA will maintain a focus on the importance of basic science.

This bill directs NASA to improve its safety culture. According to the Columbia Accident Investigation Board, CAIB, report, the safety culture at NASA was as much a cause of the Columbia tragedy as the physical cause. Low and mid-level personnel felt that you could not elevate safety concerns without reprisals, or being ignored. NASA has already taken significant steps to address these problems, but we need to assure that the safety culture improves as quickly as possible and that it continues to improve.

This legislation proposes that the Aerospace Safety Advisory Panel monitor and measure NASA's improvements to their safety culture, including employees' fear of reprisals for voicing concerns about safety.

It also contains policy regarding NASA's need to consider and implement lessons learned, in order to avoid another preventable tragedy like the Challenger and Columbia disasters.

This authorization bill addresses NASA aeronautics and America's preeminence in aviation. The Europeans have stated their intent to dominate the airplane market by 2020. This bill

directs the President, through the Director of the Office of Science and Technology Policy, OSTP, to work with NASA and other Federal agencies to develop a national policy for aeronautics. It also directs NASA to evaluate its core aeronautics research.

Many people do not realize that NASA does research for improving airplanes. NASA conducts research that makes airplanes safer, quieter, more fuel efficient, and less polluting. This important function of NASA needs to be continued and further developed.

Senator HUTCHISON and I expect to mark this bill up in the Commerce Committee later this week, and hope to have time to consider it on the floor before the August recess. I will urge all of my colleagues to support this important legislation. NASA has a new direction, and they have outstanding new leadership in Dr. Griffin.

We have an opportunity to authorize NASA for: implementing the Vision for Space Exploration; renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or resurrecting very important science activities at NASA; and assuring that America has continuous human access to space.

By doing so, we will continue to advance our national security, strengthen our economy, inspire the next generation of explorers, and fulfill our destiny as explorers.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. JEFFORDS, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mrs. BOXER, Ms. SNOWE, Mr. KERRY, Mr. TALENT, Mr. NELSON of Nebraska, Mr. COLEMAN, Mr. DURBIN, and Mr. HAGEL):

S. 1283. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to reintroduce the Lifespan Respite Care Act of 2005 today with my colleague Senator JOHN WARNER. I'd like to express my sincere thanks to Senator WARNER for his leadership on this legislation which would make much needed quality respite care available and accessible to families and family caregivers in need.

Caregiving needs do not discriminate: they demand the time and resources of millions of American families from all socioeconomic, ethnic, and educational backgrounds.

Caregivers today provide an enormous portion of our health and long-term care for older adults and individuals with disabilities. Although much of family caregiving is unpaid, it is not without cost. In fact, it is estimated that if services provided by family caregivers were provided instead by paid professionals, they would cost over $200 billion annually. In addition, food, medicines and other caregiving necessities place added strain on already tight family budgets.

Because of their responsibilities at home, it is much more difficult for caregivers to find or maintain jobs. Many caregiving families are struggling to stay afloat. We simply cannot afford to continue to ignore their struggles.

In addition to the financial costs of family caregiving, this labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well being at risk while assisting loved ones. Meeting these difficult demands can lead to depression, physical illness, anxiety, and emotional strain.

One way to reduce the burden of caregiving is through respite care.

As you know, respite care is a service that temporarily relieves a family member of his or her caregiving duties.

Respite care provides some much needed relief from the daily demands of caregiving for a few hours or a few days. These welcome breaks help protect the physical and mental health of the family caregiver, making it possible for the individual in need of care to remain in the home.

Unfortunately, across our country quality respite care remains hard to find, and too many caregivers do not even know how to find information about available services. Where community respite care services do exist, there are often long waiting lists. There are more caregivers in need of respite care than there are available respite care resources.

And many caregiving families are hesitant to take advantage of these scant resources. Parents and spouses and other family caregivers are understandably hesitant to leave their loved ones with untrained staff.

In an effort to recognize and support the heroic efforts of our family caregivers, my husband signed the National Family Caregiver Support Program into law as an amendments to the reauthorization of the Older Americans Act in 2000.

Prior to the establishment of this program, there was no comprehensive Federal program that supported family caregivers.

Although the National Family Caregiver Support Program took a step in the right direction, further efforts are now necessary to meet the increasing needs of family caregivers.

That is why I am reintroducing the Lifespan Respite Care Act today with Senator JOHN WARNER. This legislation would improve efficiency and reduce duplication in respite service development and delivery. And it would make quality respite care available and accessible to families and family caregivers, regardless of their Medicaid status, disability, or age. It would assure that quality respite care is available for all caregivers who provide this labor of love to individuals across the lifespan.

My legislation picks up where the National Family Caregiver Support Program leaves off, by recognizing respite as a priority for caregivers and elevating respite as a policy priority at the Federal and State levels.

This bill would provide grants to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

There is much to do at the local, State, and Federal levels to address the growing needs of family caregivers. It is time that we make caregiving a national priority and provide the support that our family caregivers so desperately need.

I would like to thank my Senate colleagues for their support of this legislation which passed the Senate last Congress. I look forward to working with you all to improve the lives of our family caregivers, and those for whom they care.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1284. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am honored to introduce today a bill—cosponsored by Senator FEINSTEIN—to designate a trail in the Headwaters Forest Reserve in California after John L. Burton, one of California's great public servants. The entire California Democratic delegation in the House, led by Representative GEORGE MILLER, introduced the same bill last week.

John served honorably in the United States House of Representatives in the early 1980s and in the California State Assembly, before being elected to the California State Senate. There, in 1998, his colleagues elected him as the California Senate's President Pro Tem. John devoted his career to the service of all Californians, and for that, we honor him with this legislation.

Designating this particular trail is a fitting tribute because a few years ago, John was instrumental in protecting the pristine and invaluable land that is now known as the Headwaters Forest Reserve. Comprised of more than 7,000 acres of ancient redwoods, many of which are over 2,000 years old and 300 feet high, the Reserve was saved from potentially devastating logging in 1999. Numerous plant species and wildlife, including the Marbled Murrelet, dwell in this Reserve. The Reserve also protects rivers and streams that provide habitat essential for threatened salmon.

For his service to the people of California and his essential role in protecting a priceless parcel of California land, I am proud to introduce the John

L. Burton Trail Act. Through this small action, we recognize and honor a great man and his great work.

AMENDMENTS SUBMITTED AND PROPOSED

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, To ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table.

SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 811. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 812. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 817. Mr. HAGEL (for himself, Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, supra.

SA 818. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 819. Mr. TALENT (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 820. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. INHOFE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 821. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 822. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 824. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 826. Mr. MCCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, supra.

SA 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 833. Mr. KOHL (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. LEVIN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 834. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 835. Mrs. CLINTON (for herself and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 836. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 837. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 838. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra.

SA 840. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 809. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 37, between the matter following line 12 and 13, insert the following:

SEC. 109. MANHATTAN PROJECT FOR ENERGY INDEPENDENCE.

(a) FINDINGS.—Congress finds that—

(1) the welfare and security of the United States require that adequate provision be made for activities relating to the development of energy-efficient technologies; and

(2) those activities should be the responsibility of, and should be directed by, an independent establishment exercising control over activities relating to the development and promotion of energy-efficient technologies sponsored by the United States.

(b) PURPOSE.—The purpose of this section is to establish the Energy Efficiency Development Administration to develop technologies to increase energy efficiency and to reduce the demand for energy.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Energy Efficiency Development Administration established by subsection (d)(1).

(2) ADMINISTRATOR.—The term ''Administrator'' means the head of the Administration appointed under subsection (d)(3)(A).

(3) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Policy Advisory Committee established by subsection (f)(1)(A).

(4) ENERGY-EFFICIENT TECHNOLOGY ACTIVITY.—

(A) IN GENERAL.—The term ''energy-efficient technology activity'' means an activity that improves the energy efficiency of any sector of the economy, including the transportation, building design, electrical generation, appliance, and power transmission sectors.

(B) INCLUSION.—The term ''energy-efficient technology activity'' includes an activity that produces energy from a sustainable biomass, wind, small-scale hydroelectric, solar, geothermal, or other renewable source.

(d) ENERGY EFFICIENCY DEVELOPMENT ADMINISTRATION.—

(1) ESTABLISHMENT.—There is established as an independent establishment in the executive branch the Energy Efficiency Development Administration.

(2) MISSION.—The mission of the Administration shall be to reduce United States imports of oil by—

(A) 5 percent by 2008;

(B) 20 percent by 2011; and

(C) 50 percent by 2015.

(3) ADMINISTRATOR; DEPUTY ADMINISTRATOR.—

(A) ADMINISTRATOR.—

(i) APPOINTMENT.—The Administration shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) PAY.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Administrator, Energy Efficiency Development Administration.''.

(iii) DUTIES.—The Administrator shall—

(I) exercise all powers and perform all duties of the Administration; and

(II) have authority over all personnel and activities of the Administration.

(iv) LIMITATION ON RULEMAKING AUTHORITY.—The Administrator shall not modify any energy-efficiency standards or related standards in effect on the date of enactment of this Act that would result in the reduction of energy efficiency in any product.

(B) DEPUTY ADMINISTRATOR.—

(i) APPOINTMENT.—There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) PAY.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Administrator, Energy Efficiency Development Administration.''.

(iii) DUTIES.—The Deputy Administrator shall—

(I) supervise the project development and engineering activities of the Administration;

(II) exercise such other powers and perform such duties as the Administrator may prescribe; and

(III) act for, and exercise the powers of, the Administrator during the absence or disability of the Administrator.

(4) TRANSFER OF FUNCTIONS.—

(A) DEFINITION OF FUNCTION.—In this paragraph, the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(B) TRANSFER OF FUNCTIONS.—

(i) IN GENERAL.—There are transferred to the Administrator—

(I) all functions previously exercised by the Assistant Secretary of Energy for Efficiency and Renewable Energy; and

(II) any authority to promulgate regulations relating to fuel efficiency previously exercised by the Secretary of Transportation.

(ii) INCLUSIONS.—Functions transferred under clause (i) include all real and personal property, personnel funds, and records of the Office of Energy Efficiency and Renewable Energy of the Department of Energy.

(iii) DETERMINATION OF FUNCTIONS.—The Director of the Office of Management and Budget shall determine the functions that are transferred under clause (i).

(C) PRESIDENTIAL TRANSFERS.—

(i) IN GENERAL.—The President, until the date that is 4 years after the date of enactment of this Act, may transfer to the Administrator—

(I) any function of any other department or agency of the United States, or of any officer or organizational entity of any department or agency, that relates primarily to the duties of the Administrator under this section; and

(II) any records, property, personnel, and funds that are necessary to carry out that function.

(ii) REPORTS.—The President shall submit to Congress a report that describes the nature and effect of any transfer made under clause (i).

(D) ABOLISHMENT OF OFFICE.—The Office of Energy Efficiency and Renewable Energy of the Department of Energy is abolished.

(5) DUTIES.—

(A) IN GENERAL.—The Administrator shall—

(i) plan, direct, and conduct energy-efficient technology activities; and

(ii) provide for the widest appropriate dissemination of information concerning the activities of the Administration and the results of those activities.

(B) OBJECTIVES.—The energy-efficient technology activities of the United States carried out from the Administrator or carried out with financial assistance by the Administrator shall be conducted so as to contribute significantly to 1 or more of the following objectives:

(i) Expansion of knowledge about energy-efficient technologies and the use of those technologies.

(ii) Improvement of existing energy-efficient technologies or development of new energy-efficient technologies.

(iii) Identification of mechanisms to introduce energy-efficient technologies into the marketplace.

(iv) Conduct of studies of—

(I) the potential benefits gained, such as environmental protection, increasing energy independence, and reducing costs to consumers; and

(II) the problems involved in the development and use of energy-efficient technologies.

(v) The most effective use of the scientific resources of the United States, with close cooperation among all interested agencies of the United States so as to avoid duplication of effort, facilities, and equipment.

(e) POWERS.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, submit to Congress a personnel plan for the Administration that—

(A) specifies the initial number and qualifications of employees needed for the Administration;

(B) describes the functions and General Service classification and pay rates of the initial employees; and

(C) specifies how the Administrator will adhere to or deviate from the civil service system;

(2) appoint and fix the compensation of such officers and employees as are necessary to carry out the functions of the Administration;

(3) establish the entrance grade for scientific personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel in the General Schedule (within the meaning of section 5104 of title 5, United States Code) and fix the compensation of the personnel accordingly, as the Administrator considers necessary to recruit specially qualified scientific, environmental, and industry-related expertise;

(4) acquire, construct, improve, repair, operate, and maintain such laboratories, research and testing sites and facilities, and such other real and personal property or interests in real and personal property, as the Administrator determines to be necessary for the performance of the functions of the Administration;

(5) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary in the performance of the duties of the Administrator with any—

(A) agency or instrumentality of the United States;

(B) State, Territory, or possession;

(C) political subdivision of any State, Territory, or possession; or

(D) person, firm, association, corporation, or educational institution;

(6)(A) with the consent of Federal and other agencies, with or without reimbursement, use the services, equipment, personnel, and facilities of those agencies; and

(B) cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities; and

(7) establish within the Administration such offices and procedures as the Administrator considers appropriate to provide for the greatest possible coordination of the activities of the Administration with related scientific and other activities of other public and private agencies and organizations.

(f) ORGANIZATIONAL STRUCTURE.—

(1) POLICY ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There is established in the Administration a Policy Advisory Committee.

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Advisory Committee shall be composed of 12 members, of whom—

(I) 4 members shall be representatives of the energy efficiency and environmental protection community;

(II) 4 members shall be representatives of—

(aa) industries involved in the generation, transmission, or distribution of energy products; or

(bb) the transportation industry; and

(III) 4 members shall be representatives of the scientific and university research community.

(ii) APPOINTMENT.—The Speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the Senate shall each appoint 1 member described in subclauses (I), (II), and (III) of clause (i).

(C) DUTIES.—The Advisory Committee shall—

(i) act as a steering committee for the Administration; and

(ii) formulate a long-term strategy for—

(I) achieving the mission of the Administration under subsection (d)(2); and

(II) identifying energy-efficient technologies and initiatives that—

(aa) have the potential to increase energy efficiency over the long term; and

(bb) should be further explored by the Administration.

(D) STAFF.—The Advisory Committee may appoint not more than 24 employees to assist in carrying out the duties of the Advisory Committee, of whom—

(i) 8 shall report to the members appointed under subparagraph (B)(i)(I);

(ii) 8 shall report to the members appointed under subparagraph (B)(i)(II); and

(iii) 8 shall report to the members appointed under subparagraph (B)(i)(III).

(E) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(2) OFFICE OF ADMINISTRATION.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Administration.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Administration shall be an Assistant Deputy Administrator for Administration, to be appointed by the Administrator.

(C) PUBLIC INFORMATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration a Public Information Division.

(ii) DUTIES.—The Public Information Division shall serve as a liaison between the Administration, the public, and other entities.

(D) ENERGY EFFICIENCY ECONOMICS DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Energy Efficiency Economics Division.

(ii) STAFF.—The Energy Efficiency Economics Division shall be composed of economists and individuals with expertise in energy markets, consumer behavior, and the economic impacts of energy policy

(iii) DUTIES.—The Energy Efficiency Economics Division shall study the effects of existing and proposed energy-efficient technologies on the economy of the United States, with an emphasis on assessing—

(I) the impacts of those technologies on consumers; and

(II) the contributions of those technologies on the economic development of the United States.

(E) INCENTIVES DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Incentives Division.

(ii) DUTIES.—The Incentives Division shall—

(I) conduct a study of economic incentives that would assist the Administration in—

(aa) developing energy-efficient technologies; and

(bb) introducing those technologies into the marketplace; and

(II) submit to Congress a report on the results of the study conducted under subclause (I).

(F) EDUCATION DIVISION.—

(i) ESTABLISHMENT.—There is established in the Office of Administration an Education Division.

(ii) DUTIES.—The Education Division shall provide—

(I) to the public, information concerning—

(aa) how to conserve energy, including—

(AA) what type of products are energy-efficient; and

(BB) where such products may be purchased; and

(bb) the importance of conserving energy; and

(II) provide to building owners, engineers, contractors, and other businesspersons training in energy-efficient technologies.

(G) LEGISLATIVE COUNSEL DIVISION.—There is established in the Office of Administration a Legislative Counsel Division to provide legal assistance to the Administrator.

(3) OFFICE OF POLICY, RESEARCH, AND DEVELOPMENT.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Policy, Research, and Development to establish the organizational structure of the Administration relating to the project development and engineering activities of the Administration.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Policy, Research, and Development shall be an Assistant Deputy Administrator for Policy, Research, and Development, to be appointed by the Administrator.

(C) POWERS.—In establishing the organizational structure under subparagraph (A), the Office of Policy, Research, and Development may—

(i) incorporate a flat organizational structure comprised of project-based teams;

(ii) focus on accelerating the development of energy-efficient technologies during the period from fundamental research to implementation;

(iii) coordinate with the private sector; and

(iv) adopt organizational models used by other Federal agencies conducting advanced research.

(4) OFFICE OF VENTURE CAPITAL.—

(A) ESTABLISHMENT.—There is established in the Administration an Office of Venture Capital.

(B) ASSISTANT DEPUTY ADMINISTRATOR.—The head of the Office of Venture Capital shall be an Assistant Deputy Administrator for Venture Capital, to be appointed by the Administrator.

(C) DUTIES.—The Office of Venture Capital shall—

(i) accept applications from companies requesting financial assistance for energy-efficient technology proposals;

(ii) accept recommendations and input from the Deputy Administrator and the Policy Advisory Committee on applications submitted under clause (i); and

(iii) from among the applications submitted under clause (i), award financial assistance to applicants to carry out the proposals that are most likely to improve energy efficiency.

(g) INITIAL TECHNOLOGY SOLICITATIONS.—

(1) IN GENERAL.—The Administrator may, based on the criteria described in paragraph (2), initiate the development of technologies for—

(A) fuel-efficient tires;

(B) construction of a hydrogen infrastructure;

(C) high-temperature superconducting cable;

(D) improved switches, resistors, capacitors, software and smart meters for electrical transmission systems;

(E) combined heat and power;

(F) micro turbines;

(G) fuel cells;

(H) energy-efficient lighting;

(I) energy efficiency training for building contractors;

(J) retrofitting or rehabilitation of existing structures to incorporate energy-efficient technologies; and

(K) efficient micro-channel heat exchangers.

(2) CRITERIA.—In determining which technologies to develop under paragraph (1), the Administrator shall consider—

(A) the current status of development of the technology;

(B) the potential for widespread use of the technology in commercial markets;

(C) the time and costs of efforts needed to bring the technology to full implementation; and

(D) the potential of the technology to contribute to the goals of the Administration.

(3) REPORT.—As soon as practicable after the date of enactment of this Act, but not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) assesses the potential for the technologies described in paragraph (1) to contribute to the goals of the Administration; and

(B) describes the plans of the Administration to develop the technologies under paragraph (1).

(h) REPORTS.—

(1) BY THE ADMINISTRATOR.—Semiannually and at such other times as the Administrator considers appropriate, the Administrator shall submit to the President a report that describes the activities and accomplishments of the Administration.

(2) BY THE PRESIDENT.—In January of each year, the President shall submit to Congress a report that includes—

(A) a description of the activities and accomplishments of all agencies of the United States in the field of energy efficiency during the preceding calendar year;

(B) an evaluation of the activities and accomplishments of the Administrator in attaining the objectives of this section; and

(C) such recommendations for additional legislation as the Administrator or the President considers appropriate for the attainment of the objectives described in this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $5,000,000,000 for fiscal year 2006;

(2) $6,000,000,000 for fiscal year 2007;

(3) $7,500,000,000 for each of fiscal years 2008 and 2009;

(4) $9,000,000,000 for each of fiscal years 2010 and 2010; and

(5) $10,000,000,000 for each of fiscal years 2011 through 2016.

SA 810. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

Beginning on page 395, strike line 3 and all that follows through page 401, line 25.

SA 811. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 120, between lines 20 and 21, insert the following:

SEC. 142. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: ''The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(2) The program shall include the following:

''(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

''(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

''(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

''(3) The minimum fuel economy standards for tires shall—

''(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) not adversely affect tire safety;

''(D) not adversely affect the average tire life of replacement tires;

''(E) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

''(F) not adversely affect efforts to manage scrap tires.

''(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

''(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

''(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(7) Nothing in this chapter shall apply to—

''(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

''(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.

(b) CONFORMING AMENDMENT.—Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking ''When'' and inserting ''Except as provided in section 30123(d) of this title, when''.

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

SA 812. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 755, after line 25, add the following:

SEC. 1329. CONSOLIDATION OF GASOLINE INDUSTRY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of the gasoline at retail.

(b) CONTENTS.—The study conducted under subsection (a) shall include an analysis of the impact of the consolidation on—

(1) the retail price of gasoline;

(2) small business ownership;

(3) other corollary effects on the market economy of fuel distribution;

(4) local communities; and

(5) other market impacts of the consolidation.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress the study conducted under subsection (a).

SA 813. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 296, after line 25, add the following:

SEC. 347. FINGER LAKES NATIONAL FOREST WITHDRAWAL.

All Federal land within the boundary of Finger Lakes National Forest in the State of New York is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) disposition under all laws relating to oil and gas leasing.

SA 814. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of title XV (as agreed to) add the following:

Subtitle G—High Gas Price Relief

PART I—RELIEF FOR RURAL COMMUTERS

SEC. 1581. EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL COMMUTERS.

(a) IN GENERAL.—Section 132(f)(1) (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

''(D) In the case of an eligible rural commuter, the cost of fuel for a highway vehicle of the taxpayer the primary purpose of which is to travel between the taxpayer's residence and place of employment.''.

(b) LIMITATION ON EXCLUSION.—Section 132(f)(2) (relating to limitation on exclusion) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) $50 per month in the case of the benefit described in subparagraph (D).''.

(c) ELIGIBLE RURAL COMMUTER.—Section 132(f)(5) (relating to definitions) is amended by adding at the end the following new subparagraph:

''(F) ELIGIBLE RURAL COMMUTER.—The term 'eligible rural commuter' means any employee—

''(i) who resides in a rural area (as defined by the Bureau of the Census),

''(ii) who works in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area, and

''(iii) who is not be eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2006.

PART II—ECONOMIC SUBSTANCE DOCTRINE

SEC. 1582. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1583. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement'

means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

(G) by adding at the end the following new paragraph:

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 1584. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).'', and

(2) by inserting ''AND NONECONOMIC SUBSTANCE TRANSACTIONS'' in the heading thereof after ''TRANSACTIONS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 815. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 768, after line 20, add the following:

TITLE XV—ENERGY AND CLIMATE CHANGE

SECTION 1501. SHORT TITLE

This title may be cited as the ''Energy and Climate Change Act of 2005''.

Subtitle A—National Strategy

SEC. 1511. DEFINITIONS.

In this subtitle:

(1) CLIMATE-FRIENDLY ENERGY TECHNOLOGY.—The term ''climate-friendly energy technology'' means any energy supply, transmission, or end-use technology that, over the life of the technology and compared to similar technology in commercial use—

(A) results in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; and

(B) may—

(i) substantially lower emissions of other pollutants; or

(ii) generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) DIRECTOR.—The term ''Director'' means the Director of Climate Change Policy appointed under section 1513(a).

(3) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perflurorocarbons; and

(F) sulfur hexafluoride.

(4) INTERAGENCY TASK FORCE.—The term ''Interagency Task Force'' means the Interagency Task Force on Climate Change Policy established under section 1514(a).

(5) STABILIZATION OF GREENHOUSE GAS CONCENTRATIONS.—The term ''stabilization of greenhouse gas concentrations'' means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(6) STRATEGY.—The term ''Strategy'' means the national climate change strategy developed or updated under section 1512.

SEC. 1512. NATIONAL CLIMATE CHANGE STRATEGY.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The President, acting through the Interagency Task Force and the Director and in consultation with Congress, shall develop a National Climate Change Strategy.

(2) ACTIONS.—The Strategy shall describe appropriate actions by the United States that, in conjunction with actions by other nations—

(A) will lead to the long-term stabilization of greenhouse gas concentrations;

(B) are consistent with the relevant treaty obligations of the United States; and

(C) are carried out in a manner that supports the long-term economic growth of the United States.

(3) TIMING.—The Strategy shall reflect the fact that the stabilization of greenhouse gas concentrations will take from many decades to more than a century to accomplish, but that significant actions by current and prospective major emitters of greenhouse gases must begin in the near term.

(b) ELEMENTS.—The Strategy shall be comprised of—

(1) interim greenhouse gas emission goals and specific near-term and medium-term programs and actions to meet the goals, developed on the basis of a broad range of emission scenarios (including scenarios evaluated by the Intergovernmental Panel on Climate Change) and taking into account the need for actions by other nations;

(2) expanded climate-related technology research, development, demonstration, and commercial application activities, including—

(A) a national commitment to double research and development on climate-friendly energy technologies by public and private sectors in the United States; and

(B) domestic and international demonstration and deployment programs that employ bold, breakthrough technologies (including climate-friendly energy technologies) that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(3) climate adaptation research that—

(A) assesses the sensitivity, adaptive capacity, and vulnerability of natural and human systems to natural climate variability, climate change, and the potential impacts of the variability and climate change; and

(B) identifies potential strategies and actions that can reduce vulnerability to natural climate variability and climate change and damage resulting from impacts of climate change; and

(4) climate science research that—

(A) continually builds on existing scientific understanding of the climate system; and

(B) focuses on resolving the remaining scientific, technical, and economic uncertainties with respect to the causes of, impacts from, and potential responses to climate change.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the President, acting through the Interagency Task Force and the Director, shall submit to Congress a report that includes—

(1) a description of the Strategy and the goals of the Strategy, including the manner in which the Strategy addresses each of the elements outlined in subsection (b);

(2) an inventory and evaluation of Federal and non-Federal programs and activities intended to carry out the Strategy;

(3) a description of the manner in which the Strategy will serve as a framework for climate change response actions by all Federal agencies, including a description of coordination mechanisms and interagency activities;

(4) a description of the manner in which the Strategy is consistent with other energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;

(5) a description of the manner in which the Strategy—

(A) does not result in serious harm to the economy of the United States;

(B) uses market-oriented mechanisms; and

(C) minimizes any adverse short-term and long-term social, economic, national security, and environmental impacts;

(6) a description of the manner in which changes in energy supply (including a full range of energy sources and technologies) could reduce greenhouse gas emissions;

(7) a description of the manner in which changes in energy end-use (including demand-side management) could reduce greenhouse gas emissions;

(8) a description of the manner in which the Strategy will minimize potential risks associated with climate change to public health and safety, private property, public infrastructure, biological diversity, ecosystems, and domestic food supply and commodities, while not diminishing the quality of life in the United States;

(9) a description of the manner in which the Strategy was developed with participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(10) a description of Federal activities that promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues; and

(11) recommendations for legislative or administrative changes to Federal programs or activities implemented to carry out the Strategy, in light of new knowledge of climate change and the impacts and costs or benefits of climate change, or technological capacity to improve mitigation or adaptation activities.

(d) UPDATE.—Not later than 4 years after the date of submission of the initial report on the Strategy developed pursuant to this section, and at the end of each 4-year period thereafter, the President shall submit to Congress an updated version of the Strategy, along with an updated report under subsection (c).

(e) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of publication of the Strategy under subsection (c) and each update under subsection (d), the Director of the National Science Foundation, on behalf of the Director and the Interagency Task Force, shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of the Strategy or update.

(2) CRITERIA.—The review by the National Academy of Sciences shall evaluate the goals and recommendations contained in the Strategy or update, taking into consideration—

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the Strategy;

(B) the adequacy of the budget and the effectiveness with which each participating Federal agency is carrying out the responsibilities of the Federal agency;

(C) current scientific knowledge regarding climate change and the impacts of climate change;

(D) current understanding of human social and economic responses to climate change, and responses of natural ecosystems to climate change;

(E) advancements in energy technologies that reduce, avoid, or sequester greenhouse gases or otherwise mitigate the risks of climate change;

(F) current understanding of economic costs and benefits of mitigation or adaptation activities;

(G) the existence of alternative policy options that could achieve the Strategy goals at lower economic, environmental, or social cost; and

(H) international activities and the actions taken by the United States and other nations to achieve the long-term goals of the Strategy.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the submission to Congress of the Strategy or update, as appropriate, the National Academy of Sciences shall prepare and submit to Congress and the President a report concerning the results of the review of the National Academy of Sciences, along with any recommendations, as appropriate.

(B) AVAILABILITY TO PUBLIC.—The report under subparagraph (A) shall be made available to the public.

(f) SAVINGS PROVISION.—Nothing in this section creates a new legal obligation for any person or other entity (except for prescribing duties in connection with the development, updating, and review of the Strategy).

(g) CONFORMING AMENDMENT.—Section 1103(b) of the Global Climate Protection Act of 1987 (15 U.S.C. 2901 note; Public Law 100–204) is amended by inserting '', the Department of Energy, and other Federal agencies as appropriate'' after ''Environmental Protection Agency''.

SEC. 1513. DIRECTOR OF CLIMATE CHANGE POLICY.

(a) APPOINTMENT.—The President shall appoint a qualified individual within the Executive Office of the President, by and with the advice and consent of the Senate, to serve as the Director of Climate Change Policy.

(b) DUTIES.—The Director shall carry out climate change policy activities and shall—

(1) coordinate the development and periodic update of the Strategy;

(2) facilitate the work of the Interagency Task Force and serve as the primary liaison between Federal agencies in developing and implementing the Strategy;

(3) coordinate the submission of Federal agency budget requests as needed to carry out interagency programs and policies necessary to meet the goals of the Strategy;

(4) advise the President concerning—

(A) necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change activities;

(B) the extent to which existing or newly created tax, trade, or foreign policies and energy, transportation, industrial, agricultural, forestry, building, and other relevant sector programs are capable of achieving the Strategy individually or in combination; and

(C) the extent to which any proposed international treaties or components of treaties that have an influence on activities that affect greenhouse gas emissions are consistent with the Strategy;

(5) establish and maintain a process to ensure the participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of climate change-related advice to be provided to the President; and

(6) promote public awareness, outreach, and information sharing to further the understanding of climate change-related issues.

(c) PERSONNEL.—

(1) IN GENERAL.—The Director may employ a professional staff of not more than 10 individuals to carry out the responsibilities and duties prescribed in this section.

(2) OTHER AGENCIES AND INSTITUTIONS.—In addition to the personnel employed under paragraph (1), the Director may obtain staff for a limited term from Federal agencies, State agencies, institutions of higher education, nonprofit institutions of a scientific or technical character, or a National Laboratory, pursuant to—

(A) section 3374 of title 5, United States Code;

(B) section 14(a)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1873(a)(2)); or

(C) section 301 of the Hydrogen Future Act of 1996 (42 U.S.C. 7238).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office of the President for the Director to carry out the duties under this section $5,000,000 for each of fiscal years 2006 through 2015, to remain available until expended.

SEC. 1514. INTERAGENCY TASK FORCE ON CLIMATE CHANGE.

(a) IN GENERAL.—The President shall establish an Interagency Task Force on Climate Change to coordinate Federal climate change activities and programs carried out in furtherance of the Strategy.

(b) COMPOSITION.—The Interagency Task Force shall be composed of—

(1) the Director, who shall serve as Chairperson;

(2) the Secretary of State;

(3) the Secretary of Energy;

(4) the Secretary of Defense;

(5) the Secretary of Commerce;

(6) the Secretary of Transportation;

(7) the Secretary of Agriculture;

(8) the Secretary of the Interior;

(9) the Director of the National Science Foundation;

(10) the Administrator of the National Aeronautics and Space Administration;

(11) the Administrator of the Environmental Protection Agency;

(12) the Chairman of the Council of Economic Advisers;

(13) the Chairman of the Council on Environmental Quality;

(14) the Director of the Office of Science and Technology Policy;

(15) the Director of the Office of Management and Budget; and

(16) the heads of such other Federal agencies as the President considers to be appropriate.

(c) STRATEGY.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly advise the President on—

(1) the development and periodic update of the Strategy; and

(2) the implementation of interagency and agency programs to carry out activities in furtherance of the goals and objectives of the Strategy.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Director, in consultation with the members of the Interagency Task Force, may establish such topical working groups as may be necessary to carry out the duties of the Interagency Task Force in furtherance of the Strategy, taking into consideration the elements of the Strategy as outlined in this subtitle.

(2) COMPOSITION.—The working groups may be comprised of members of the Interagency Task Force or their designees.

(e) STAFF.—The Federal agencies represented on the Interagency Task Force may provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On the request of the Director, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1515. ANNUAL REPORT.

In consultation with the Interagency Task Force and other interested parties, the Director shall prepare an annual report for submission by the President to Congress, along with the budget request under section 1105 of title 31, United States Code, that includes—

(1) a description of the Strategy and the goals of the Strategy;

(2) an inventory of Federal programs and activities intended to carry out the Strategy;

(3) an evaluation of Federal programs and activities implemented as part of the Strategy against the goals outlined in the Strategy;

(4) a description of changes to Federal programs or activities implemented to carry out the Strategy, in light of new knowledge of climate change and the impacts and costs or benefits of climate change, or technological capacity to improve mitigation or adaptation activities;

(5)(A) a description of all Federal spending on climate change for the current fiscal year and each of the 5 preceding fiscal years, categorized by Federal agency and program function (including scientific research, energy research and development, international conservation and technology transfer, regulation, education, and other activities); and

(B) a recommendation for Federal spending on climate change for the next fiscal year;

(6) an estimate of the budgetary impact for the current fiscal year and each of the 5 preceding fiscal years of any Federal tax credits, tax deductions, or other incentives claimed by taxpayers that are attributable to greenhouse gas emission reduction activities;

(7) an estimate of the quantity, in metric tons, of greenhouse gas emissions reduced, avoided, or sequestered as a result of the implementation of the Strategy; and

(8) recommendations for legislative or administrative actions or adjustments that will accelerate progress towards meeting the goals contained in the Strategy or improve the efficiency and effectiveness of Federal programs that are part of the Strategy.

SEC. 1516. INTEGRATION WITH OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

(a) PRIORITY GOALS.—Section 101(b) of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change;''.

(b) FUNCTIONS OF THE DIRECTOR.—Section 204(b)(1) of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6613(b)(1)) is amended by striking '', but not limited to,'' and inserting ''global climate change,''.

(c) ADDITIONAL FUNCTIONS OF DIRECTOR.—Section 207 of the National Science and Technology Policy, Organization, and Practices Act of 1976 (42 U.S.C. 6616) 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 so redesignated) the following:

''(a) ADVICE TO DIRECTOR OF CLIMATE CHANGE POLICY.—In carrying out this Act, the Director shall advise the Director of Climate Change Policy on matters concerning science and technology as the matters relate to global climate change.''.

Subtitle B—Technology Programs

SEC. 1521. OFFICE OF CLIMATE CHANGE TECHNOLOGY.

(a) IN GENERAL.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) (as amended by section 502(a)) is amended by adding at the end the following:

''OFFICE OF CLIMATE CHANGE TECHNOLOGY

''SEC. 218. (a) There shall be established within the Department an Office of Climate Change Technology to be headed by a Director, who shall—

''(1) be appointed in the Senior Executive Service; and

''(2) report to the Secretary in such manner as the Secretary may prescribe.

''(b) The Director shall be a person who, by reason of professional background and experience, is specially qualified to coordinate climate change policy and technical activities.

''(c) The Director shall—

''(1) promote and coordinate issues, policies, and activities within the Department related to climate change and coordinate the issuance of such reports relating to climate change as may be required by law;

''(2) lead the formulation and periodic revision of a comprehensive strategy of the Department for energy research, development, demonstration, and commercial application to implement national climate change strategy, including quantitative performance and deployment goals for energy technologies that reduce, avoid, or sequester emissions of greenhouse gases;

''(3) analyze the research, development, demonstration, and commercial application activities of the Department to assess the contribution of the activities to the strategy under paragraph (2) and make recommendations to the appropriate officers of the Department;

''(4) facilitate, in cooperation with appropriate programs of the Department, the development of domestic and international cooperative research and development agreements (as that term is defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))), or similar cooperative, cost-shared partnerships with non-Federal organizations to accelerate the rate of domestic and international demonstration and deployment of energy technologies that reduce, avoid, or sequester emissions of greenhouse gases;

''(5) participate in the planning activities of relevant Department programs;

''(6) participate in the development and assessment of domestic and international policies in order to determine and report on the effects of the policies on the generation, reduction, avoidance, and sequestration of greenhouse gases from activities related to the production and use of energy;

''(7) help develop national climate change strategy by—

''(A) fostering the development of tools, data, and capabilities to ensure that the United States has a robust capability for evaluating alternative climate change response scenarios and that the Office can provide long-term analytical continuity on climate change issues; and

''(B) providing technical support, on request, to the President, interagency groups, or other Federal agencies;

''(8) carry out programs to raise public awareness of climate change, the relationship of climate change to energy production and use, and means by which to mitigate human-induced climate change through changes in energy production or use;

''(9) at the direction of the Secretary or another appropriate officer of the Department, serve as the representative of the Department for interagency and multilateral policy discussions relating to global climate change, including the activities of—

''(A) the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932) and any successor committee; and

''(B) other interagency committees coordinating policies or activities relating to global climate change; and

''(10) in accordance with law administered by the Secretary and other applicable Federal law and contracts (including patent and intellectual property laws) and in furtherance of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992—

''(A) identify for, and transfer, deploy, diffuse, and apply to, parties to the Convention (including the United States) any technologies, practices, or processes that reduce, avoid, or sequester emissions of greenhouse gases if the technologies, practices, or processes have been developed with funding from the Department or any of the facilities or laboratories of the Department; and

''(B) support reasonable efforts by the parties to the Convention (including the United States) to identify and remove legal, trade, financial, and other barriers to the use and application of any technologies, practices, or processes that reduce, avoid, or sequester emissions of greenhouse gases.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is repealed.

(2) The table of contents for the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by striking the item relating to section 1603.

(3) The table of contents for the Department of Energy Organization Act (42 U.S.C. prec. 7101) (as amended by section 502(b)(1)(B)) is amended by adding at the end of the items relating to title II the following:

''Sec. 217. Office of Climate Change Technology.''.

SEC. 1522. CLIMATE CHANGE AND CLEAN ENERGY TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

"SEC. 1610. CLIMATE CHANGE TECHNOLOGY PROGRAM.

''(a) ESTABLISHMENT.—There is established within the Office of Climate Change Technology of the Department a program to support accelerated research and development projects on energy technologies that—

''(1) have significant potential to—

''(A) reduce or avoid anthropogenic emissions of greenhouse gases;

''(B) remove and sequester greenhouse gases from emission streams; or

''(C) remove and sequester greenhouse gases from the atmosphere;

''(2) are not being addressed significantly by other Department programs;

''(3) would represent a substantial advance beyond currently available technology; and

''(4) are not expected to be applied commercially before 2020.

''(b) PROGRAM PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to Congress a 10-year program plan to guide activities to be carried out under this section.

''(2) UPDATES.—After the initial preparation and submission of the plan, the Secretary shall biennially update and resubmit to Congress the program plan, including—

''(A) an evaluation of progress toward meeting the goals of the comprehensive strategy of the Department for energy research, development, demonstration, and commercial application to implement the National Climate Change Strategy;

''(B) an evaluation of the contributions of all energy technology programs of the Department to the National Climate Change Strategy; and

''(C) recommendations for actions by the Department and other Federal agencies to address the components of energy-related technology development that are necessary to support the National Climate Change Strategy.

''(c) PROPOSALS.—

''(1) IN GENERAL.—A proposal may be submitted by an applicant or consortium of 1 or more—

''(A) industrial entities;

''(B) institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); or

''(C) National Laboratories.

''(2) MINIMUM REQUIREMENTS.—At a minimum, each proposal shall include—

''(A) a multiyear management plan that outlines the manner in which the proposed research, development, demonstration, and deployment activities will be carried out;

''(B) quantitative technology goals and greenhouse gas emission reduction targets that can be used to measure performance against program objectives;

''(C) the total cost of the proposal for each year for which funding is requested, and a breakdown of those costs by category;

''(D) evidence that the applicant has in existence or has access to—

''(i) the technical capability to enable the applicant to make use of existing research support and facilities in carrying out the objectives of the proposal;

''(ii) a multidisciplinary research staff experienced in technologies or practices able to sequester, avoid, or capture greenhouse gas emissions;

''(iii) access to facilities and equipment to enable the conduct of laboratory-scale testing or demonstration of technologies or related processes undertaken through the program; and

''(iv) a commitment for matching funds and other resources as may be needed from non-Federal sources, including cash, equipment, services, materials, appropriate technology transfer activities, and other assets directly related to the cost of the proposal;

''(E) evidence that the proposed activities are supplemental to, and not duplicative of, existing research and development activities carried out, funded, or otherwise supported by the Department;

''(F) a description of the technology transfer mechanisms and public-private partnerships that the applicant will use to make available research results to industry and to other researchers;

''(G) a statement whether the unique capabilities of a National Laboratory warrant collaboration with that Laboratory, and the extent of any such collaboration proposed; and

''(H) evidence of the ability of the applicant to undertake and complete the proposed project.

''(d) CENTERS.—

''(1) IN GENERAL.—The Secretary may fund 1 or more centers to improve—

''(A) methods of climate monitoring and prediction;

''(B) climate modeling; or

''(C) quality and dissemination of climate data from Department or other Federal climate change programs.

''(2) LOCATION.—In reviewing proposals for centers under competitive procedures, the Secretary shall seek to locate centers in regions that face significant climate-related ecosystem challenges.

''(e) PROCUREMENT AUTHORITIES.—The Office of Climate Change Technology may use any of the authorities available to the Department—

''(1) to solicit proposals for projects under this section; and

''(2) to encourage partnerships that will increase the likelihood of success of the projects.

''(f) RELATIONSHIP TO DEPARTMENT PROGRAMS.—Each project funded under this section shall be—

''(1) initiated only after consultation by the Office of Climate Change Technology with 1 or more appropriate offices in the Department that support research and development in areas relating to the project; and

''(2) either—

''(A) managed directly by the Office of Climate Change Technology; or

''(B) managed by the appropriate office (or by a cross-functional team from several offices) in the Department that supports research and development in areas related to the project, using funds transferred by the Office of Climate Change Technology.

''(g) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each project under subsection (a) shall be subject only to such cost-sharing requirements as the Office of Climate Change Technology may provide.

''(2) PUBLICATION.—Each cost-sharing agreement under this subsection shall be published in the Federal Register by the Office of Climate Change Technology.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for fiscal year 2006 and $400,000,000 for each of fiscal years 2007 through 2016, to remain available until expended.

"SEC. 1611. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, over the life cycle of the technology and compared to a similar technology already in commercial use in any developing country or country with an economy in transition—

''(A) results in reduced emissions of greenhouse gases; and

''(B)(i) may substantially lower emissions of air pollutants; or

''(ii) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

''(2) COUNTRY WITH AN ECONOMY IN TRANSITION.—The term 'country with an economy in transition' means a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, with the notation that the country is 1 of the 'Countries that are undergoing the process of transition to a market economy.'.

''(3) DEVELOPING COUNTRY.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(4) INTERAGENCY WORKING GROUP.—The term 'interagency working group' means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

''(b) INTERAGENCY WORKING GROUP.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, the Secretary of Commerce, and the Administrator of the United States Agency for International Development shall jointly establish a Interagency Working Group on Clean Energy Technology Exports.

''(2) COMPOSITION.—The interagency working group shall—

''(A) be jointly chaired by representatives appointed by the agency heads under paragraph (1); and

''(B) include representatives from—

''(i) the Department of State;

''(ii) the Department of the Treasury;

''(iii) the Environmental Protection Agency;

''(iv) the Export-Import Bank;

''(v) the Overseas Private Investment Corporation;

''(vi) the Trade and Development Agency; and

''(vii) other Federal agencies determined to be appropriate by all 3 agency heads under paragraph (1).

''(3) SUBSIDIARY WORKING GROUPS.—The interagency working group may establish such subsidiary working groups as are necessary to carry out this section.

''(4) PROGRAM.—The interagency working group shall develop a program, consistent with the subsidy codes of the World Trade Organization, to open and expand energy markets and transfer clean energy technology to those developing countries and countries with an economy in transition that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, other international agreements, and relevant Federal efforts.

''(5) DUTIES.—The interagency working group shall—

''(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

''(B) investigate issues associated with—

''(i) building capacity to deploy clean energy technology in developing countries and countries with an economy in transition, including energy sector reform;

''(ii) creation of open, transparent, and competitive markets for clean energy technologies;

''(iii) availability of trained personnel to deploy and maintain the clean energy technology; and

''(iv) demonstration and cost-buydown mechanisms to promote first adoption of the technology;

''(C) examine relevant trade, tax, international, and other policy issues to assess what policies would help open markets and improve United States clean energy technology exports in support of—

''(i) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

''(ii) improving energy end-use efficiency technologies, including buildings and facilities, vehicle, industrial, and cogeneration technology initiatives; and

''(iii) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives;

''(D) establish an advisory committee involving the private sector and other interested groups on the export and deployment of clean energy technology;

''(E) establish a single coordinated mechanism for information dissemination to the private sector and the public on clean energy technologies and clean energy technology transfer opportunities;

''(F) monitor the progress of each agency represented in the interagency working group towards meeting goals in the 5-year strategic plan submitted to Congress pursuant to the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377), and the Energy and Water Development Appropriations Act, 2002 (Public Law 107–66);

''(G) make recommendations to heads of appropriate Federal agencies on ways to streamline Federal programs and policies to improve the role of each agency in the international development, demonstration, and deployment of clean energy technology;

''(H) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to carry out the program; and

''(I) recommend conditions and criteria that will help ensure that United States funds promote sound energy policies in participating countries while simultaneously opening the markets of the participating countries and exporting United States clean energy technology.

''(c) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each Federal agency or Government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country or country with an economy in transition shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of the program.

''(d) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and on March 31 of each year thereafter, the interagency working group shall submit to Congress a report on the activities of the interagency working group during the preceding calendar year.

''(2) CONTENT.—The report shall include—

''(A) a description of the technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology investigated by the interagency working group in that year; and

''(B) any policy recommendations to improve the expansion of clean energy markets and United States clean energy technology exports.

''(e) REPORT ON USE OF FUNDS.—Not later than January 1, 2006, and each year thereafter, the Secretary of State, in consultation with other Federal agencies, shall submit to Congress a report describing the manner in which United States funds appropriated for clean energy technology exports and other relevant Federal programs are being directed in a manner that promotes sound energy policy commitments in developing countries and countries with economies in transition, including efforts pursuant to multilateral environmental agreements.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as are necessary to support the transfer of clean energy technology as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of a developing country or country with an economy in transition.

''SEC. 1612. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DEVELOPING COUNTRY.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(3) INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'international energy deployment project' means a project—

''(A) to—

''(i) construct an energy production facility outside the United States for the production of energy to be consumed outside the United States; or

''(ii) improve the efficiency of energy use outside the United States, if the energy is also generated and consumed outside the United States; and

''(B) that, when deployed, results in a greenhouse gas reduction per unit of energy produced or used (when compared to the technology that would otherwise be deployed) of—

''(i) 20 percentage points or more, in the case of a unit or energy-efficiency measure placed in service before January 1, 2010;

''(ii) 40 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2009, and before January 1, 2020; or

''(iii) 60 percentage points or more, in the case of a unit or energy-efficiency measure placed in service after December 31, 2019, and before January 1, 2030.

''(4) QUALIFYING INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'qualifying international energy deployment project' means an international energy deployment project that—

''(A) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

''(B) meets the criteria of section 1608(k), and uses technology that has been successfully developed or deployed in the United States;

''(C) is selected by the Secretary without regard to the country in which the project is located, with notice of the selection being published in the Federal Register; and

''(D) complies with such other terms and conditions as the Secretary establishes by regulation.

''(5) 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.

''(6) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.

''(b) PILOT PROGRAM FOR FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall, by regulation, provide for a pilot program that provides financial assistance for qualifying international energy deployment projects.

''(2) FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—For each qualifying international energy deployment project selected by the Secretary to participate in the pilot program, the Secretary shall make available a loan or loan guarantee for not more than 50 percent of the total cost of the project, to be repaid at an interest rate equal to the rate for Treasury obligations then issued for periods of comparable maturity.

''(B) DEVELOPED COUNTRIES.—A loan or loan guarantee made available for a project to be carried out in a country listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

''(C) DEVELOPING COUNTRIES.—A loan or loan guarantee made for a project to be carried out in a developing country shall require at least a 10 percent contribution toward the total cost of the loan or loan guarantee by the host country.

''(D) CAPACITY BUILDING RESEARCH.—

''(i) IN GENERAL.—A proposal made for a project to be carried out in a developing country may include a research component intended to build technological capacity within the host country.

''(ii) RESEARCH.—The research shall—

''(I) be related to the technologies being deployed; and

''(II) involve both an institution in the host country and a participant from the United States that is either an industrial entity, an institution of higher education, or a National Laboratory.

''(iii) HOST INSTITUTION CONTRIBUTION.—The host institution shall contribute at least 50 percent of funds provided for the capacity-building research.

''(c) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

''(d) REPORT AND RECOMMENDATION.—

''(1) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the President a report on the results of the pilot projects conducted under this section.

''(2) RECOMMENDATION.—Not later than 60 days after receiving the report, the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $100,000,000 for each of fiscal years 2006 through 2015, to remain available until expended.''.

(b) DEFINITION OF NATIONAL LABORATORY.—Section 2 of the Energy Policy Act of 1992 (42 U.S.C. 13201) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) NATIONAL LABORATORY.—The term 'National Laboratory' means any of the following laboratories owned by the Department of Energy:

''(A) Ames Laboratory.

''(B) Argonne National Laboratory.

''(C) Brookhaven National Laboratory.

''(D) Fermi National Accelerator Laboratory.

''(E) Idaho National Engineering and Environmental Laboratory.

''(F) Lawrence Berkeley National Laboratory.

''(G) Lawrence Livermore National Laboratory.

''(H) Los Alamos National Laboratory.

''(I) National Energy Technology Laboratory.

''(J) National Renewable Energy Laboratory.

''(K) Oak Ridge National Laboratory.

''(L) Pacific Northwest National Laboratory.

''(M) Princeton Plasma Physics Laboratory.

''(N) Sandia National Laboratories.

''(O) Stanford Linear Accelerator Center.

''(P) Thomas Jefferson National Accelerator Facility.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Energy.''.

(c) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended—

(1) by striking the item relating to section 2 and inserting the following:

''Sec. 2. Definitions.'';

and

(2) by adding at the end of the items relating to title XVI the following:

''Sec. 1610. Climate change technology program.

''Sec. 1611. Clean energy technology exports program.

''Sec. 1612. International energy technology deployment program.''.

SEC. 1523. COMPREHENSIVE PLANNING AND PROGRAMMING FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in the second sentence of subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following—

''(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

''(A) reduce or avoid anthropogenic emissions of greenhouse gases;

''(B) remove and sequester greenhouse gases from emission streams; and

''(C) remove and sequester greenhouse gases from the atmosphere.''; and

(2) in subsection (b)—

(A) in the first sentence of paragraph (2), by striking ''subsection (a)(1) through (3)'' and inserting ''paragraphs (1) through (4) of subsection (a)''; and

(B) in the second sentence of paragraph (3)—

(i) in subparagraph (R), by striking ''and'' at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration, and deployment of—

''(i) renewable energy systems;

''(ii) advanced fossil energy technology;

''(iii) advanced nuclear power plant design;

''(iv) fuel cell technology for residential, industrial, and transportation applications;

''(v) carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

''(vi) efficient electrical generation, transmission, and distribution technologies; and

''(vii) efficient end-use energy technologies.''.

Subtitle C—Greenhouse Gas Emissions Database

SEC. 1531. DEFINITIONS.

In this subtitle:

(1) ADMINISTERING INSTITUTION.—The term ''administering institution'' means the institution selected under section 1532(c) to operate and administer the database.

(2) CARBON DIOXIDE EQUIVALENT.—The term ''carbon dioxide equivalent'' means, with respect to each greenhouse gas, the quantity of the greenhouse gas that makes the same contribution to global warming as 1 metric ton of carbon dioxide.

(3) DATABASE.—The term ''database'' means the national greenhouse gas emissions database established under section 1532(b).

(4) DESIGNATED AGENCIES.—The term ''designated agencies'' means—

(A) the Department of Energy;

(B) the Department of Commerce; and

(C) the Environmental Protection Agency.

(5) DIRECT GREENHOUSE GAS EMISSIONS.—The term ''direct greenhouse gas emissions'' means greenhouse gas emissions directly emitted from a facility that is owned or controlled by the reporting entity, including emissions from—

(A) production of electricity, heat, or steam, or other activities involving combustion in stationary equipment;

(B) physical or chemical processing of materials;

(C) equipment leaks, venting from equipment or facilities, or other types of fugitive emissions (such as emissions from piles, pits, and cooling towers); and

(D) combustion of fuels in transportation vehicles or equipment.

(6) ENTITY.—The term ''entity'' means—

(A) a person; or

(B) an agency or instrumentality of the Federal Government or State or local government.

(7) FACILITY.—The term ''facility'' means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(8) FARMING OPERATION.—The term ''farming operation'' has the meaning given the term in section 101(21) of title 11, United States Code.

(9) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT GREENHOUSE GAS EMISSIONS.—The term ''indirect greenhouse gas emissions'' means emissions that—

(A) are a consequence of activities of a reporting entity; but

(B) occur from a source controlled by another entity.

(11) LEAD AGENCY.—The term ''lead agency'' means the lead agency selected under section 1532(a).

(12) REPORTING ENTITY.—The term ''reporting entity'' means an entity that submits a report under subsection (a) or (h) of section 1533.

(13) SEQUESTRATION.—The term ''sequestration'' means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

(14) 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.

(15) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 1532. NATIONAL GREENHOUSE GAS EMISSIONS DATABASE.

(a) DESIGNATION OF LEAD AGENCY.—The President shall select a lead agency from among the designated agencies for the purpose of implementing this subtitle.

(b) ESTABLISHMENT.—The head of the lead agency, in consultation with the other designated agencies, States, the private sector, and nongovernmental organizations concerned with establishing standards for reporting of greenhouse gas emissions, shall establish a national greenhouse gas emissions database to collect emissions information reported under section 1533 and emission reduction information reported under section 1534.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The head of the lead agency shall enter into a contract with a nonprofit institution to—

(A) design and operate the database;

(B) establish an advisory body with broad representation from industry, agriculture, environmental groups, and State and local governments to guide the development and management of the database;

(C) provide coordination and technical assistance for the development of proposed protocols and methods to be published by the Secretary under section 1535(a); and

(D) certify organizations independent of reporting entities to verify the data submitted by reporting entities, and audit the plans and performance of certifying organizations.

(2) SELECTION.—

(A) IN GENERAL.—The head of the lead agency shall award an initial 5-year contract to the institution under paragraph (1), subject to the procurement regulations of the lead agency.

(B) CONSIDERATIONS.—In determining which institution to award a contract under subparagraph (A), the head of the lead agency shall consider—

(i) the technical expertise of each institution; and

(ii) the ability of each institution to work with a broad and diverse group of interested parties.

(C) RENEWABILITY.—A contract under this paragraph may be renewed for additional terms, based on the satisfactory performance of the institution as determined by the head of the lead agency.

(d) AVAILABILITY OF DATA TO THE PUBLIC.—The head of the lead agency shall ensure that the administering institution publishes all information in the national greenhouse gas emissions database (including in electronic format on the Internet), except with respect to facility-level emission data in any case in which publishing the information would disclose—

(1) information vital to national security; or

(2) confidential business information that—

(A) cannot be derived from information that is otherwise publicly available; and

(B) would cause competitive harm if published.

(e) RELATIONSHIP TO OTHER GREENHOUSE GAS DATABASES OR REPORTING REQUIREMENTS.—To the maximum extent practicable, the head of the lead agency shall ensure coordination between the national greenhouse gas emissions database and existing and developing Federal and State greenhouse gas databases and registries.

(f) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subtitle affects any existing requirements for reporting of greenhouse gas emission data or other data relevant to calculating greenhouse gas emissions.

(g) REPORT TO CONGRESS.—If reporting is required under section 1533(b)(2), the head of the lead agency shall, not later than 180 days after the date on which the reporting is required, submit to Congress a report that describes the need for harmonization of legal requirements within the United States relating to greenhouse gas reporting.

SEC. 1533. GREENHOUSE GAS EMISSIONS REPORTING.

(a) VOLUNTARY REPORTING.—

(1) IN GENERAL.—After the establishment of the greenhouse gas emissions database under section 1532 and publication of protocols under section 1535, an entity may voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emissions in the United States of the entity with respect to the preceding calendar year.

(2) DATE OF SUBMISSION.—Each report under paragraph (1) shall be submitted not later than the July 1 that follows the end of the calendar year described in the report.

(b) REVIEW OF PARTICIPATION.—

(1) IN GENERAL.—On the date that is 4 years after the date of enactment of this Act, the Director of Climate Change Policy shall determine, after notice and public comment, whether the emissions reported to the greenhouse gas database for the most recent calendar year for which data are available represent less than 60 percent of the national aggregate greenhouse gas emissions from non-agricultural, anthropogenic sources for that year.

(2) INCREASED APPLICABILITY OF REQUIREMENTS.—If the Director determines pursuant to paragraph (1) that emissions reported to the greenhouse gas database for the most recent year for which data are available represent less than 60-percent quantity described in paragraph (1) for that year, each entity that exceeds the threshold for reporting under subsection (c) shall submit to the administering institution, not later than July 1 of each year thereafter, for inclusion in the database, a report of greenhouse gas emissions in the United States of the entity with respect to the preceding calendar year in accordance with this section.

(3) RESOLUTION OF DISAPPROVAL.—The determination of the Director of Climate Change Policy under paragraph (1) shall be considered to be a major rule (as defined in section 804(2) of title 5, United States Code) subject to the congressional disapproval procedure under section 802 of title 5, United States Code.

(c) THRESHOLD FOR REPORTING.—

(1) IN GENERAL.—An entity shall submit a report under subsection (b)(2) for greenhouse gas emissions if, in the relevant calendar year, 1 of the following exceeds 10,000 metric tons of carbon dioxide equivalent:

(A) The direct greenhouse gas emissions of any facility of the entity located in the United States.

(B) The indirect greenhouse gas emissions of any facility of the entity located in the United States that are associated with generation of purchased or imported electricity, heat, or steam by the entity (excluding electricity purchased for resale).

(C) After publication of the relevant protocols under section 1535(a), the total calculated greenhouse gas emissions imputed under paragraph (3) to an entity reporting under that paragraph.

(2) AGRICULTURAL EXEMPTION.—Greenhouse gas emissions from a farming operation, feedlot, or forest owned or leased by an entity shall not be considered in determining whether the entity exceeds the threshold under paragraph (1).

(3) THRESHOLD ADJUSTMENT.—

(A) INCREASE.—The head of the lead agency, by rule, may increase the 10,000 metric ton reporting threshold under paragraph (1) to a higher threshold if the head of the lead agency determines that the reports under this section at the higher threshold will include at least 80 percent of greenhouse gas emissions in the United States.

(B) DECREASE.—The head of the lead agency may not decrease the reporting threshold under paragraph (1) to a value lower than 10,000 metric tons of carbon dioxide equivalent.

(d) CONTENT OF REPORTS.—Each greenhouse gas report under this section shall—

(1) express greenhouse gas emissions in metric tons of each greenhouse gas and in metric tons of the carbon dioxide equivalent of each greenhouse gas;

(2) report (except de minimis emissions)—

(A) direct greenhouse gas emissions; and

(B) indirect greenhouse gas emissions associated with the generation of electricity, heat, or steam that is purchased or imported by a reporting entity, for use in its facility (but not including electricity purchased for resale), from a source owned or controlled by another entity;

(3) provide the information under paragraph (2)—

(A) on an entity-wide basis; and

(B) subject to paragraph (4), on a facility-wide basis for each facility owned or controlled by the entity;

(4) report emissions from a facility with shared ownership or control based on the control of the facility, consistent with the treatment of the facility by the entities for financial reporting purposes under generally accepted accounting principles of the United States;

(5) contain any adjustments to greenhouse gas emission reports from prior years to take into account—

(A) errors that significantly affect the quantity of greenhouse gases in the prior greenhouse gas emissions report;

(B) changes in protocols or methods for calculating greenhouse gas emissions under section 1535(a);

(C) the need to maintain data comparability from year to year in the event of significant structural changes in the organization of the reporting entity; or

(D) any transfer of a facility from the control of 1 entity to another;

(6) include a statement describing the reasons for—

(A) any adjustment under paragraph (5); and

(B) any significant change between the greenhouse gas emissions report for the preceding year and the greenhouse gas emissions reported for the current year;

(7) include an appropriate certification, signed by a senior official with management responsibility for the 1 or more persons completing the report, regarding the accuracy and completeness of the report; and

(8) be reported electronically to the administering institution in such form and to such extent as may be required by the institution or the head of the lead agency.

(e) DE MINIMIS EMISSIONS.—The head of the lead agency, by rule, shall specify the level of greenhouse gas emissions from a source within a facility that shall be considered de minimis for purpose of subsection (d)(2).

(f) VERIFICATION OF REPORT REQUIRED.—Before including the information from a greenhouse gas emission report in the database, the administering institution shall—

(1) verify the completeness and accuracy of the emission report using information provided under section 1535(b)(1); or

(2) require the verification of the completeness and accuracy of the emissions report by a certified person under section 1535(b)(2).

(g) PROHIBITION ON CERTAIN ADJUSTMENTS TO PRIOR-YEAR EMISSION DATA.—An entity may not adjust a greenhouse gas emission report from a prior year under subsection (d)(5) in order to account for changes by the entity that are the result of normal business growth or decline, including—

(1) increases or decreases in production output;

(2) plant openings or closures; or

(3) changes in the mix of products manufactured or sold by the entity.

(h) VOLUNTARY REPORTING OF EARLIER EMISSIONS.—

(1) IN GENERAL.—An entity that submits a report under this section may submit to the administering institution, for inclusion in the national greenhouse gas emissions database, a greenhouse gas emission report for the entity with respect to 1 or more calendar years prior to 2006, if the report meets the requirements of subsections (c) and (d) and section 1534.

(2) TRANSITION ASSISTANCE TO ENTITIES IN EXISTING PROGRAM.—The head of the lead agency may provide financial assistance to an entity that submitted a report on greenhouse gas emissions under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)), for calendar years prior to 2006, for purpose of improving the report so that the report meets the requirements of subsections (c) and (d) and section 1534.

(i) CONTINUITY OF VOLUNTARY REPORTING.—An entity that reports emissions under subsection (a) or (b) that fails to submit a report in any year after submission of the first report of the entity shall be prohibited from including emissions or reductions reported under this subtitle in the calculation of the baseline of the entity in future years.

(j) VOLUNTARY REPORTING OF OTHER INDIRECT EMISSIONS.—An entity that submits a greenhouse gas emission report under this section may voluntarily include in the report, as separate estimates prepared in accordance with the protocols published under section 1535, other indirect greenhouse gas emissions.

(k) CONTINUITY OF INFORMATION ON FACILITIES IN DATABASE.—If ownership or control of a facility for which emissions were included in a report under subsection (b)(2) is transferred to another entity, any entity subsequently having ownership or control of the facility shall submit a greenhouse gas emissions report regarding the transferred facility, even if the entity does not otherwise exceed the threshold for reporting under subsection (c).

SEC. 1534. GREENHOUSE GAS EMISSION REDUCTIONS AND SEQUESTRATION REPORTING.

(a) IN GENERAL.—After the establishment of the greenhouse gas emission database under section 1532 and publication of protocols under section 1535, an entity may voluntarily submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects carried out by the entity during the preceding year for—

(1) reduction of direct greenhouse gas emissions; or

(2) sequestration of a greenhouse gas.

(b) DATE OF SUBMISSION.—Each report shall be submitted by the July 1 that follows the end of the calendar year described in the report.

(c) PROJECT TYPES.—Projects referred to in subsection (a) may include projects relating to—

(1) fuel switching;

(2) energy efficiency improvements;

(3) use of renewable energy;

(4) use of combined heat and power systems;

(5) management of cropland, grassland, or grazing land;

(6) a forestry activity that increases forest carbon stocks or reduces forest carbon emissions;

(7) methane recovery;

(8) reduction of natural gas venting or flaring; or

(9) carbon capture and sequestration.

(d) VERIFICATION OF REPORT REQUIRED.—Before including the information from a report under subsection (a) in the database, the administering institution shall—

(1) verify the completeness and accuracy of the report using information provided under section 1535(b)(1); or

(2) require the verification of the completeness and accuracy of the report by a certified person under section 1535(b)(2).

(e) REQUIRED ACCOMPANYING INFORMATION.—An entity that submits a report under subsection (a) shall include sufficient information to verify under section 1535(b) that the report represents—

(1) in the case of a report of direct greenhouse gas emission reductions—

(A) actual reductions in direct greenhouse gas emissions of the entity—

(i) relative to historic emissions levels of the entity; and

(ii) after accounting for any increases in direct or indirect greenhouse gas emissions of the entity; or

(B) in the case of a reported reduction that exceeds the entity-wide net reduction of direct greenhouse gas emissions, adjusted so as not to exceed the net reduction; and

(2) in the case of a report of greenhouse gas sequestration, actual increases in net sequestration, taking into consideration the total systems use of materials and energy in carrying out the sequestration.

(f) PROJECTS PRIOR TO PUBLICATION PROTOCOLS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than July 1 of the calendar year following publication of protocols under section 1535, an entity may submit to the administering institution, for inclusion in the database, a report of greenhouse gas emission reductions or sequestration resulting from projects, carried out by the entity during the period beginning January 1, 1990, and ending on the date of publication of the protocols for—

(A) reduction of direct greenhouse gas emissions; or

(B) sequestration of a greenhouse gas.

(2) CONDITIONS FOR ENTRY.—The information from a report under this subsection shall be entered into the database only if the report meets the requirements of subsections (c) and (d).

(g) IDENTIFICATION AND TRACKING OF GREENHOUSE GAS REDUCTION PROJECTS.—For each verified project entered in the database under this section, the administering institution shall provide to the entity reporting the project a unique identifier to allow for—

(1) the registration of emission reductions associated with the project, in a quantity not to exceed the entity-wide net emission reductions of the entity reporting the project during the same period;

(2) the transfer of those reductions through voluntary private or other transactions; and

(3) tracking of transfers under paragraph (2).

SEC. 1535. DATA QUALITY AND VERIFICATION.

(a) PROTOCOLS AND METHODS.—

(1) IN GENERAL.—The head of the lead agency, after taking into account the recommendations of the administering institution, shall, by rule, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on greenhouse gas emissions and emissions reductions submitted to the database that include—

(A) accounting and reporting standards for greenhouse gas emissions and greenhouse gas emission reductions;

(B) standardized methods for calculating greenhouse gas emissions in specific industries from other readily available and reliable information, such as energy consumption, materials consumption, production data, or other relevant activity data;

(C) standardized methods of estimating greenhouse gas emissions (along with information on the accuracy of the estimations), for cases in which the head of the lead agency determines that methods under subparagraph (B) are not feasible;

(D) methods to avoid double-counting of greenhouse gas emissions, or greenhouse gas emission reductions, within a single major category of emissions, such as direct greenhouse gas emissions;

(E) protocols to prevent an entity from avoiding the reporting requirements of this subtitle by reorganization into multiple entities or by outsourcing operations or activities that emit greenhouse gases;

(F) protocols for verification of data on greenhouse gas emissions, and greenhouse gas emission reductions, by reporting entities and verification organizations independent of reporting entities; and

(G) protocols necessary for the database to maintain valid and reliable information on baselines of entities so that, in the event of any future action by Congress to require entities, individually or collectively, to reduce greenhouse gas emissions, Congress will be able—

(i) to take into account that information; and

(ii) to avoid enacting legislation that penalizes entities for achieving and reporting reductions.

(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practices that have the greatest support of experts in the field.

(3) OUTREACH PROGRAM.—The administering institution shall conduct an outreach program to provide information to all reporting entities and the public on the protocols and methods developed under this subsection.

(b) VERIFICATION.—

(1) INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall—

(A) provide information sufficient for the administering institution to verify, in accordance with the protocols and methods developed under subsection (a), that the greenhouse gas emissions, or greenhouse gas emission reductions, of the reporting entity have been completely and accurately reported; and

(B) ensure the submission or retention of data sources, information on internal control activities, information on assumptions used in reporting emissions, uncertainty analyses, and other relevant data to facilitate the verification of reports submitted to the database.

(2) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

(A) obtain verification of the completeness and accuracy of the greenhouse gas emissions report, or greenhouse gas emissions reduction report, of the reporting entity from a person independent of the reporting entity that has been certified according to the standards issued under paragraph (3); and

(B) present the results of the verification under subparagraph (A) to the administering institution in lieu of verification by the administering institution under paragraph (1).

(3) CERTIFICATION OF INDEPENDENT VERIFICATION ORGANIZATIONS.—

(A) IN GENERAL.—The head of the lead agency shall, by rule, establish certification and audit standards to be applied by the administering institution in certifying persons who verify greenhouse gas emission reports, or greenhouse gas emission reductions reports, under paragraph (2).

(B) CONFLICTS OF INTEREST.—The standards established under subparagraph (A) shall prohibit conflicts of interest on the part of certified persons.

SEC. 1536. ANNUAL SUMMARY REPORT.

Not later than January 1, 2006, and annually thereafter, the head of the lead agency shall publish an annual summary report on the database that includes—

(1) a report on the quantity of the total greenhouse gas emissions and emission reductions included in the database, and the fraction of total greenhouse gas emissions in the United States reported to the database, relative to the year covered by the report (if applicable);

(2) analyses, by entity and sector of the economy of the United States, of the emissions and emission reductions in paragraph (1), including a comparison to total greenhouse gas emissions in the United States by all sectors of the economy;

(3) information on the operations of the database, including the development of protocols and methods during the year covered by the report; and

(4) a summary of the views of the advisory board under section 1532(c)(1)(B) on the operations and effectiveness of the database during the year covered by the report.

SEC. 1537. ENFORCEMENT.

The head of the lead agency may bring a civil action in United States district court against an entity that fails to comply with a requirement of this subtitle, or a rule promulgated under this subtitle, to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

Subtitle D—Research Programs

CHAPTER 1—DEPARTMENT OF ENERGY PROGRAMS

SEC. 1541. DEFINITION OF SECRETARY.

In this chapter, the term ''Secretary'' means the Secretary of Energy, acting through the Office of Science of the Department of Energy.

SEC. 1542. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive research program—

(1) to increase understanding of the global climate system; and

(2) to investigate and analyze the effects of energy production and use on that system.

(b) PROGRAM ELEMENTS.—The program under this chapter shall include—

(1) research and modeling activities on the radiation balance from the surface of the Earth to the upper limit of the atmosphere, including the effects of aerosols and clouds;

(2) research and modeling activities—

(A) to investigate and understand the global carbon cycle, including the role of the terrestrial biosphere as a source or sink for carbon dioxide; and

(B) to develop, test, and improve carbon-cycle models;

(3)(A) research activities to understand the scales of response of complex ecosystems to environmental changes, including identification of the underlying causal mechanisms and pathways of environmental changes and the ways in which those mechanisms and pathways are linked; and

(B) research and modeling activities on the response of terrestrial ecosystems to changes in climate, atmospheric composition, and land use;

(4) research and modeling activities to develop integrated assessments of the economic, social, and environmental implications of climate change and policies relating to climate change, with emphasis on—

(A) improving the resolution of models for integrated assessments on a regional basis;

(B) developing next-generation models and testing those models as pilots on selected regional areas (including States and territories of the United States in the Pacific, on the Gulf of Mexico, or in agricultural or forested areas of the continental United States);

(C) developing and improving models for technology innovation and diffusion; and

(D) developing and improving models of the economic costs and benefits of climate change and policies relating to climate change; and

(5) development of high-end computational resources, information technologies, and data assimilation methods—

(A) to carry out the program under this chapter;

(B) to make more effective use of large and distributed data sets and observational data streams; and

(C) to increase the availability and utility of climate change and energy simulations to researchers and policy makers.

(c) EDUCATION AND INFORMATION DISSEMINATION.—

(1) IN GENERAL.—The Secretary, in collaboration with similar programs in other Federal agencies, shall include education and training of undergraduate and graduate students as an integral part of the programs under this chapter.

(2) ANALYSIS CENTER.—The Secretary shall support a Carbon Dioxide Information and Analysis Center—

(A) to serve as a resource for researchers and others interested in global climate change; and

(B) to accommodate data and information requests relating to the greenhouse effect and global climate change.

SEC. 1543. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter, to remain available until expended—

(1) $150,000,000 for fiscal year 2006;
(2) $175,000,000 for fiscal year 2007;
(3) $200,000,000 for fiscal year 2008;
(4) $230,000,000 for fiscal year 2009; and
(5) $266,000,000 for fiscal year 2010.

(b) LIMITATION ON FUNDS.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or deployment of technology to reduce, avoid, or sequester greenhouse gas emissions.

CHAPTER 2—DEPARTMENT OF COMMERCE PROGRAMS

SEC. 1551. DEFINITION OF SECRETARY.

In this chapter, the term ''Secretary'' means the Secretary of Commerce.

SEC. 1552. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish in 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.

(c) 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 the mechanisms into advanced geophysical models of climate change; and

(4) to test the output of the models against an improved global array of records of past abrupt climate changes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

(1) $20,000,000 for fiscal year 2006;
(2) $22,000,000 for fiscal year 2007;
(3) $24,000,000 for fiscal year 2008;
(4) $26,000,000 for fiscal year 2009; and
(5) $28,000,000 for fiscal year 2010.

SEC. 1553. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION.

(a) IN GENERAL.—The Secretary shall establish in the Department of Commerce a National Climate Vulnerability and Adaptation Program for regional impacts related to increasing concentrations of greenhouse gases in the atmosphere and climate variability.

(b) COORDINATION.—In designing the program described in subsection (a), the Secretary shall consult with appropriate Federal, State, tribal, and local government entities.

(c) REGIONAL VULNERABILITY ASSESSMENTS.—The program shall—

(1) evaluate, based on information developed under this subtitle, under the National Climate Program Act (15 U.S.C. 2901 et seq.), and by the global climate modeling community, regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood, and fire; and

(D) alteration of ecological communities at the ecosystem or watershed level; and

(2) build upon information developed in the scientific assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(d) PREPAREDNESS RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that identifies and recommends implementation and funding strategies for short- and long-term actions that may be taken at the national, regional, State, and local level—

(1) to minimize threats to human life and property;

(2) to improve resilience to hazards;

(3) to minimize economic impacts; and

(4) to reduce threats to critical biological and ecological processes.

(e) INFORMATION AND TECHNOLOGY.—The Secretary shall—

(1) make available appropriate information, technologies, and products that will assist national, regional, State, and local efforts to reduce loss of life and property from increased concentrations of greenhouse gases and climate variability; and

(2) coordinate dissemination of such technologies and products.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $4,500,000 for each of fiscal years 2006 through 2010.

SEC. 1554. COASTAL VULNERABILITY AND ADAPTATION.

(a) DEFINITIONS.—Any term used in this section that is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) has the meaning given the term in that section.

(b) REGIONAL ASSESSMENTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with appropriate Federal, State, tribal, and local governmental entities, shall conduct regional assessments of the vulnerability of coastal areas to hazards associated with climate change, climate variability, sea level rise, and fluctuation of Great Lakes water levels.

(2) DEVELOPMENT.—The Secretary may consult with the governments of Canada and Mexico as appropriate in developing regional assessments.

(3) PREPARATION.—In preparing the regional assessments, the Secretary shall—

(A) collect and compile current information on climate change, sea level rise, natural hazards, and coastal erosion and mapping; and

(B) specifically address impacts on Arctic regions and the Central, Western, and South Pacific regions.

(4) EVALUATION.—The regional assessments shall include an evaluation of—

(A) social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(B) physical impacts, including coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration; and

(C) economic impact on regional, State, and local economies, including the impact on abundance or distribution of economically important living marine resources.

(c) COASTAL ADAPTATION PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal impacts associated with climate change, sea level rise, or climate variability.

(2) DEVELOPMENT.—The national coastal adaptation plan shall be developed with the participation of other Federal, State, tribal, and local government agencies that will be critical in the implementation of the plan at the State, tribal, and local levels.

(3) REGIONAL PLANS.—The regional plans covered by the national coastal adaptation plan shall—

(A) be based on the information contained in the regional assessments; and

(B) identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions.

(4) RECOMMENDATIONS.—The national coastal adaptation plan shall recommend both short- and long-term adaptation strategies, including recommendations regarding—

(A) Federal flood insurance program modifications;

(B) areas that have been identified as high risk through mapping and assessment;

(C) mitigation incentives, including rolling easements, strategic retreat, Federal or State acquisition in fee simple or other interest in land, construction standards, and zoning;

(D) land and property owner education;

(E) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(F) funding requirements and mechanisms.

(d) TECHNICAL PLANNING ASSISTANCE.—

(1) IN GENERAL.—The Secretary, acting through the National Ocean Service, shall establish a coordinated program to provide technical planning assistance and products to coastal State and local governments as the coastal States and local governments develop and implement adaptation or mitigation strategies and plans.

(2) STATE AND LOCAL PLANS.—Products, information, tools and technical expertise generated from the development of the regional assessments and the regional adaptation plans shall be made available to coastal State and local governments to develop State and local plans.

(e) COASTAL ADAPTATION GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide grants of financial assistance to coastal States with Federally approved coastal zone management programs to develop and begin implementing coastal adaptation programs.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), a coastal State shall provide a Federal-to-State match—

(A) in the first fiscal year of the program, of 4 to 1;

(B) in the second fiscal year of the program, of 2.3 to 1;

(C) in the third fiscal year of the program, of 2 to 1; and

(D) in each subsequent fiscal year, of 1 to 1.

(3) FORMULA.—Distribution of funds under this subsection to coastal States shall be based on the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

(f) COASTAL RESPONSE PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 4-year pilot program to provide financial assistance to coastal communities that—

(A) are most adversely affected by the impact of climate change or climate variability; and

(B) are located in States with Federal-approved coastal zone management programs.

(2) ELIGIBLE PROJECTS.—A project is eligible for financial assistance under the pilot program if the project—

(A) will restore or strengthen coastal resources, facilities, or infrastructure that have been damaged by the impact of climate change or climate variability, as determined by the Secretary;

(B) meets the requirements of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and is consistent with the coastal zone management plan of the State in which the project will be carried out; and

(C) will not cost more than $100,000 for each project.

(3) FUNDING SHARE.—

(A) IN GENERAL.—The Federal funding share of any project under this subsection may not exceed 75 percent of the total cost of the project.

(B) ADMINISTRATION.—In carrying out this paragraph—

(i) the Secretary may take into account in-kind contributions and other non-cash support of any project to determine the Federal funding share for that project; and

(ii) the Secretary may waive the requirements of this paragraph for a project in a community if—

(I) the Secretary determines that the project is important; and

(II) the economy and available resources of the community in which the project is to be conducted are insufficient to meet the non-Federal share of the cost of the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) to carry out subsections (b) through (d), $5,000,000 for each of fiscal years 2006 through 2010;

(2) for coastal adaptation grants under subsection (e), $5,000,000 for each of fiscal years 2006 through 2010; and

(3) to carry out the pilot program established under subsection (f), $3,000,000 for each of fiscal years 2006 through 2010.

SEC. 1555. FORECASTING PROJECTS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration and the Administrator of the National Oceanic and Atmospheric Administration shall establish, through the Coastal Services Center of the National Oceanic and Atmospheric Administration, a program of grants for competitively awarded 3-year pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Center shall give preference to projects that—

(1) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(2) make use of existing public or commercial data sets;

(3) integrate multiple sources of geospatial information (including geographic information system data, satellite-provided positioning data, and remotely sensed data) in innovative ways;

(4) offer diverse, innovative approaches that may serve as models for establishing a future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;

(5) include funds or in-kind contributions from non-Federal sources;

(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(7) considered together, demonstrate as diverse a set of public sector applications as practicable.

(c) OPPORTUNITIES.—In carrying out this section, the Center shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrators described in subsection (a) to carry out this section—

(1) $15,000,000 for fiscal year 2006;

(2) $17,500,000 for fiscal year 2007;

(3) $20,000,000 for fiscal year 2008;

(4) $22,500,000 for fiscal year 2009; and

(5) $25,000,000 for fiscal year 2010.

SEC. 1556. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change.

(2) COOPERATION.—Research activities under this section shall be conducted in cooperation with other nations of the Pacific region.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section for fiscal year 2006, to remain available until expended—

(1) $2,000,000 to the National Oceanic and Atmospheric Administration, including $500,000 for the Pacific El Nino-Southern Oscillation Applications Center; and

(2) $1,500,000 to the National Aeronautics and Space Administration.

SEC. 1557. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY PROGRAMS.

(a) ESTABLISHMENT, FUNCTIONS, AND ACTIVITIES.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) in paragraph (21), by striking ''and'' at the end;

(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 measurement 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''.

(b) PROGRAMS RELATED TO CLIMATE CHANGE.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating section 32 as section 33; and

(2) by inserting after section 31 the following:

''SEC. 32. PROGRAMS RELATED TO CLIMATE CHANGE.

''(a) IN GENERAL.—The Director shall establish a program to perform and support research on measurements, calibrations, data, models, and reference material standards with the goal of providing scientific and technical knowledge and generally recognized measurements, procedures, analytical tools, software, measurement technologies, and measurement standards applicable to the understanding, monitoring, and control of greenhouse gases.

''(b) PROGRAM EXECUTION AND COORDINATION.—

''(1) IN GENERAL.—The Director may conduct the program under this section through—

''(A) the National Measurement Laboratories or other appropriate elements of the Institute; or

''(B) grants, contracts, and cooperative agreements with appropriate entities.

''(2) VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director may establish a voluntary laboratory accreditation program (including specific calibration and test standards, methods, and protocols) to meet the need for accreditation in the measurement of greenhouse gases.

''(3) CONSULTATION.—The Director shall carry out the program under this section in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the Department of Energy, the

National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the National Science Foundation.''.

CHAPTER 3—INTERAGENCY PROGRAMS

SEC. 1561. GLOBAL CHANGE RESEARCH.

(a) FINDINGS.—Section 101(a) of the Global Change Research Act of 1990 (15 U.S.C. 2931(a)) is amended by adding at the end the following:

''(7) The present rate of advance in research and development, and the application of those advances, is inadequate and new developments must be incorporated rapidly into services for the benefit of the public.

''(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.''.

(b) UPDATING AUTHORIZATION FOR COMMITTEE STRUCTURE.—

(1) DEFINITIONS.—Section 2 of the Global Change Research Act of 1990 (15 U.S.C. 2921) is amended—

(A) in paragraph (1), by inserting before the semicolon the following: ''or a successor committee''; and

(B) in paragraph (2), by inserting before the semicolon the following: ''or a successor body''.

(2) COMMITTEE ON EARTH AND ENVIRONMENTAL SCIENCES.—Section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932) is amended—

(A) in subsection (b), by striking the last sentence and inserting ''The representatives shall be the Deputy Secretary or the designee of the Deputy Secretary (or, in the case of an agency other than a department, the deputy head of that agency or the designees of the deputy).'';

(B) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(C) by inserting after subsection (c) the following:

''(d) SUBCOMMITTEES AND WORKING GROUPS.—

''(1) IN GENERAL.—There shall be a Subcommittee on Global Change Research, which shall carry out such functions of the Committee as are assigned by the Committee.

''(2) OTHER SUBCOMMITTEES AND WORKING GROUPS.—The Committee may establish such additional subcommittees and working groups as the Committee considers appropriate.''; and

(D) in subsection (f) (as redesignated by subparagraph (B)), by striking paragraph (6) and inserting the following:

''(6) routinely consult with actual and potential users of the results of the Program to assess information needs and ensure that the results are useful in developing international, national, regional, and local policy responses to global change; and''.

(c) NATIONAL GLOBAL CHANGE RESEARCH PLAN.—Section 104 of the Global Change Research Act of 1990 (15 U.S.C. 2934) is amended—

(1) in the last sentence of subsection (a), by inserting before the period '', including not later than 180 days after the date of enactment of the Energy and Climate Change Act of 2005'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''short-term and long-term'' before ''goals''; and

(ii) by striking ''usable information on which to base policy decisions relating to'' and inserting ''information relevant and readily usable by Federal, State, tribal, and local decision makers and other end-users, for the formulation of effective decisions and strategies for measuring, predicting, preventing, mitigating, and adapting to'';

(B) in paragraph (6)(D), by striking ''and'' at the end;

(C) by redesignating paragraph (7) as paragraph (9); and

(D) by inserting after subsection (6) the following:

''(7) evaluate and explain the accuracy of provided predictions in a manner that will enhance use of the predictions by Federal, State, tribal, and local decision makers and other end-users of the information; and

''(8) identify the categories of decision makers and describe how the program (including modeling capabilities) will develop decision support capabilities for the decision makers described in paragraph (7); and'';

(3) in subsection (c), by adding at the end the following:

''(6) Research necessary to monitor and predict societal and ecosystem impacts, to design adaptation and mitigation strategies, and to understand the costs and benefits of climate change and related response options.

''(7) Methods for integrating information to provide predictive and other tools for planning and decisionmaking by governments, communities, and the private sector.''; and

(4) in subsection (d)—

(A) in paragraph (2), by striking ''and'' at the end; and

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

''(3) conduct routine assessments of the information needs of Federal, State, tribal, and local policy makers and other end-users;

''(4) combine and interpret data from various sources to produce information readily usable by local, tribal, State, and Federal policymakers and other end-users attempting to formulate effective decisions and strategies for preventing, mitigating, and adapting to the effects of global change;

''(5) develop methods for improving modeling and predictive capabilities and assessment methods to guide national, regional, and local planning and decisionmaking on land use, hazards related to water (including flooding, storm surges, and sea-level rise), and related issues; and

''(6) establish a common assessment and modeling framework that may be used in both research and operations to predict and assess the vulnerability of natural and managed ecosystems and human society in the context of other environmental and social changes.''.

(d) RESEARCH GRANTS.—Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) RESEARCH GRANTS.—

''(1) 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 addressed by Federal agencies.

''(2) TRANSMISSION OF LIST.—The Director of the Office of Science and Technology Policy shall transmit the list to the National Science Foundation.

''(3) FUNDING.—

''(A) BUDGET REQUEST.—The National Science Foundation shall include funding for research in the priority areas on the list developed under paragraph (1) as part of the annual budget request for integrative activities of the National Science Foundation.

''(B) AUTHORIZATION.—For fiscal year 2006 and each subsequent fiscal year, to carry out research in the priority areas, there is authorized to be appropriated to the National Science Foundation not less than $17,000,000, to be managed through the Science and Technology Policy Institute.''.

(e) SCIENTIFIC ASSESSMENT.—Section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''human-inducted'' and inserting ''human-induced''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) evaluates the information being developed under this title, considering in particular the usefulness of the information to national, State, tribal, and local decision makers and other interested persons, including those in the private sector, after providing a meaningful opportunity for considering the views of those persons on the effectiveness of the Program and the usefulness of the information.''.

(f) NATIONAL CLIMATE SERVICE PLAN.—Title I of the Global Change Research Act of 1990 (15 U.S.C. 2931 et seq.) is amended by adding at the end the following:

''SEC. 109. NATIONAL CLIMATE SERVICE PLAN.

''Not later than 1 year after the date of enactment of the Energy and Climate Change Act of 2005, the Secretary of Commerce, after review by the Interagency Task Force on Climate Change established under section 103 of that Act, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a plan of action for a National Climate Service that contains recommendations and funding estimates for—

''(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

''(2) the design, deployment, and operation of an adequate national climate observing system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;

''(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a long-term and short-term time schedule and at a range of spatial scales;

''(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

''(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

''(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

''(7) mechanisms to coordinate among Federal agencies, State, tribal, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both in the United States and internationally.''.

Subtitle E—Forests and Agriculture

SEC. 1571. DEFINITIONS.

In this subtitle:

(1) ADVISORY PANEL.—The term ''Advisory Panel'' means the Soil and Forestry Carbon Sequestration Panel established under subsection 1574(a).

(2) ELIGIBLE FOREST CARBON ACTIVITY.—The term ''eligible forest carbon activity'' means a forest management action that—

(A) helps restore forest land that has been underproducing or understocked for more than 5 years;

(B) maintains natural forest under a permanent conservation easement;

(C) provides for protection of a forest from nonforest use;

(D) allows a variety of sustainable management alternatives;

(E) maintains or improves a watershed or fish and wildlife habitat; or

(F) demonstrates permanence of carbon sequestration and promotes and sustains native species.

(3) FOREST CARBON RESERVOIR.—The term ''forest carbon reservoir'' means carbon that is stored in aboveground or underground soil and other forms of biomass that are associated with a forest ecosystem.

(4) FOREST CARBON SEQUESTRATION PROGRAM.—The term ''forest carbon sequestration program'' means the program established under subsection 1572(a).

(5) FOREST LAND.—

(A) IN GENERAL.—The term ''forest land'' means a parcel of land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term ''forest land'' includes—

(i) land on which forest cover may be naturally or artificially regenerated; and

(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

(6) FOREST MANAGEMENT ACTION.—

(A) IN GENERAL.—The term ''forest management action'' means an action that—

(i) applies forestry principles to the regeneration, management, use, or conservation of forests to meet specific goals and objectives;

(ii) demonstrates permanence of carbon sequestration and promotes and sustains native species; and

(iii) maintains the ecological sustainability and productivity of the forests or protects natural forests under a permanent conservation easement.

(B) INCLUSIONS.—The term ''forest management action'' includes management and use of forest land for the benefit of aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, or other forest values.

(7) REFORESTATION.—

(A) IN GENERAL.—The term ''reforestation'' means the reestablishment of forest cover naturally or artificially.

(B) INCLUSIONS.—The term ''reforestation'' includes planned replanting, reseeding, and natural regeneration.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(9) SOIL CARBON SEQUESTRATION PROGRAM.—The term ''soil carbon sequestration program'' means the program established under section 1573(a)(1).

(10) STATE.—

(A) IN GENERAL.—The term ''State'' means—

(i) a State; and

(ii) the District of Columbia.

(B) INCLUSION.—The term ''State'' includes a political subdivision of a State.

(11) WILLING OWNER.—The term ''willing owner'' means a State or local government, Indian tribe, private entity, or other person or non-Federal organization that owns forest land and is willing to participate in the forest carbon sequestration program.

SEC. 1572. FOREST CARBON SEQUESTRATION PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service and in collaboration with State foresters, State resource management agencies, and interested nongovernmental organizations, shall establish a forest carbon sequestration program under which the Secretary, directly or through agreements with 1 or more States, may enter into cooperative agreements with willing owners to carry out forest management actions or eligible forest carbon activities on not more than a total of 5,000 acres of forest land holdings to create or maintain a forest carbon reservoir.

(b) ASSISTANCE TO STATES.—

(1) IN GENERAL.—The Secretary shall provide assistance to States to enter into cooperative agreements with willing owners to carry out eligible forest carbon activities on forest land.

(2) REPORTING.—As a condition of receiving assistance under paragraph (1), a State shall annually submit to the Secretary a report disclosing the estimated quantity of carbon stored through the cooperative agreement.

(c) BONNEVILLE POWER ADMINISTRATION.—Each of the States of Idaho, Oregon, Montana, and Washington may apply for funding from the Bonneville Power Administration to fund a cooperative agreement that—

(1) meets the fish and wildlife objectives and priorities of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.); and

(2) meets the objectives of this section.

SEC. 1573. SOIL CARBON SEQUESTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Natural Resources Conservation Service and in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out at least 4 pilot programs to—

(A) develop, demonstrate, and verify the best management practices for enhanced soil carbon sequestration on agricultural land; and

(B) evaluate and establish standardized monitoring and verification methods and protocols.

(2) CRITERIA.—The Secretary shall select a pilot program based on—

(A) the merit of the proposed program; and

(B) the diversity of soil types, climate zones, crop types, cropping patterns, and sequestration practices available at the site of the proposed program.

(b) REQUIREMENTS.—A pilot program carried out under this section shall—

(1) involve agricultural producers in—

(A) the development and verification of best management practices for carbon sequestration; and

(B) the development and evaluation of carbon monitoring and verification methods and protocols on agricultural land;

(2) involve research and testing of the best management practices and monitoring and verification methods and protocols in various soil types and climate zones;

(3) analyze the effects of the adoption of the best management practices on—

(A) greenhouse gas emissions, water quality, and other aspects of the environment at the watershed level; and

(B) the full range of greenhouse gases; and

(4) use the results of the research conducted under the program to—

(A) develop best management practices for use by agricultural producers;

(B) provide a comparison of the costs and net greenhouse effects of the best management practices;

(C) encourage agricultural producers to adopt the best management practices; and

(D) develop best management practices on a regional basis for use in watersheds and States not participating in the pilot programs.

SEC. 1574. SOIL AND FORESTRY CARBON SEQUESTRATION PANEL.

(a) ESTABLISHMENT.—The Secretary, acting through the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service, shall establish a soil and forestry carbon sequestration panel to—

(1) advise the Secretary in the development and updating of guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions and agricultural best management practices;

(2) evaluate the potential effectiveness (including cost effectiveness) of the guidelines in verifying carbon inputs and outputs and assessing impacts on other greenhouse gases from various forest management strategies and agricultural best management practices;

(3) estimate the effect of proposed implementation of the guidelines on—

(A) carbon sequestration and storage; and

(B) the net emissions of other greenhouse gases;

(4) provide estimates on the rates of carbon sequestration and net nitrous oxide and methane impacts for forests and various plants, agricultural commodities, and agricultural practices to assist the Secretary in determining the acceptability of the cooperative agreement offers made by willing owners;

(5) propose to the Secretary the standardized methods for—

(A) measuring carbon sequestered in soils and in forests; and

(B) estimating the impacts of the forest carbon sequestration program and the soil carbon sequestration program on other greenhouse gases; and

(6) assist the Secretary in reporting to Congress on the results of the forest carbon sequestration program and the soil carbon sequestration program.

(b) MEMBERSHIP.—The Advisory Panel shall be composed of the following members with interest and expertise in soil carbon sequestration and forestry management, appointed by the Secretary:

(1) 1 member representing national professional forestry organizations.

(2) 1 member representing national agriculture organizations.

(3) 2 members representing environmental or conservation organizations.

(4) 1 member representing Indian tribes.

(5) 3 members representing the academic scientific community.

(6) 2 members representing State forestry organizations.

(7) 2 members representing State agricultural organizations.

(8) 1 member representing the Environmental Protection Agency.

(9) 1 member representing the Department of Agriculture.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Advisory Panel shall be appointed for a term of 3 years.

(2) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—

(A) 1 member appointed under each of paragraphs (2), (4), (6), and (8) of subsection (b), as determined by the Secretary, shall serve an initial term of 1 year; and

(B) 1 member appointed under each of paragraphs (1), (3), (5), (7), and (9) of subsection (b), as determined by the Secretary, shall serve an initial term of 2 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Advisory Panel shall be filled in the manner in which the original appointment was made.

(B) PARTIAL TERM.—A member appointed to fill a vacancy occurring before the expiration of a term shall be appointed only for the remainder of the term.

(C) SUCCESSIVE TERMS.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(d) EXISTING COMMITTEES.—The Secretary may use an existing Federal advisory committee to perform the tasks of the Advisory Panel if—

(1) representation on the advisory committee, the terms and background of members of the advisory committee, and the responsibilities of the advisory committee reflect those of the Advisory Panel; and

(2) those responsibilities are a priority for the advisory committee.

SEC. 1575. STANDARDIZATION OF CARBON SEQUESTRATION MEASUREMENT PROTOCOLS.

(a) ACCURATE MONITORING, MEASUREMENT, AND REPORTING.—

(1) IN GENERAL.—The Secretary, in collaboration with the States, shall—

(A) develop standardized measurement protocols for—

(i) carbon sequestered in soils and trees; and

(ii) impacts on other greenhouse gases;

(B)(i) develop standardized forms to monitor sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program; and

(ii) distribute the forms to participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(C) at least once every 5 years, submit to the appropriate committees of Congress a report on the forest carbon sequestration program and the soil carbon sequestration program.

(2) CONTENTS OF REPORT.—A report under paragraph (1)(C) shall describe—

(A) carbon sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program;

(B) carbon sequestration practices on land owned by participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(C) the degree of compliance with any cooperative agreements, contracts, or other arrangements entered into under this section.

(b) EDUCATIONAL OUTREACH.—The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, and in consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall conduct an educational outreach program to collect and disseminate to owners and operators of agricultural and forest land research-based information on agriculture and forest management practices that will increase the sequestration of carbon, without threat to the social and economic well-being of communities.

(c) PERIODIC REVIEW.—At least once every 2 years, the Secretary shall—

(1) convene the Advisory Panel to evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest management and soil sequestration actions; and

(2) issue, as necessary, revised recommendations for reporting, monitoring, and verifying carbon storage from forest management actions and agricultural best management practices.

SA 816. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. REACTOR DEMONSTRATION PROGRAM

(1) Not later than 120 days after the date of enactment, and notwithstanding Section 302(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)(5)), the Secretary is authorized to take title to the spent nuclear fuel withdrawn from the demonstration reactor remaining from the Cooperative Power Reactor Demonstration Program (Pub. L. No. 87–315, Sec. 109, 75 Stat. 679), the Dairyland Power Cooperative La Crosse Boiling Water Reactor. Immediately upon the Secretary's taking title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage, from the date of taking title until the Secretary removes the spent nuclear fuel from the Dairyland Power Cooperative La Crosse Boiling Water Reactor site. The Secretary's obligation to take title or compensate the holder of the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel under this section shall include all of such fuel, regardless of the delivery commitment schedule for such fuel under the Secretary's contract with the Dairyland Power Cooperative as the contract holder under Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) or the acceptance schedule for such fuel under section 106 of this Act.

(2) As a condition to the Secretary's taking of title to the Dairyland Power Cooperative La Crosse Boiling Water Reactor spent nuclear fuel, the contract holder for such fuel shall enter into a settlement agreement containing a waiver of claims against the United States as provided in this section.

(3) Nothing in this section shall limit the Secretary's existing authority to enter into settlement agreements or address shutdown reactors and any associated public health and safety or environmental concerns that may arise.

SA 817. Mr. HAGEL (for himself, Mr. PRYOR, Mr. ALEXANDER, Ms. LANDRIEU, Mr. CRAIG, Mrs. DOLE, Ms. MURKOWSKI, Mr. VOINOVICH, and Mr. STEVENS) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE XV—CLIMATE CHANGE

Subtitle A—National Climate Change Technology Deployment

SEC. 1501. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY STRATEGIES.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding at the end the following:

"SEC. 1610. GREENHOUSE GAS INTENSITY REDUCING STRATEGIES.

''(a) DEFINITIONS.—In this section:

''(1) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

''(2) COMMITTEE.—The term 'Committee' means the Interagency Coordinating Committee on Climate Change Technology established under subsection (c)(1).

''(3) DEVELOPING COUNTRY.—The term 'developing country' has the meaning given the term in section 1608(m).

''(4) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(5) GREENHOUSE GAS INTENSITY.—The term 'greenhouse gas intensity' means the ratio of greenhouse gas emissions to economic output.

''(6) NATIONAL LABORATORY.—The term 'National Laboratory' means a laboratory owned by the Department of Energy.

''(7) WORKING GROUP.—The term 'Working Group' means the Climate Change Technology Working Group established under subsection (f)(1).

''(b) OFFICE OF SCIENCE AND TECHNOLOGY POLICY STRATEGY.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Director of the Office of Science and Technology Policy shall, based on applicable Federal climate reports, submit to the Secretary and the President a national strategy to promote the deployment and commercialization of greenhouse gas intensity reducing technologies and practices developed through research and development programs conducted by the National Laboratories, other Federal research facilities, universities, and the private sector.

''(2) AVAILABILITY OF STRATEGY; UPDATES.—The President shall—

''(A) on submission of the strategy to the President under paragraph (1), make the strategy available to the public; and

''(B) update the strategy as the President determines to be necessary.

''(c) INTERAGENCY COORDINATING COMMITTEE ON CLIMATE CHANGE TECHNOLOGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish an Interagency Coordinating Committee on Climate Change Technology to—

''(A) integrate current Federal climate reports; and

''(B) coordinate Federal climate change activities and programs carried out in furtherance of the strategy developed under subsection (b)(1).

''(2) MEMBERSHIP.—The Committee shall be composed of at least 6 members, including—

''(A) the Secretary;

''(B) the Secretary of Commerce;

''(C) the Chairman of the Council on Environmental Quality;

''(D) the Secretary of Agriculture;

''(E) the Administrator of the Environmental Protection Agency; and

''(F) the Secretary of Transportation.

''(3) STAFF.—The Secretary shall provide such personnel as are necessary to enable the Committee to perform the duties of the Committee.

''(d) CLIMATE CHANGE SCIENCE PROGRAM AND CLIMATE CHANGE TECHNOLOGY PROGRAM.—

''(1) CLIMATE CHANGE SCIENCE PROGRAM.—Not later than 180 days after the date on which the strategy is submitted under subsection (b)(1), the Secretary of Commerce, in cooperation with the Committee, shall permanently establish within the Department of Commerce the Climate Change Science Program to assist the Committee in the interagency coordination of climate change science research and related activities, including—

''(A) assessments of the state of knowledge on climate change; and

''(B) carrying out supporting studies, planning, and analyses of the science of climate change.

''(2) CLIMATE CHANGE TECHNOLOGY PROGRAM.—Not later than 180 days after the date on which the strategy is submitted under

subsection (b)(1), the Secretary, in cooperation with the Committee, shall permanently establish within the Department of Energy, the Climate Change Technology Program to assist the Committee in the interagency coordination of climate change technology research, development, demonstration, and deployment to reduce greenhouse gas intensity.

''(e) TECHNOLOGY INVENTORY.—

''(1) IN GENERAL.—The Secretary shall conduct an inventory and evaluation of greenhouse gas intensity reducing technologies that have been developed, or are under development, by the National Laboratories, other Federal research facilities, universities, and the private sector to determine which technologies are suitable for commercialization and deployment.

''(2) REPORT.—Not later than 180 days after the completion of the inventory under paragraph (1), the Secretary shall submit to the Secretary of Commerce and Congress a report that includes the results of the completed inventory and any recommendations of the Secretary.

''(3) USE.—The Secretary, in consultation with the Secretary of Commerce, shall use the results of the inventory as guidance in the commercialization and deployment of greenhouse gas intensity reducing technologies.

''(4) UPDATED INVENTORY.—The Secretary shall—

''(A) periodically update the inventory under paragraph (1); and

''(B) make the updated inventory available to the public.

''(f) CLIMATE CHANGE TECHNOLOGY WORKING GROUP.—

''(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish within the Department of Energy a Climate Change Technology Working Group to identify statutory, regulatory, economic, and other barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices in the United States.

''(2) COMPOSITION.—The Working Group shall be composed of the following members, to be appointed by the Secretary, in consultation with the Committee:

''(A) 1 representative shall be appointed from each National Laboratory.

''(B) 3 members shall be representatives of energy-producing trade organizations.

''(C) 3 members shall represent energy-intensive trade organizations.

''(D) 3 members shall represent groups that represent end-use energy and other consumers.

''(E) 3 members shall be employees of the Federal Government who are experts in energy technology, intellectual property, and tax.

''(F) 3 members shall be representatives of universities with expertise in energy technology development that are recommended by the National Academy of Engineering.

''(3) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Working Group shall submit to the Committee a report that describes—

''(A) the findings of the Working Group; and

''(B) any recommendations of the Working Group for the removal or reduction of barriers to commercialization, deployment, and increasing the use of greenhouse gas intensity reducing technologies and practices.

''(4) COMPENSATION OF MEMBERS.—

''(A) NON-FEDERAL EMPLOYEES.—A member of the Working Group who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Working Group.

''(B) FEDERAL EMPLOYEES.—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.

''(C) TRAVEL EXPENSES.—A member of the Working Group 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.

''(g) GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY DEPLOYMENT.—

''(1) IN GENERAL.—Based on the strategy developed under subsection (b)(1), the technology inventory conducted under subsection (e)(1), and the greenhouse gas intensity reducing technology study report submitted under subsection (e)(2), the Committee shall develop a program for implementation by the Climate Credit Board established under section 1611(b)(2)(A) that would provide for the removal of domestic barriers to the commercialization and deployment of greenhouse gas intensity reducing technologies and practices.

''(2) REQUIREMENTS.—In developing the program under paragraph (1), the Committee shall consider in the aggregate—

''(A) the cost-effectiveness of the technology;

''(B) fiscal and regulatory barriers;

''(C) statutory and other barriers; and

''(D) intellectual property issues.

''(3) REPORT.—Not later than 18 months after the date of enactment of this section, the Committee shall submit to the President and Congress a report that—

''(A) identifies, based on the report submitted under subsection (f)(3), any barriers to, and commercial risks associated with, the deployment of greenhouse gas intensity reducing technologies; and

''(B) includes a plan for carrying out eligible projects with Federal financial assistance under section 1611.

''(h) PROCEDURES FOR CALCULATING, MONITORING, AND ANALYZING GREENHOUSE GAS INTENSITY.—

''(1) IN GENERAL.—The Committee, in collaboration with the Administrator of the Energy Information Administration and the National Institute of Standards and Technology, shall develop and propose standards and best practices for calculating, monitoring, and analyzing greenhouse gas intensity.

''(2) CONTENT.—The standards and best practices shall address measurement of greenhouse gas intensity by industry sector.

''(3) PUBLICATION.—To provide the public with an opportunity to comment on the standards and best practices proposed under paragraph (1), the standards and best practices shall be published in the Federal Register.

''(4) APPLICABLE LAW.—To ensure that high quality information is produced, the standards and best practices developed under paragraph (1) shall conform to the guidelines established under section 515 of the Treasury and General Government Appropriations Act, 2001 (commonly known as the 'Data Quality Act') (44 U.S.C. 3516 note; 114 Stat. 2763A–1543), as enacted into law by section 1(a)(3) of Public Law 106–554.

''(i) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary shall, subject to availability of appropriations, conduct and participate in demonstration projects recommended for approval by the Committee, including demonstration projects relating to—

''(A) coal gasification and coal liquefaction;

''(B) carbon sequestration;

''(C) cogeneration technology initiatives;

''(D) advanced nuclear power projects;

''(E) lower emission transportation;

''(F) renewable energy; and

''(G) transmission upgrades.

''(2) CRITERIA.—The Committee shall recommend a demonstration project under paragraph (1) if the proposed demonstration project would—

''(A) increase the reduction of the greenhouse gas intensity to levels below that which would be achieved by technologies being used in the United States as of the date of enactment of this section;

''(B) maximize the potential return on Federal investment;

''(C) demonstrate distinct roles in public-private partnerships;

''(D) produce a large-scale reduction of greenhouse gas intensity if commercialization occurred; and

''(E) support a diversified portfolio to mitigate the uncertainty associated with a single technology.

''(j) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—In carrying out greenhouse gas intensity reduction research and technology deployment, the Secretary may enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 1502. CLIMATE INFRASTRUCTURE CREDIT.

Title XVI of the Energy Policy Act of 1992 (42 (U.S.C. 13381 et seq.) (as amended by section 1501) is amended by adding at the end the following:

''SEC. 1611. CLIMATE INFRASTRUCTURE CREDIT.

''(a) DEFINITIONS.—In this section:

''(1) ADVANCED CLIMATE TECHNOLOGY OR SYSTEM.—The term 'advanced climate technology or system' means a climate technology or system that is not in general usage as of the date of enactment of this section.

''(2) BOARD.—The term 'Board' means the Climate Credit Board established under subsection (b)(2)(A).

''(3) DIRECT LOAN.—The term 'direct loan' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(4) ELIGIBLE PROJECT.—The term 'eligible project' means a demonstration project that is recommended for approval under section 1610(i)(1).

''(5) ELIGIBLE PROJECT COST.—The term 'eligible project cost' means any amount incurred for an eligible project that is paid by, or on behalf of, an obligor, including the costs of—

''(A) construction activities, including—

''(i) the acquisition of capital equipment; and

''(ii) construction management;

''(B) acquiring land (including any improvements to the land) relating to the eligible project; and

''(C) financing the eligible project, including—

''(i) providing capitalized interest necessary to meet market requirements;

''(ii) capital issuance expenses; and

''(iii) other carrying costs during construction.

''(6) FEDERAL FINANCIAL ASSISTANCE.—The term 'Federal financial assistance' means any credit-based financial assistance, including a direct loan, loan guarantee, a line of credit (which serves as standby default coverage or standby interest coverage), production incentive payment under subsection (g)(1)(B), or other credit-based financial assistance mechanism for an eligible project that is—

''(A) authorized to be made available by the Secretary for an eligible project under this section; and

''(B) provided in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(7) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher assigned by a rating agency for eligible project obligations offered into the capital markets.

''(8) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation that is issued by an obligor and funded by a lender.

''(10) OBLIGOR.—The term 'obligor' means a person or entity (including a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality) that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

''(11) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an eligible project, other than a Federal credit instrument.

''(12) RATING AGENCY.—The term 'rating agency' means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

''(13) REGULATORY FAILURE.—The term 'regulatory failure' means a situation in which the Secretary determines that, because of a breakdown in a regulatory process or an indefinite delay caused by a judicial challenge to the regulatory consideration of a specific eligible project, the Federal or State regulatory or licensing process governing the siting, construction, or commissioning of an eligible project does not produce a definitive determination that the eligible project may go forward or stop within a predetermined and prescribed time period.

''(14) SECURED LOAN.—The term 'secured loan' means a loan or other secured debt obligation issued by an obligor and funded by the Secretary in connection with the financing of an eligible project.

''(15) STANDBY DEFAULT COVERAGE.—The term 'standby default coverage' means a pledge by the Secretary to pay all or part of the debt obligation issued by an obligor and funded by a lender, plus all or part of obligor equity, if an eligible project fails to receive an operating license in a period of time established by the Secretary because of a regulatory failure or other specific issue identified by the Secretary.

''(16) STANDBY INTEREST COVERAGE.—The term 'standby interest coverage' means a pledge by the Secretary to provide to an obligor, at a future date and on the occurrence of 1 or more events, a direct loan, the proceeds of which shall be used by the obligor to maintain the current status of the obligor on interest payments due on 1 or more loans or other project obligations issued by an obligor and funded by a lender for an eligible project.

''(17) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument issued by the Secretary to an eligible project, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(18) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means that an eligible project has been determined by the Board to be in, or capable of, commercial operation.

''(b) DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall make available to eligible project developers and eligible project owners, in accordance with this section, such financial assistance as is necessary to supplement private sector financing for eligible projects.

''(2) CLIMATE CREDIT BOARD.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish within the Department of Energy a Climate Credit Board composed of—

''(i) the Under Secretary of Energy, who shall serve as Chairperson;

''(ii) the Chief Financial Officer of the Department of Energy;

''(iii) the Assistant Secretary of Energy for Policy and International Affairs;

''(iv) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and

''(v) such other individuals as the Secretary determines to have the experience and expertise (including expertise in corporate and project finance and the energy sector) necessary to carry out the duties of the Board.

''(B) DUTIES.—The Board shall—

''(i) implement the program developed under section 1610(g)(1) in accordance with paragraph (3);

''(ii) issue regulations and criteria in accordance with paragraph (4);

''(iii) conduct negotiations with individuals and entities interested in obtaining assistance under this section;

''(iv) recommend to the Secretary potential recipients and amounts of grants of assistance under this section; and

''(v) establish metrics to indicate the progress of the greenhouse gas intensity reducing technology deployment program and individual projects carried out under the program toward meeting the criteria established by section 1610(i)(2).

''(3) GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY DEPLOYMENT PROGRAM.—Not later than 1 year after the date of enactment of this section, the Board, with the approval of the Secretary, shall implement the greenhouse gas intensity reducing technology deployment program developed under section 1610(g)(1).

''(4) REGULATIONS AND CRITERIA.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Board, in coordination with the Secretary and after an opportunity for public comment, shall issue such regulations and criteria as are necessary to implement this section.

''(B) REQUIREMENTS.—The regulations and criteria shall provide for, at a minimum—

''(i) a competitive process and the general terms and conditions for the provision of assistance under this section;

''(ii) the procedures by which eligible project owners and eligible project developers may request financial assistance under this section; and

''(iii) the collection of any other information necessary for the Secretary to carry out this section, including a process for negotiating the terms and conditions of assistance provided under this section.

''(C) ELIGIBILITY AND CRITERIA.—The determination of eligibility of, and criteria for selecting, eligible projects to receive assistance under this section shall be carried out in accordance with subsection (c) and the regulations issued under subparagraph (A).

''(D) CONDITIONS FOR PROVISION OF ASSISTANCE.—The Board shall not provide assistance under this section unless the Board determines, in accordance with the regulations issued under subparagraph (A), that the terms, conditions, maturity, security, schedule, and amounts of repayments of the assistance are reasonable and appropriate to protect the financial interests of the United States.

''(5) CONFIDENTIALITY.—In accordance with section 552 of title 5, United States Code, and any related regulations applicable to the Department of Energy, the Board shall protect the confidentiality of any information provided by an applicant for assistance under this section that the applicant certifies to be commercially sensitive or that is protected intellectual property.

''(c) DETERMINATION OF ELIGIBILITY; PROJECT SELECTION.—

''(1) ELIGIBILITY.—To be eligible to receive assistance under this section, an eligible project shall, as determined by the Board—

''(A) be supported by an application that contains all information required to be included by, and is submitted to and approved by the Board in accordance with, the regulations and criteria issued by the Board under subsection (b)(4);

''(B) be nationally or regionally significant by—

''(i) reducing greenhouse gas intensity;

''(ii) contributing to energy security; and

''(iii) contributing to energy and technology diversity in the energy economy of the United States;

''(C) contain an advanced climate technology or system that could—

''(i) significantly improve the efficiency, security, reliability, and environmental performance of the energy economy of the United States; and

''(ii) reduce greenhouse gas emissions;

''(D) have revenue sources dedicated to repayment of credit support-based project financing, such as revenue—

''(i) from the sale of sequestered carbon;

''(ii) from the sale of energy, electricity, or other products from eligible projects that employ advanced climate technologies and systems;

''(iii) from the sale of electricity or generating capacity, in the case of electricity infrastructure; or

''(iv) associated with energy efficiency gains, in the case of other energy projects;

''(E) include a project proposal and agreement for project financing repayment that demonstrates to the satisfaction of the Board that the dedicated revenue sources described in subparagraph (D) will be adequate to repay project financing provided under this section; and

''(F) reduce greenhouse gas intensity on a national, regional, or company basis.

''(2) LIMITATIONS.—Except as otherwise provided in this section—

''(A) the total cost of an eligible project provided Federal financial assistance under this section shall be at least $40,000,000;

''(B) the Federal share of an eligible project provided Federal financial assistance under this section shall be not more than 25 percent of eligible project costs;

''(C) not more than $200,000,000 in Federal financial assistance shall be provided to any individual eligible project; and

''(D) an eligible project shall not be eligible for financial assistance from any other Federal grant program during any period that Federal financial assistance (other than a Federal loan or loan guarantee) is provided to the eligible project under this section.

''(3) SELECTION AMONG ELIGIBLE PROJECTS.—

''(A) ESTABLISHMENT OF SELECTION CRITERIA.—The Board, in consultation with the Secretary and [the Interagency Coordinating Committee on Climate Change Technology established under section 1610(c)(1)], shall, in accordance with the regulations issued under subsection (b)(4)(A), establish criteria for selecting which eligible projects will receive assistance under this section.

''(B) REQUIREMENTS.—The selection criteria shall include a determination by the Board of the extent to which—

''(i) the eligible project reduces greenhouse gas intensity beyond reductions achieved by technology available as of October 15, 1992;

''(ii) financing for the eligible project has appropriate security features, such as a rate covenant, to ensure repayment;

''(iii) assistance under this section for the eligible project would foster innovative public-private partnerships and attract private debt or equity investment;

''(iv) assistance under this section for an eligible project would enable the eligible project to proceed at an earlier date than would otherwise be practicable; and

''(v) the eligible project uses new technologies that enhance the efficiency, reduce greenhouse gas intensity, improve the reliability, or improve the safety, of the eligible project.

''(C) FINANCIAL INFORMATION.—An application for assistance for an eligible project under this section shall include such information as the Secretary determines to be necessary concerning—

''(i) the amount of budget authority required to fund the Federal credit instrument requested for the eligible project;

''(ii) the estimated construction costs of the proposed eligible project;

''(iii) estimates of construction and operating costs of the eligible project;

''(iv) projected revenues from the eligible project; and

''(v) any other financial aspects of the eligible project, including assurances, that the Board determines to be appropriate.

''(D) PRELIMINARY RATING OPINION LETTER.—The Board shall require each applicant seeking assistance for an eligible project under this section to provide a preliminary rating opinion letter from at least 1 credit rating agency indicating that the senior obligations of the eligible project have the potential to achieve an investment-grade rating.

''(E) RISK ASSESSMENT.—Before entering into any agreement to provide assistance for an eligible project under this section, the Board, in consultation with the Secretary, the Director of the Office of Management and Budget, and each credit rating agency providing a preliminary rating opinion letter under subparagraph (D), shall determine and maintain an appropriate capital reserve subsidy amount for each line of credit established for the eligible project, taking into account the information contained in the preliminary rating opinion letter.

''(F) INVESTMENT-GRADE RATING REQUIREMENT.—

''(i) IN GENERAL.—The funding of any assistance under this section shall be contingent on the senior obligations of the eligible project receiving an investment-grade rating from at least 1 credit rating agency.

''(ii) CONSIDERATIONS.—In determining whether an investment-grade rating is appropriate under clause (i), the credit rating agency shall take into account the availability of Federal financial assistance under this section.

''(4) MAXIMUM AVAILABLE CLIMATE CREDIT SUPPORT.—Notwithstanding any assistance limitation under any other provision of this section, the Secretary shall not provide energy credit support to any eligible project in the form of a secured loan or loan guarantee under subsection (f), production incentive payments under subsection (g), or other credit-based financial assistance under subsection (h), the combined total of which exceeds 25 percent of eligible project costs, excluding the value of standby default coverage under subsection (d) and standby interest coverage under subsection (e), as determined by the Secretary.

''(d) STANDBY DEFAULT COVERAGE.—

''(1) AGREEMENTS; USE OF PROCEEDS.—

''(A) AGREEMENTS.—

''(i) IN GENERAL.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to provide standby default coverage for advanced climate technologies or systems of an eligible project.

''(ii) RECIPIENTS.—Coverage under clause (i) may be provided to 1 or more obligors and debt holders to be triggered at future dates on the occurrence of certain events for any eligible project selected under subsection (c).

''(B) USE OF PROCEEDS.—The proceeds of standby default coverage made available under this subsection shall be available to reimburse all or part of the debt obligation for an eligible project issued by an obligor and funded by a lender, plus all or part of obligor equity, in the event that, because of a regulatory failure or other event specified by the Secretary pursuant to this section, an eligible advanced climate technology or system for an eligible project fails to receive an operating license in a period of time specified by the Board in accordance with this subsection.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—Standby default coverage under this subsection with respect to an eligible project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines to be appropriate.

''(B) MAXIMUM AMOUNTS.—The total amount of standby default coverage provided for an eligible project shall not exceed 25 percent of the reasonably anticipated eligible project costs, including debt and equity.

''(C) EXERCISE.—Any exercise on the standby default coverage shall be made only if a facility involved with the eligible project fails, because of regulatory failure or other specific issues specified by the Secretary, to receive an operating license by such deadline as the Secretary shall establish.

''(D) COST OF COVERAGE.—The cost of standby default coverage shall be assumed by the Secretary subject to the risk assessment calculation required under subsection (c)(4)(E) and the availability of funds for that purpose.

''(E) FEES.—In carrying out this section, the Secretary may—

''(i) establish fees at a level sufficient to cover all or a portion of the administrative costs incurred by the Federal Government in providing standby default coverage under this subsection; and

''(ii) require that the fees be paid upon application for a standby default coverage agreement under this subsection.

''(F) PERIOD OF AVAILABILITY.—In the event that regulatory approval to operate a facility is suspended as a result of regulatory failure or other circumstances specified by the Secretary, standby default coverage shall be available beginning on the date of substantial completion and ending not later than 5 years after the date on which operation of the facility is scheduled to commence.

''(G) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of an obligor shall not have any right against the Federal Government with respect to any amounts other than those specified in clause (ii).

''(ii) ASSIGNMENT.—An obligor may assign all or part of the standby default coverage for an eligible project to 1 or more lenders or to a trustee on behalf of the lenders.

''(H) RESULT OF EXERCISE OF STANDBY DEFAULT COVERAGE.—If standby default coverage is exercised by the obligor of an eligible project—

''(i) the Federal Government shall become the sole owner of the eligible project, with all rights and appurtenances to the eligible project; and

''(ii) in accordance with applicable provisions of law, the Board shall dispose of the assets of the eligible project on terms that are most favorable to the Federal Government, which may include continuing to licensing and commercial operation or resale of the eligible project, in whole or in part, if that is the best course of action in the judgment of the Board.

''(I) ESTIMATE OF ASSETS AT TIME OF TERMINATION.—If standby default coverage is exercised and an eligible project is terminated, the Board, in making a determination of whether to dispose of the assets of the eligible project or continue the eligible project to licensing and commercial operation, shall obtain a fair and impartial estimate of the eligible project assets at the time of termination.

''(J) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—An eligible project that receives standby default coverage under this subsection may receive a secured loan or loan guarantee under subsection (f), production incentive payments under subsection (g), or assistance through a credit-based financial assistance mechanism under subsection (h).

''(K) OTHER CONDITIONS AND REQUIREMENTS.—The Secretary may impose such other conditions and requirements in connection with any insurance provided under this subsection (including requirements for audits) as the Secretary determines to be appropriate.

''(e) STANDBY INTEREST COVERAGE.—

''(1) IN GENERAL.—

''(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements to make standby interest coverage available to 1 or more obligors in the form of loans for advanced climate or energy technologies or systems to be made by the Board at future dates on the occurrence of certain events for any eligible project selected under subsection (c)(4).

''(B) USE OF PROCEEDS.—Subject to subsection (c)(3), the proceeds of standby interest coverage made available under this subsection shall be available to pay the debt service on project obligations issued to finance eligible project costs of an eligible

project if a delay in commercial operations occurs due to a regulatory failure or other condition determined by the Secretary.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—Standby interest coverage under this subsection with respect to an eligible project shall be made on such terms and conditions (including a requirement for an audit) as the Secretary determines appropriate.

''(B) MAXIMUM AMOUNTS.—

''(i) TOTAL AMOUNT.—The total amount of standby interest coverage for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs of the eligible project.

''(ii) 1-YEAR DRAWS.—The amount drawn in any 1 year for an eligible project under this subsection shall not exceed 25 percent of the total amount of the standby interest coverage for the eligible project.

''(C) PERIOD OF AVAILABILITY.—The standby interest coverage for an eligible project shall be available during the period—

''(i) beginning on a date following substantial completion of the eligible project that regulatory approval to operate a facility under the eligible project is suspended as a result of regulatory failure or other condition determined by the Secretary; and

''(ii) ending on a date that is not later than 5 years after the eligible project is scheduled to commence commercial operations.

''(D) COST OF COVERAGE.—Subject to subsection (c)(4)(E), the cost of standby interest coverage for an eligible project under this subsection shall be borne by the Secretary.

''(E) DRAWS.—Any draw on the standby interest coverage for an eligible project shall—

''(i) represent a loan;

''(ii) be made only if there is a delay in commercial operations after the substantial completion of the eligible project; and

''(iii) be subject to the overall credit support limitations established under subsection (c)(5).

''(F) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall be established by the Secretary.

''(ii) MINIMUM RATE.—The interest rate on a loan resulting from a draw on standby interest coverage under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States with a maturity of 10 years, as of the date on which the standby interest coverage is obligated.

''(G) SECURITY.—The standby interest coverage for an eligible project—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall require security for the project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing project obligations.

''(H) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on standby interest coverage under this subsection.

''(ii) ASSIGNMENT.—An obligor may assign the standby interest coverage to 1 or more lenders or to a trustee on behalf of the lenders.

''(I) SUBORDINATION.—A secured loan for an eligible project made under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(J) NONRECOURSE STATUS.—A secured loan for an eligible project under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(K) FEES.—The Board may impose fees at a level sufficient to cover all or part of the costs to the Federal Government of providing standby interest coverage for an eligible project under this subsection.

''(3) REPAYMENT.—

''(A) TERMS AND CONDITIONS.—The Secretary shall establish a repayment schedule and terms and conditions for each loan for an eligible project under this subsection based on the projected cash flow from revenues for the eligible project.

''(B) REPAYMENT SCHEDULE.—Scheduled repayments of principal or interest on a loan under this subsection shall—

''(i) commence not later than 5 years after the end of the period of availability specified in paragraph (2)(C); and

''(ii) be completed, with interest, not later than 10 years after the end of the period of availability.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

''(i) the sale of electricity or generating capacity;

''(ii) the sale or transmission of energy;

''(iii) revenues associated with energy efficiency gains; or

''(iv) other dedicated revenue sources, such as carbon use.

''(D) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations, may be applied annually to prepay the secured loan without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(f) SECURED LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—

''(A) AGREEMENTS.—Subject to subparagraph (B), the Board, in consultation with the Secretary, may enter into agreements with 1 or more obligors to make secured loans for eligible projects involving advanced climate technologies or systems.

''(B) USE OF PROCEEDS.—Subject to paragraph (2), the proceeds of a secured loan for an eligible project made available under this subsection shall be available, in conjunction with the equity of the obligor and senior debt financing for the eligible project, to pay for eligible project costs.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this subsection with respect to an eligible project shall be made on such terms and conditions (including requirements for an audit) as the Board, in consultation with the Secretary, determines appropriate.

''(B) MAXIMUM AMOUNT.—Subject to subsection (c)(5), the total amount of the secured loan for an eligible project under this subsection shall not exceed 25 percent of the reasonably anticipated eligible project costs of the eligible project.

''(C) PERIOD OF AVAILABILITY.—The Board may enter into a contract with the owner or operator of an eligible project to provide a secured loan during the period—

''(i) beginning on the date that the financial structure of the eligible project is established; and

''(ii) ending on the date of the start of construction of the eligible project.

''(D) COST OF COVERAGE.—Subject to subsection (c)(4)(E), the cost of a secured loan for an eligible project under this subsection shall be borne by the Secretary.

''(E) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Secretary.

''(ii) MINIMUM RATE.—The interest rate on a loan resulting from a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date of the execution of the loan agreement.

''(F) SECURITY.—The secured loan—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing project obligations.

''(G) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under this subsection.

''(ii) ASSIGNMENT.—An obligor may assign the secured loan to 1 or more lenders or to a trustee on behalf of the lenders.

''(H) SUBORDINATION.—A secured loan for an eligible project made under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(I) NONRECOURSE STATUS.—A secured loan for an eligible project under this subsection shall be non-recourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(J) FEES.—The Board may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making secured loans for an eligible project under this subsection.

''(3) REPAYMENT.—

''(A) SCHEDULE AND TERMS.—The Board shall establish a repayment schedule and terms and conditions for each secured loan for an eligible project under this subsection based on the projected cash flow from revenues for the eligible project.

''(B) REPAYMENT SCHEDULE.—Scheduled repayments on a secured loan for an eligible project under this subsection shall—

''(i) commence not later than 5 years after the scheduled start of commercial operations of the eligible project; and

''(ii) be completed, with interest, not later than 35 years after the scheduled date of the start of commercial operations of the eligible project.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

''(i) the sale of carbon or carbon compounds;

''(ii) the sale of electricity or generating capacity;

''(iii) the sale of sequestration services;

''(iv) the sale or transmission of energy;

''(v) revenues associated with energy efficiency gains; or

''(vi) other dedicated revenue sources.

''(D) DEFERRED PAYMENTS.—

''(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date of the scheduled start of commercial operation of an eligible project, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on the secured loan, the Secretary may, subject to clause (iii), allow the obligor to add unpaid principal or interest to the outstanding balance of the secured loan.

''(ii) INTEREST.—Any payment deferred under clause (i) shall—

''(I) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

''(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

''(iii) CRITERIA.—

''(I) IN GENERAL.—Any payment deferral under clause (i) shall be contingent on the eligible project meeting criteria established by the Secretary.

''(II) REPAYMENT STANDARDS.—The criteria established under subclause (I) shall include standards for reasonable assurance of repayment.

''(E) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations, may be applied annually to prepay the secured loan without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(4) SALE OF SECURED LOANS.—

''(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after substantial completion of an eligible project and after notifying the obligor, the Board may sell to another entity or reoffer into the capital markets a secured loan for the eligible project if the Board determines that the sale or reoffering can be made on favorable terms.

''(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(5) LOAN GUARANTEES.—

''(A) IN GENERAL.—The Board may provide a loan guarantee to a lender, in lieu of making a secured loan, under this subsection if the Board determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(B) TERMS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the terms of a guaranteed loan shall be consistent with the terms for a secured loan under this subsection.

''(ii) INTEREST RATE; PREPAYMENT.—The interest rate on the guaranteed loan and any prepayment features shall be established by negotiations between the obligor and the lender, with the consent of the Board.

''(g) PRODUCTION INCENTIVE PAYMENTS.—

''(1) SECURED LOAN.—

''(A) IN GENERAL.—The Secretary may enter into an agreement with 1 or more obligors to make a secured loan for an eligible project selected under subsection (c)(4) that employs 1 or more advanced climate technologies or systems.

''(B) PRODUCTION INCENTIVE PAYMENTS.—

''(i) IN GENERAL.—Amounts loaned to an obligor under subparagraph (A) shall be made available in the form of a series of production incentive payments provided by the Board to the obligor during a period of not more than 10 years, as determined by the Board, beginning after the date on which commercial project operations start at the eligible project.

''(ii) AMOUNT.—Production incentive payments under clause (i) shall be for an amount equal to 25 percent of the value of—

''(I) the energy produced or transmitted by the eligible project during the applicable year; or

''(II) any gains in energy efficiency achieved by the eligible project during the applicable year.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this subsection shall be subject to such terms and conditions, including any covenant, representation, warranty, and requirement (including a requirement for an audit) that the Secretary determines to be appropriate.

''(B) AGREEMENT COSTS.—Subject to subsection (c)(4), the cost of carrying out an agreement entered into under paragraph (1)(A) shall be paid by the Secretary.

''(C) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Secretary.

''(ii) MINIMUM RATE.—The interest rate on a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date on which the agreement under paragraph (1)(A) is executed.

''(D) SECURITY.—The secured loan—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the eligible project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

''(E) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under the agreement entered into under paragraph (1)(A).

''(ii) ASSIGNMENT.—An obligor may assign production incentive payments to 1 or more lenders or to a trustee on behalf of the lenders.

''(F) SUBORDINATION.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(G) NONRECOURSE STATUS.—A secured loan under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(H) FEES.—The Secretary may impose fees at a level sufficient to cover all or part of the costs to the Federal Government of providing production incentive payments under this subsection.

''(3) REPAYMENT.—

''(A) SCHEDULE, TERMS, AND CONDITIONS.—The Secretary shall establish a repayment schedule and terms and conditions for each secured loan under this subsection based on the projected cash flow from revenues of the eligible project.

''(B) REPAYMENT SCHEDULE.—Scheduled repayments of principal or interest on a secured loan under this subsection shall—

''(i) commence not later than 5 years after the date on which the last production incentive payment is made by the Board under paragraph (1)(B); and

''(ii) be completed, with interest, not later than 10 years after the date on which the last production incentive payment is made.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection include—

''(i) the sale of electricity or generating capacity,

''(ii) the sale or transmission of energy;

''(iii) revenues associated with energy efficiency gains; or

''(iv) other dedicated revenue sources.

''(D) DEFERRED PAYMENTS.—

''(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date on which commercial operations of the eligible project start, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on a secured loan under this subsection, the Secretary may, subject to criteria established by the Secretary (including standards for reasonable assurances of repayment), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(ii) INTEREST.—Any payment deferred under clause (i) shall—

''(I) continue to accrue interest in accordance with paragraph (2)(C) until fully repaid; and

''(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

''(E) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the eligible project obligations and the secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing eligible project obligations, may be applied annually to prepay loans pursuant to an agreement entered into under paragraph (1)(A) without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(4) SALE OF SECURED LOANS.—

''(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after the date on which the last production incentive payment is made to the obligor under paragraph (1)(B) and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the eligible project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(B) CONSENT REQUIRED.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(h) OTHER CREDIT-BASED FINANCIAL ASSISTANCE MECHANISMS FOR ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—

''(A) AGREEMENTS.—The Board may enter into an agreement with 1 or more obligors to make a secured loan to the obligors for eligible projects selected under subsection (c) that employ advanced technologies or systems, the proceeds of which shall be used to—

''(i) finance eligible project costs; or

''(ii) enhance eligible project revenues.

''(B) CREDIT-BASED FINANCIAL ASSISTANCE.—Amounts made available as a secured loan under subparagraph (A) shall be provided by the Board to the obligor in the form of credit-based financial assistance mechanisms that are not otherwise specifically provided for in subsections (d) through (g), as determined to be appropriate by the Secretary.

''(2) TERMS AND LIMITATIONS.—

''(A) IN GENERAL.—A secured loan under this subsection shall be subject to such terms and conditions (including any covenants, representations, warranties, and requirements (including a requirement for an audit)) as the Secretary determines to be appropriate.

''(B) MAXIMUM AMOUNT.—Subject to subsection (c)(5), the total amount of the secured loan under this subsection shall not exceed 50 percent of the reasonably anticipated eligible project costs.

''(C) PERIOD OF AVAILABILITY.—The Board may enter into a contract with the obligor to provide credit-based financial assistance to an eligible project during the period—

''(i) beginning on the date that the financial structure of the eligible project is established; and

''(ii) ending on the date of the start of construction of the eligible project.

''(D) AGREEMENT COSTS.—Subject to subsection (c)(4)(E), the cost of carrying out an agreement entered into under paragraph (1)(A) shall be paid by the Board.

''(E) INTEREST RATE.—

''(i) IN GENERAL.—Subject to clause (ii), the interest rate on a secured loan under this subsection shall be established by the Board.

''(ii) MINIMUM RATE.—The interest rate on a secured loan under this subsection shall not be less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, as of the date of the execution of the secured loan agreement.

''(F) SECURITY.—The secured loan—

''(i) shall be payable, in whole or in part, from dedicated revenue sources generated by the eligible project;

''(ii) shall include a rate covenant, coverage requirement, or similar security feature supporting the eligible project obligations; and

''(iii) may have a lien on revenues described in clause (i), subject to any lien securing eligible project obligations.

''(G) RIGHTS OF THIRD-PARTY CREDITORS.—

''(i) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any payments due to the Federal Government under this subsection.

''(ii) ASSIGNMENT.—An obligor may assign payments made pursuant to an agreement to provide credit-based financial assistance under this subsection to 1 or more lenders or to a trustee on behalf of the lenders.

''(H) SUBORDINATION.—A secured loan under this subsection shall be subordinate to senior private debt issued by a lender for the eligible project.

''(I) NONRECOURSE STATUS.—A secured loan under this subsection shall be nonrecourse to the obligor in the event of bankruptcy, insolvency, or liquidation of the eligible project.

''(J) FEES.—The Board may establish fees at a level sufficient to cover all or part of the costs to the Federal Government of providing credit-based financial assistance under this subsection.

''(3) REPAYMENT.—

''(A) SCHEDULE AND TERMS AND CONDITIONS.—The Board shall establish a repayment schedule and terms and conditions for each secured loan under this subsection based on the projected cash flow from eligible project revenues.

''(B) REPAYMENT SCHEDULE.—Scheduled loan repayments of principal or interest on a secured loan under this subsection shall—

''(i) commence not later than 5 years after the date of substantial completion of the eligible project; and

''(ii) be completed, with interest, not later than 35 years after the date of substantial completion of the eligible project.

''(C) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this subsection shall include—

''(i) the sale of electricity or generating capacity;

''(ii) the sale or transmission of energy;

''(iii) revenues associated with energy efficiency gains; or

''(iv) other dedicated revenue sources, such as carbon sequestration.

''(D) DEFERRED PAYMENTS.—

''(i) AUTHORIZATION.—If, at any time during the 10-year period beginning on the date of the start of commercial operations of the eligible project, the eligible project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal or interest on a secured loan under this subsection, the Secretary may, subject to criteria established by the Secretary (including standards for reasonable assurances of repayment), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(ii) INTEREST.—Any payment deferred under clause (i) shall—

''(I) continue to accrue interest in accordance with paragraph (2)(E) until fully repaid; and

''(II) be scheduled to be amortized over the number of years remaining in the term of the loan in accordance with subparagraph (B).

''(E) PREPAYMENT.—

''(i) USE OF EXCESS REVENUES.—At the discretion of the obligor, any excess revenues that remain after satisfying scheduled debt service requirements on the eligible project obligations and secured loan, and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing eligible project obligations, may be applied annually to prepay a secured loan under this subsection without penalty.

''(ii) USE OF PROCEEDS OF REFINANCING.—A secured loan under this subsection may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(4) SALE OF SECURED LOANS.—

''(A) IN GENERAL.—Subject to subparagraph (B), as soon as practicable after the start of commercial operations of an eligible project and after notifying the obligor, the Board may sell to another entity or reoffer into the capital markets a secured loan for the eligible project under this subsection if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the Board may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(i) FEDERAL, STATE, AND LOCAL REGULATORY REQUIREMENTS.—The provision of Federal financial assistance to an eligible project under this section shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required Federal, State, or local regulatory requirement, permit, or approval with respect to the eligible project;

''(2) limit the right of any unit of Federal, State, or local government to approve or regulate any rate of return on private equity invested in the eligible project; or

''(3) otherwise supersede any Federal, State, or local law (including any regulation) applicable to the construction or operation of the eligible project.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010, to remain available until expended.''.

Subtitle B—Climate Change Technology Deployment in Developing Countries

SEC. 1511. CLIMATE CHANGE TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

The Global Environmental Protection Assistance Act of 1989 (Public Law 101–240; 103 Stat. 2521) is amending by adding at the end the following:

''PART C—TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

''SEC. 731. DEFINITIONS.

''In this part:

''(1) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

''(3) GREENHOUSE GAS INTENSITY.—The term 'greenhouse gas intensity' means the ratio of greenhouse gas emissions to economic output.

''SEC. 732. REDUCTION OF GREENHOUSE GAS INTENSITY.

''(a) LEAD AGENCY.—

''(1) IN GENERAL.—The Department of State shall act as the lead agency for integrating into United States foreign policy the goal of reducing greenhouse gas intensity in developing countries.

''(2) REPORTS.—

''(A) INITIAL REPORT.—Not later than 180 days after the date of enactment of this part, the Secretary of State shall submit to the appropriate authorizing and appropriating committees of Congress an initial report, based on the most recent information available to the Secretary from reliable public sources, that identifies the 25 developing countries that are the greenhouse gas emitters, including for each country—

''(i) an estimate of the quantity and types of energy used;

''(ii) an estimate of the greenhouse gas intensity of the energy, manufacturing, agricultural, and transportation sectors;

''(iii) a description the progress of any significant projects undertaken to reduce greenhouse gas intensity;

''(iv) a description of the potential for undertaking projects to reduce greenhouse gas intensity;

''(v) a description of any obstacles to the reduction of greenhouse gas intensity; and

''(vi) a description of the best practices learned by the Agency for International Development from conducting previous pilot and demonstration projects to reduce greenhouse gas intensity.

''(B) UPDATE.—Not later than 18 months after the date on which the initial report is submitted under subparagraph (A), the Secretary shall submit to the appropriate authorizing and appropriating committees of Congress, based on the best information available to the Secretary, an update of the information provided in the initial report.

''(C) USE.—

''(i) INITIAL REPORT.—The Secretary of State shall use the initial report submitted under subparagraph (A) to establish baselines for the developing countries identified in the report with respect to the information provided under clauses (i) and (ii) of that subparagraph.

''(ii) ANNUAL REPORTS.—The Secretary of State shall use the annual reports prepared under subparagraph (B) and any other information available to the Secretary to track the progress of the developing countries with respect to reducing greenhouse gas intensity.

''(b) PROJECTS.—The Secretary of State, in coordination with Administrator of the United States Agency for International Development, shall (directly or through agreements with the World Bank, the International Monetary Fund, the Overseas Private Investment Corporation, and other development institutions) provide assistance

to developing countries specifically for projects to reduce greenhouse gas intensity, including projects to—

''(1) leverage, through bilateral agreements, funds for reduction of greenhouse gas intensity;

''(2) increase private investment in projects and activities to reduce greenhouse gas intensity; and

''(3) expedite the deployment of technology to reduce greenhouse gas intensity.

''(c) FOCUS.—In providing assistance under subsection (b), the Secretary of State shall focus on—

''(1) promoting the rule of law, property rights, contract protection, and economic freedom; and

''(2) increasing capacity, infrastructure, and training.

''(d) PRIORITY.—In providing assistance under subsection (b), the Secretary of State shall give priority to projects in the 25 developing countries identified in the report submitted under subsection (a)(2)(A).

''SEC. 733. TECHNOLOGY INVENTORY FOR DEVELOPING COUNTRIES.

''(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy and the Secretary of Commerce, shall conduct an inventory of greenhouse gas intensity reducing technologies that are developed, or under development in the United States, to identify technologies that are suitable for transfer to, deployment in, and commercialization in the developing countries identified in the report submitted under section 732(a)(2)(A).

''(b) REPORT.—Not later than 180 days after the completion of the inventory under subsection (a), the Secretary of State and the Secretary of Energy shall jointly submit to Congress a report that—

''(1) includes the results of the completed inventory;

''(2) identifies obstacles to the transfer, deployment, and commercialization of the inventoried technologies;

''(3) includes results from previous Federal reports related to the inventoried technologies; and

''(4) includes an analysis of market forces related to the inventoried technologies.

''SEC. 734. TRADE-RELATED BARRIERS TO EXPORT OF GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGIES.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the United States Trade Representative shall (as appropriate and consistent with applicable bilateral, regional, and mutual trade agreements)—

''(1) identify trade-relations barriers maintained by foreign countries to the export of greenhouse gas intensity reducing technologies and practices from the United States to the developing countries identified in the report submitted under section 732(a)(2)(A); and

''(2) negotiate with foreign countries for the removal of those barriers.

''(b) ANNUAL REPORT.—Not later than 1 year after the date on which a report is submitted under subsection (a)(1) and annually thereafter, the United States Trade Representative shall submit to Congress a report that describes any progress made with respect to removing the barriers identified by the United States Trade Representative under subsection (a)(1).

''SEC. 735. GREENHOUSE GAS INTENSITY REDUCING TECHNOLOGY EXPORT INITIATIVE.

''(a) IN GENERAL.—There is established an interagency working group to carry out a Greenhouse Gas Intensity Reducing Technology Export Initiative to—

''(1) promote the export of greenhouse gas intensity reducing technologies and practices from the United States;

''(2) identify developing countries that should be designated as priority countries for the purpose of exporting greenhouse gas intensity reducing technologies and practices, based on the report submitted under section 732(a)(2)(A);

''(3) identify potential barriers to adoption of exported greenhouse gas intensity reducing technologies and practices based on the reports submitted under section 734; and

''(4) identify previous efforts to export energy technologies to learn best practices.

''(b) COMPOSITION.—The working group shall be composed of—

''(1) the Secretary of State, who shall act as the head of the working group;

''(2) the Administrator of the United States Agency for International Development;

''(3) the United States Trade Representative;

''(4) a designee of the Secretary of Energy; and

''(5) a designee of the Secretary of Commerce.

''(c) PERFORMANCE REVIEWS AND REPORTS.—Not later than 180 days after the date of enactment of this part and each year thereafter, the interagency working group shall—

''(1) conduct a performance review of actions taken and results achieved by the Federal Government (including each of the agencies represented on the interagency working group) to promote the export of greenhouse gas intensity reducing technologies and practices from the United States; and

''(2) submit to the appropriate authorizing and appropriating committees of Congress a report that describes the results of the performance reviews and evaluates progress in promoting the export of greenhouse gas intensity reducing technologies and practices from the United States, including any recommendations for increasing the export of the technologies and practices.

''SEC. 736. TECHNOLOGY DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall promote the adoption of technologies and practices that reduce greenhouse gas intensity in developing countries in accordance with this section.

''(b) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretaries and the Administrator shall plan, coordinate, and carry out, or provide assistance for the planning, coordination, or carrying out of, demonstration projects under this section in at least 10 eligible countries, as determined by the Secretaries and the Administrator.

''(2) ELIGIBILITY.—A country shall be eligible for assistance under this subsection if the Secretaries and the Administrator determine that the country has demonstrated a commitment to—

''(A) just governance, including—

''(i) promoting the rule of law;

''(ii) respecting human and civil rights;

''(iii) protecting private property rights; and

''(iv) combating corruption; and

''(B) economic freedom, including economic policies that—

''(i) encourage citizens and firms to participate in global trade and international capital markets;

''(ii) promote private sector growth and the sustainable management of natural resources; and

''(iii) strengthen market forces in the economy.

''(3) SELECTION.—In determining which eligible countries to provide assistance to under paragraph (1), the Secretaries and the Administrator shall consider—

''(A) the opportunity to reduce greenhouse gas intensity in the eligible country; and

''(B) the opportunity to generate economic growth in the eligible country.

''(4) TYPES OF PROJECTS.—Demonstration projects under this section may include—

''(A) coal gasification, coal liquefaction, and clean coal projects;

''(B) carbon sequestration projects;

''(C) cogeneration technology initiatives;

''(D) renewable projects; and

''(E) lower emission transportation.

''SEC. 737. FELLOWSHIP AND EXCHANGE PROGRAMS.

''The Secretary of State, in coordination with the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall carry out fellowship and exchange programs under which officials from developing countries visit the United States to acquire expertise and knowledge of best practices to reduce greenhouse gas intensity in their countries.

''SEC. 738. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this part (other than section 736).

''SEC. 739. EFFECTIVE DATE.

''Except as otherwise provided in this part, this part takes effect on October 1, 2005.''.

SA 818. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources;

(ii) by—

(I) incorporating new technologies to implement effective green building solutions;

(II) adopting computer-based building management systems; and

(III) recommending strategies based on end-user behavioral changes to implement low-cost environmental gains; and

(iii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

SA 819. Mr. TALENT (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 420, strike lines 5 through 16 and insert the following:

SEC. 702. FUEL USE CREDITS.

(a) IN GENERAL.—Section 312 of the Energy Policy Act of 1992 (42 U.S.C. 13220) is amended to read as follows:

''SEC. 312. FUEL USE CREDITS.

''(a) DEFINITIONS.—In this section:

''(1) BIODIESEL.—The term 'biodiesel' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(2) QUALIFYING VOLUME.—The term 'qualifying volume' means—

''(A) in the case of biodiesel, when used as a component of fuel containing at least 20 percent biodiesel by volume—

''(i) 450 gallons; or

''(ii) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of the average annual alternative fuel use; and

''(B) in the case of an alternative fuel, the amount of the fuel determined by the Secretary to have an equivalent energy content to the amount of biodiesel defined as a qualifying volume under subparagraph (A).

''(b) ALLOCATION.—

''(1) IN GENERAL.—The Secretary shall allocate 1 credit under this section to a fleet or covered person for each qualifying volume of alternative fuel or biodiesel purchased for use in a vehicle operated by the fleet.

''(2) LIMITATION.—The Secretary may not allocate a credit under this section for the purchase of an alternative fuel or biodiesel that is required by Federal or State law.

''(3) DOCUMENTATION.—A fleet or covered person seeking a credit under paragraph (1) shall provide written documentation to the Secretary supporting the allocation of the credit to the fleet or covered person.

''(c) USE.—At the request of a fleet or covered person allocated a credit under subsection (b), the Secretary shall, for the year in which the purchase of a qualifying volume is made, consider the purchase to be the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title, title IV, or title V.

''(d) TREATMENT.—A credit provided to a fleet or covered person under this section shall be considered to be a credit under section 508.

''(e) ISSUANCE OF RULE.—Not later than 180 days after the date of enactment of the Energy Policy Act of 2005, the Secretary shall issue a rule establishing procedures for the implementation of this section.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 is amended by striking the item relating to section 312 and inserting the following:

''Sec. 312. Fuel use credits.''.

SA 820. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. INHOFE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. AMORTIZATION OF DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 167 (relating to depreciation) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) AMORTIZATION OF DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Any delay rental payment paid or incurred in connection with the development of oil or gas wells within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such payment was paid or incurred.

''(2) HALF-YEAR CONVENTION.—For purposes of paragraph (1), any payment paid or incurred during the taxable year shall be treated as paid or incurred on the mid-point of such taxable year.

''(3) EXCLUSIVE METHOD.—Except as provided in this subsection, no depreciation or amortization deduction shall be allowed with respect to such payments.

''(4) TREATMENT UPON ABANDONMENT.—If any property to which a delay rental payment relates is retired or abandoned during the 24-month period described in paragraph (1), no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this subsection shall continue with respect to such payment.

''(5) DELAY RENTAL PAYMENTS.—For purposes of this subsection, the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well under an oil or gas lease.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. ___. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 167 (relating to depreciation), as amended by this Act, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—

''(1) IN GENERAL.—Any geological and geophysical expenses paid or incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) shall be allowed as a deduction ratably over the 24-month period beginning on the date that such expense was paid or incurred.

''(2) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of paragraphs (2), (3), and (4) of subsection (h) shall apply.''.

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''167(h), 167(i),'' after ''under section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

SA 821. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. ___. INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT AGAINST ESTATE TAX; REDUCTION IN ESTATE TAX RATE TO CAPITAL GAINS RATE.

(a) INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount. For purposes of the preceding sentence, the applicable exclusion amount is $10,000,000.

''(2) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(b) ESTATE TAX FLAT RATE EQUAL TO CAPITAL GAINS RATE.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended to read as follows:

''(c) RATE OF TENTATIVE TAX.—In the case of estates of decedents dying, and gifts made, in any calendar year after 2009, the rate of the tentative tax is the rate specified in section 1(h)(1)(C) for such year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

(d) MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(2) SUNSET NOT TO APPLY.—

(A) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and all that follows and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.''.

(B) Subsection (b) of such section 901 is amended by striking '', estates, gifts, and transfers''.

(3) CONFORMING AMENDMENT.—Subsection (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendment made by such subsection, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendment had never been enacted.

SA 822. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our

future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 120, between lines 20 and 21, insert the following:

SEC. 14___. FUEL EFFICIENT ENGINE TECHNOLOGY FOR AIRCRAFT.

(a) IN GENERAL.—The Secretary and the Administrator of the National Aeronautics and Space Administration shall enter into a cooperative agreement to carry out a multi-year engine development program to advance technologies to enable more fuel efficient, turbine-based propulsion and power systems for aeronautical and industrial applications.

(b) PERFORMANCE OBJECTIVE.—The fuel efficiency performance objective for the program shall be to achieve a fuel efficiency improvement of more than 10 percent by exploring—

(1) advanced concepts, alternate propulsion, and power configurations, including hybrid fuel cell powered systems; and

(2) the use of alternate fuel in conventional or nonconventional turbine-based systems.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2006 through 2010.

SA 823. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 15, strike lines 3 through 20.

On page 719, strike lines 11 through 20 and insert the following:

as part of the process of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the energy infrastructure of the Capitol complex to determine how to augment the infrastructure to become more energy efficient—

(i) by using unconventional and renewable energy resources; and

(ii) in a manner that would enable the Capitol complex to have reliable utility service in the event of power fluctuations, shortages, or outages;

(B) carry out a study to explore the feasibility of installing energy and water conservation measures on the rooftop of the Dirksen Senate Office Building, including the area directly above the food service facilities in the center of the building, including the installation of—

(i) a vegetative covering area, using native species to the maximum extent practicable, to—

(I) insulate and increase the energy efficiency of the building;

(II) reduce precipitation runoff and conserve water for landscaping or other uses;

(III) increase, and provide more efficient use of, available outdoor space through management of the rooftop of the center of the building as a park or garden area for occupants of the building; and

(IV) improve the aesthetics of the building; and

(ii) onsite renewable energy and other state-of-the-art technologies to—

(I) improve the energy efficiency and energy security of the building or the Capitol complex by providing additional or backup sources of power in the event of a power shortage or other emergency;

(II) reduce the use of resources by the building; or

(III) enhance worker productivity; and

(C) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the findings and recommendations of the study under subparagraph (B).

SA 824. Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. JEFFORDS, and Mr. DEWINE) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 556, between lines 9 and 10, insert the following new section:

SEC. 972. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and shall carry out, a program of scientific research on abrupt climate change.

(b) PURPOSES OF PROGRAM.—The purposes of the program are as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the output of such models against an improved global array of records of past abrupt climate changes.

(c) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for each of fiscal years 2006 through 2008, to remain available until expended, $10,000,000 to carry out the research program required under this section.

SA 825. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 208, after line 24, insert the following:

SEC. 303. SMALL BUSINESS AND AGRICULTURAL PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) SMALL BUSINESS PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

''(4)(A) In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month'; and

''(iii) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

''(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(E) For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting '', significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene'' after ''civil disorders''; and

(B) by inserting ''other'' before ''economic''.

(b) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking ''operations have'' and inserting ''operations (i) have''; and

(ii) by inserting before '': *Provided,*'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of

the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary'';

(B) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(C) in the fourth sentence—

(i) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(ii) by inserting ''or declaration'' after ''emergency designation''.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(c) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out this section and the amendments made by this section, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iii)(II)), as added by this section.

(d) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (c)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (c)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(e) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (a) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (c)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

SA 826. Mr. McCAIN (for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION —CLIMATE STEWARDSHIP AND INNOVATION

SEC. ———01. SHORT TITLE.

This division may be cited as the ''Climate Stewardship and Innovation Act of 2005''.

SEC. ———02. TABLE OF CONTENTS.

The table of contents for this division is as follows:

SEC. ———03. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BASELINE.—The term ''baseline'' means the historic greenhouse gas emission levels of an entity, as adjusted upward by the Administrator to reflect actual reductions that are verified in accordance with—

(A) regulations promulgated under section —0201(c)(1); and

(B) relevant standards and methods developed under this title.

(3) CARBON DIOXIDE EQUIVALENTS.—The term ''carbon dioxide equivalents'' means, for each greenhouse gas, the amount of each such greenhouse gas that makes the same contribution to global warming as one metric ton of carbon dioxide, as determined by the Administrator.

(4) COVERED SECTORS.—The term ''covered sectors'' means the electricity, transportation, industry, and commercial sectors, as such terms are used in the Inventory.

(5) COVERED ENTITY.—The term ''covered entity'' means an entity (including a branch, department, agency, or instrumentality of Federal, State, or local government) that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) emits, from any single facility owned by the entity, over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents, or produces or imports—

(i) petroleum products that, when combusted, will emit,

(ii) hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that, when used, will emit, or

(iii) other greenhouse gases that, when used, will emit,

over 10,000 metric tons of greenhouse gas per year, measured in units of carbon dioxide equivalents.

(6) DATABASE.—The term ''database'' means the national greenhouse gas database established under section —0201.

(7) DIRECT EMISSIONS.—The term ''direct emissions'' means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(8) FACILITY.—The term ''facility'' means a building, structure, or installation located on any 1 or more contiguous or adjacent properties of an entity in the United States.

(9) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(10) INDIRECT EMISSIONS.—The term ''indirect emissions'' means greenhouse gas emissions that are—

(A) a result of the activities of an entity; but

(B) emitted from a facility owned or controlled by another entity.

(11) INVENTORY.—The term ''Inventory'' means the Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared in compliance with the United Nations Framework Convention on Climate Change Decision 3/CP.5).

(12) LEAKAGE.—The term ''leakage'' means—

(A) an increase in greenhouse gas emissions by one facility or entity caused by a reduction in greenhouse gas emissions by another facility or entity; or

(B) a decrease in sequestration that is caused by an increase in sequestration at another location.

(13) PERMANENCE.—The term ''permanence'' means the extent to which greenhouse gases that are sequestered will not later be returned to the atmosphere.

(14) REGISTRY.—The term ''registry'' means the registry of greenhouse gas emission reductions established under section —0201(b)(2).

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(16) SEQUESTRATION.—

(A) IN GENERAL.—The term ''sequestration'' means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere.

(B) INCLUSIONS.—The term ''sequestration'' includes—

(i) agricultural and conservation practices;

(ii) reforestation;

(iii) forest preservation; and

(iv) any other appropriate method of capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, as determined by the Administrator.

(C) EXCLUSIONS.—The term ''sequestration'' does not include—

(i) any conversion of, or negative impact on, a native ecosystem; or

(ii) any introduction of non-native species.

(17) SOURCE CATEGORY.—The term ''source category'' means a process or activity that leads to direct emissions of greenhouse gases, as listed in the Inventory.

(18) STATIONARY SOURCE.—The term ''stationary source'' means generally any source of greenhouse gases except those emissions resulting directly from an engine for transportation purposes.

TITLE I—FEDERAL CLIMATE CHANGE RESEARCH AND RELATED ACTIVITIES

SEC. 101. NATIONAL SCIENCE FOUNDATION FELLOWSHIPS.

The Director of the National Science Foundation shall establish a fellowship program for students pursuing graduate studies in global climate change, including capability in observation, analysis, modeling, paleoclimatology, consequences, and adaptation.

SEC. 102. REPORT ON UNITED STATES IMPACT OF KYOTO PROTOCOL.

Within 6 months after the date of enactment of this Act, the Secretary shall execute a contract with the National Academy of Science for a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the effects that the entry into force of the Kyoto Protocol without United States participation will have on—

(1) United States industry and its ability to compete globally;

(2) international cooperation on scientific research and development; and

(3) United States participation in international environmental climate change mitigation efforts and technology deployment.

SEC. 103. RESEARCH GRANTS.

Section 105 of the Global Change Research Act of 1990 (15 U.S.C. 2935) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) 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 addressed by Federal agencies.

''(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 2005 and each fiscal year thereafter, there are authorized to be appropriated to the National Science Foundation not less than $25,000,000, to be made available through the Science and Technology Policy Institute, for research in those priority areas.''.

SEC. 104. ABRUPT CLIMATE CHANGE RESEARCH.

(a) IN GENERAL.—The Secretary, through the National Oceanic and Atmospheric Administration, shall carry out a program of scientific research on potential abrupt climate change designed—

(1) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order sufficiently to 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 these mechanisms into advanced geophysical models of climate change; and

(4) to test the output of these models against an improved global array of records of past abrupt climate changes.

(b) ABRUPT CLIMATE CHANGE DEFINED.—In this section, the term ''abrupt climate change'' means a change in climate that occurs so rapidly or unexpectedly that human or natural systems may have difficulty adapting to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2005 $60,000,000 to carry out this section, such sum to remain available until expended.

SEC. 105. IMPACT ON LOW-INCOME POPULATIONS RESEARCH.

(a) IN GENERAL.—The Secretary shall conduct research on the impact of climate change on low-income populations everywhere in the world. The research shall—

(1) include an assessment of the adverse impact of climate change on developing countries and on low-income populations in the United States;

(2) identify appropriate climate change adaptation measures and programs for developing countries and low-income populations and assess the impact of those measures and programs on low-income populations;

(3) identify appropriate climate change mitigation strategies and programs for developing countries and low-income populations and assess the impact of those strategies and programs on developing countries and on low-income populations in the United States; and

(4) include an estimate of the costs of developing and implementing those climate change adaptation and mitigation programs.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report on the research conducted under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,000,000 to carry out the research required by subsection (a).

SEC. 106. 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 facilitate activities that reduce emissions of greenhouse gases or increase sequestration of greenhouse gases, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulfur hexafluoride; and''.

SEC. 107. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

To facilitate implementation of section —0204, the Secretary shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies to calculate greenhouse gas emissions or reductions for which no accurate or reliable measurement technology exists. The program shall include—

(1) technologies (including remote sensing technologies) to measure carbon changes and other greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices; and

(2) technologies to calculate non-carbon dioxide greenhouse gas emissions from transportation.

SEC. 108. 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 (as defined in section ———03(8) of the Climate Stewardship and Innovation Act of 2005) and of facilitating implementation of section —0204 of that Act.

''(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 assist in establishing a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

''(C) 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; and

''(D) to assist in developing improved industrial processes designed to reduce or eliminate 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 chemical processes to be used by industry that, compared to similar processes in commercial use, result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases; 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. 109. 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 promote the use, by the more than 380,000 small manufacturers, of technologies and techniques that result in reduced emissions of greenhouse gases or increased sequestration of greenhouse gases.

SEC. 110. AGRICULTURAL OUTREACH PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Global Change Program Office and in consultation with the heads of other appropriate departments and agencies, shall establish the Climate Change Education and Outreach Initiative Program to educate, and reach out to, agricultural organizations and individual farmers on global climate change.

(b) PROGRAM COMPONENTS.—The program—

(1) shall be designed to ensure that agricultural organizations and individual farmers receive detailed information about—

(A) the potential impact of climate change on their operations and well-being;

(B) market-driven economic opportunities that may come from storing carbon in soils and vegetation, including emerging private sector markets for carbon storage; and

(C) techniques for measuring, monitoring, verifying, and inventorying such carbon capture efforts;

(2) may incorporate existing efforts in any area of activity referenced in paragraph (1) or in related areas of activity;

(3) shall provide—

(A) outreach materials to interested parties;

(B) workshops; and

(C) technical assistance; and

(4) may include the creation and development of regional centers on climate change or coordination with existing centers (including such centers within NRCS and the Cooperative State Research Education and Extension Service).

TITLE II—NATIONAL GREENHOUSE GAS DATABASE

SEC. 201. NATIONAL GREENHOUSE GAS DATABASE AND REGISTRY ESTABLISHED.

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary, the Secretary of Energy, the Secretary of Agriculture, and private sector and nongovernmental organizations, shall establish, operate, and maintain a database, to be known as the ''National Greenhouse Gas Database'', to collect, verify, and analyze information on greenhouse gas emissions by entities.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of—

(1) an inventory of greenhouse gas emissions; and

(2) a registry of greenhouse gas emission reductions and increases in greenhouse gas sequestrations.

(c) COMPREHENSIVE SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement a comprehensive system for greenhouse gas emissions reporting, inventorying, and reductions registration.

(2) REQUIREMENTS.—The Administrator shall ensure, to the maximum extent practicable, that—

(A) the comprehensive system described in paragraph (1) is designed to—

(i) maximize completeness, transparency, and accuracy of information reported; and

(ii) minimize costs incurred by entities in measuring and reporting greenhouse gas emissions; and

(B) the regulations promulgated under paragraph (1) establish procedures and protocols necessary—

(i) to prevent the double-counting of greenhouse gas emissions or emission reductions reported by more than 1 reporting entity;

(ii) to provide for corrections to errors in data submitted to the database;

(iii) to provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(iv) to provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions;

(v) to account for changes in registration of ownership of emission reductions resulting from a voluntary private transaction between reporting entities; and

(vi) to clarify the responsibility for reporting in the case of any facility owned or controlled by more than 1 entity.

(3) SERIAL NUMBERS.—Through regulations promulgated under paragraph (1), the Administrator shall develop and implement a system that provides—

(A) for the verification of submitted emissions reductions registered under section —0204;

(B) for the provision of unique serial numbers to identify the registered emission reductions made by an entity relative to the baseline of the entity;

(C) for the tracking of the registered reductions associated with the serial numbers; and

(D) for such action as may be necessary to prevent counterfeiting of the registered reductions.

SEC. 202. INVENTORY OF GREENHOUSE GAS EMISSIONS FOR COVERED ENTITIES.

(a) IN GENERAL.—Not later than July 1st of each calendar year after 2008, each covered entity shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(1) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents, except those reported under paragraph (3);

(2) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section —0301(b);

(3) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section —0301(d); and

(4) such other categories of emissions as the Administrator determines in the regulations promulgated under section —0201(c)(1) may be practicable and useful for the purposes of this division, such as—

(A) indirect emissions from imported electricity, heat, and steam;

(B) process and fugitive emissions; and

(C) production or importation of greenhouse gases.

(b) COLLECTION AND ANALYSIS OF DATA.—The Administrator shall collect and analyze information reported under subsection (a) for use under title III.

SEC. 203. GREENHOUSE GAS REDUCTION REPORTING.

(a) IN GENERAL.—Subject to the requirements described in subsection (b)—

(1) a covered entity may register greenhouse gas emission reductions achieved after 1990 and before 2010 under this section; and

(2) an entity that is not a covered entity may register greenhouse gas emission reductions achieved at any time since 1990 under this section.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The requirements referred to in subsection (a) are that an entity (other than an entity described in paragraph (2)) shall—

(A) establish a baseline; and

(B) submit the report described in subsection (c)(1).

(2) REQUIREMENTS APPLICABLE TO ENTITIES ENTERING INTO CERTAIN AGREEMENTS.—An entity that enters into an agreement with a participant in the registry for the purpose of a carbon sequestration project shall not be required to comply with the requirements specified in paragraph (1) unless that entity is required to comply with the requirements by reason of an activity other than the agreement.

(c) REPORTS.—

(1) REQUIRED REPORT.—Not later than July 1st of the each calendar year beginning more than 2 years after the date of enactment of this Act, but subject to paragraph (3), an entity described in subsection (a) shall submit to the Administrator a report that states, for the preceding calendar year, the entity-wide greenhouse gas emissions (as reported at the facility level), including—

(A) the total quantity of direct greenhouse gas emissions from stationary sources, expressed in units of carbon dioxide equivalents;

(B) the amount of petroleum products sold or imported by the entity and the amount of greenhouse gases, expressed in units of carbon dioxide equivalents, that would be emitted when these products are used for transportation in the United States, as determined by the Administrator under section —0301(b);

(C) the amount of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, expressed in units of carbon dioxide equivalents, that are sold or imported by the entity and will ultimately be emitted in the United States, as determined by the Administrator under section —0301(d); and

(D) such other categories of emissions as the Administrator determines in the regulations promulgated under section —0201(c)(1) may be practicable and useful for the purposes of this division, such as—

(i) indirect emissions from imported electricity, heat, and steam;

(ii) process and fugitive emissions; and

(iii) production or importation of greenhouse gases.

(2) VOLUNTARY REPORTING.—An entity described in subsection (a) may (along with establishing a baseline and reporting emissions under this section)—

(A) submit a report described in paragraph (1) before the date specified in that paragraph for the purposes of achieving and commoditizing greenhouse gas reductions through use of the registry and for other purposes; and

(B) submit to the Administrator, for inclusion in the registry, information that has been verified in accordance with regulations promulgated under section —0201(c)(1) and that relates to—

(i) any activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in sequestration by the entity that were carried out during or after 1990 and before the establishment of the database, verified in accordance with regulations promulgated under section —0201(c)(1), and submitted to the Administrator before the date that is 4 years after the date of enactment of this Act; and

(ii) with respect to the calendar year preceding the calendar year in which the information is submitted, any project or activity that resulted in the net reduction of the greenhouse gas emissions of the entity or a net increase in net sequestration by the entity.

(3) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each entity that submits a report under this subsection shall provide information sufficient for the Administrator to verify, in accordance with measurement and verification methods and standards developed under section —0204, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each voluntary report under paragraph (2), represents—

(i) actual reductions in direct greenhouse gas emissions—

(I) relative to historic emission levels of the entity; and

(II) after accounting for any increases in indirect emissions described in paragraph (1)(C)(i); or

(ii) actual increases in net sequestration.

(4) FAILURE TO SUBMIT REPORT.—An entity that participates or has participated in the registry and that fails to submit a report required under this subsection shall be prohibited from using, or allowing another entity to use, its registered emissions reductions or increases in sequestration to satisfy the requirements of section —0301.

(5) INDEPENDENT THIRD-PARTY VERIFICATION.—To meet the requirements of this section and section —0203, an entity that is required to submit a report under this section may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Administrator.

(6) AVAILABILITY OF DATA.—

(A) IN GENERAL.—The Administrator shall ensure that information in the database is—

(i) published; and

(ii) accessible to the public, including in electronic format on the Internet.

(B) EXCEPTION.—Subparagraph (A) shall not apply in any case in which the Administrator determines that publishing or otherwise making available information described in that subparagraph poses a risk to national security or discloses confidential business information that can not be derived from information that is otherwise publicly available and that would cause competitive harm if published.

(7) DATA INFRASTRUCTURE.—The Administrator shall ensure, to the maximum extent practicable, that the database uses, and is integrated with, Federal, State, and regional greenhouse gas data collection and reporting systems in effect as of the date of enactment of this Act.

(8) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the regulations under section —0201(c)(1) and implementing the database, the Administrator shall take into consideration a broad range of issues involved in establishing an effective database, including—

(A) the data and information systems and measures necessary to identify, track, and verify greenhouse gas emissions in a manner that will encourage private sector trading and exchanges;

(B) the greenhouse gas reduction and sequestration measurement and estimation methods and standards applied in other countries, as applicable or relevant;

(C) the extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement the database; and

(D) the differences in, and potential uniqueness of, the facilities, operations, and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the database.

(d) ANNUAL REPORT.—The Administrator shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database during the year covered by the report;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported;

(3) describes the atmospheric concentrations of greenhouse gases;

(4) provides a comparison of current and past atmospheric concentrations of greenhouse gases; and

(5) describes the activity during the year covered by the period in the trading of greenhouse gas emission allowances.

SEC. 204. MEASUREMENT AND VERIFICATION.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish by rule, in coordination with the Administrator, the Secretary of Energy, and the Secretary of Agriculture, comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, emission reductions, sequestration, and atmospheric concentrations for use in the registry.

(2) REQUIREMENTS.—The methods and standards established under paragraph (1) shall include—

(A) a requirement that a covered entity use a continuous emissions monitoring system, or another system of measuring or estimating emissions that is determined by the Secretary to provide information with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system where technologically feasible;

(B) establishment of standardized measurement and verification practices for reports made by all entities participating in the registry, taking into account—

(i) protocols and standards in use by entities requiring or desiring to participate in the registry as of the date of development of the methods and standards under paragraph (1);

(ii) boundary issues, such as leakage;

(iii) avoidance of double counting of greenhouse gas emissions and emission reductions;

(iv) protocols to prevent a covered entity from avoiding the requirements of this division by reorganization into multiple entities that are under common control; and

(v) such other factors as the Secretary, in consultation with the Administrator, determines to be appropriate;

(C) establishment of methods of—

(i) estimating greenhouse gas emissions, for those cases in which the Secretary determines that methods of monitoring, measuring or estimating such emissions with precision, reliability, accessibility, and timeliness similar to that provided by a continuous emissions monitoring system are not technologically feasible at present; and

(ii) reporting the accuracy of such estimations;

(D) establishment of measurement and verification standards applicable to actions taken to reduce, avoid, or sequester greenhouse gas emissions;

(E) in coordination with the Secretary of Agriculture, standards to measure the results of the use of carbon sequestration and carbon recapture technologies, including—

(i) soil carbon sequestration practices; and

(ii) forest preservation and reforestation activities that adequately address the issues of permanence, leakage, and verification;

(E) establishment of such other measurement and verification standards as the Secretary, in consultation with the Secretary of Agriculture, the Administrator, and the Secretary of Energy, determines to be appropriate;

(F) establishment of standards for obtaining the Secretary's approval of the suitability of geological storage sites that include evaluation of both the geology of the site and the entity's capacity to manage the site; and

(G) establishment of other features that, as determined by the Secretary, will allow entities to adequately establish a fair and reliable measurement and reporting system.

(b) REVIEW AND REVISION.—The Secretary shall periodically review, and revise as necessary, the methods and standards developed under subsection (a).

(c) PUBLIC PARTICIPATION.—The Secretary shall—

(1) make available to the public for comment, in draft form and for a period of at least 90 days, the methods and standards developed under subsection (a); and

(2) after the 90-day period referred to in paragraph (1), in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator, adopt the methods and standards developed under subsection (a) for use in implementing the database.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Secretary may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emission trading.

(2) AVAILABLE ARRANGEMENTS.—In obtaining any service described in paragraph (1), the Secretary may use any available grant, contract, cooperative agreement, or other arrangement authorized by law.

TITLE III—MARKET-DRIVEN GREENHOUSE GAS REDUCTIONS

SUBTITLE A—EMISSION REDUCTION REQUIREMENTS; USE OF TRADEABLE ALLOWANCES

SEC. 301. COVERED ENTITIES MUST SUBMIT ALLOWANCES FOR EMISSIONS.

(a) IN GENERAL.—

(1) SUBMISSION OF ALLOWANCES.—Except as provided in paragraph (2), beginning with calendar year 2010—

(A) each covered entity in the electric generation, industrial, and commercial sectors shall submit to the Administrator one tradeable allowance for every metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, that it emits from stationary sources, except those described in subparagraph (B);

(B) each producer or importer of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride that is a covered entity shall submit to the Administrator one tradeable allowance for every metric ton of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents; that it produces or imports and that will ultimately be emitted in the United States, as determined by the Administrator under subsection (d) and

(C) each petroleum refiner or importer that is a covered entity shall submit one tradeable allowance for every unit of petroleum product it sells that will produce one metric ton of greenhouse gases, measured in units of carbon dioxide equivalents, as determined by the Administrator under subsection (b), when used for transportation.

(2) TENNESSEE VALLEY AUTHORITY.—Paragraph (1) shall apply to the Tennessee Valley Authority beginning with calendar year 2016.

(b) DETERMINATION OF TRANSPORTATION SECTOR AMOUNT.—For the transportation sector, the Administrator shall determine the amount of greenhouse gases, measured in units of carbon dioxide equivalents, that will be emitted when petroleum products are used for transportation.

(c) EXCEPTION FOR CERTAIN DEPOSITED EMISSIONS.—Notwithstanding subsection (a), a covered entity is not required to submit a tradeable allowance for any amount of greenhouse gas that would otherwise have been emitted from a facility under the ownership or control of that entity if—

(1) the emission is deposited in a geological storage facility approved by the Administrator under section —0204(a)(2)(F); and

(2) the entity agrees to submit tradeable allowances for any portion of the deposited emission that is subsequently emitted from that facility.

(d) DETERMINATION OF HYDROFLUROCARBON, PERFLUOROCARBON, AND SULFUR HEXAFLUORIDE AMOUNT.—The Administrator shall determine the amounts of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride, measured in units of carbon dioxide equivalents, that will be deemed to be emitted for purposes of this division.

SEC. 302. COMPLIANCE.

(a) IN GENERAL.—

(1) SOURCE OF TRADEABLE ALLOWANCES USED.—A covered entity may use a tradeable allowance to meet the requirements of this section without regard to whether the tradeable allowance was allocated to it under subtitle B or acquired from another entity or the Climate Change Credit Corporation established under section —0351.

(2) VERIFICATION BY ADMINISTRATOR.—At various times during each year, the Administrator shall determine whether each covered entity has met the requirements of this section. In making that determination, the Administrator shall—

(A) take into account the tradeable allowances submitted by the covered entity to the Administrator; and

(B) retire the serial number assigned to each such tradeable allowance.

(b) ALTERNATIVE MEANS OF COMPLIANCE.—For the years 2010 and after, a covered entity may satisfy up to 15 percent of its total allowance submission requirement under this section by—

(1) submitting tradeable allowances from another nation's market in greenhouse gas emissions if—

(A) the Secretary determines that the other nation's system for trading in greenhouse gas emissions is complete, accurate, and transparent and reviews that determination at least once every 5 years;

(B) the other nation has adopted enforceable limits on its greenhouse gas emissions which the tradeable allowances were issued to implement; and

(C) the covered entity certifies that the tradeable allowance has been retired unused in the other nation's market;

(2) submitting a registered net increase in sequestration, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section —0372;

(3) submitting a greenhouse gas emissions reduction (other than a registered net increase in sequestration) that was registered in the database by a person that is not a covered entity; or

(4) submitting credits obtained from the Administrator under section —0303.

(c) DEDICATED PROGRAM FOR SEQUESTRATION IN AGRICULTURAL SOILS.—If a covered entity chooses to satisfy 15 percent of its total allowance submission requirements under the provisions of subsection (b), it shall satisfy at least 01.5 percent of its total allowance submission requirement by submitting registered net increases in sequestration in agricultural soils, as registered in the database, adjusted, if necessary, to comply with the accounting standards and methods established under section —0371.

SEC. 303. BORROWING AGAINST FUTURE REDUCTIONS.

(a) IN GENERAL.—The Administrator shall establish a program under which a covered entity may—

(1) receive a credit in the current calendar year for anticipated reductions in emissions in a future calendar year; and

(2) use the credit in lieu of a tradeable allowance to meet the requirements of this division for the current calendar year, subject to the limitation imposed by section —0302(b).

(b) DETERMINATION OF TRADEABLE ALLOWANCE CREDITS.—The Administrator may make credits available under subsection (a) only for anticipated reductions in emissions that—

(1) are attributable to the realization of capital investments in equipment, the construction, reconstruction, or acquisition of facilities, or the deployment of new technologies—

(A) for which the covered entity has executed a binding contract and secured, or applied for, all necessary permits and operating or implementation authority;

(B) that will not become operational within the current calendar year; and

(C) that will become operational and begin to reduce emissions from the covered entity within 5 years after the year in which the credit is used; and

(2) will be realized within 5 years after the year in which the credit is used.

(c) CARRYING COST.—If a covered entity uses a credit under this section to meet the requirements of this division for a calendar year (referred to as the use year), the tradeable allowance requirement for the year from which the credit was taken (referred to as the source year) shall be increased by an amount equal to—

(1) 10 percent for each credit borrowed from the source year; multiplied by

(2) the number of years beginning after the use year and before the source year.

(d) MAXIMUM BORROWING PERIOD.—A credit from a year beginning more than 5 years after the current year may not be used to meet the requirements of this division for the current year.

(e) FAILURE TO ACHIEVE REDUCTIONS GENERATING CREDIT.—If a covered entity that uses a credit under this section fails to achieve the anticipated reduction for which the credit was granted for the year from which the credit was taken, then—

(1) the covered entity's requirements under this Act for that year shall be increased by the amount of the credit, plus the amount determined under subsection (c);

(2) any tradeable allowances submitted by the covered entity for that year shall be counted first against the increase in those requirements; and

(3) the covered entity may not use credits under this section to meet the increased requirements.

SEC. 304. OTHER USES OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Tradeable allowances may be sold, exchanged, purchased, retired, or used as provided in this section.

(b) INTERSECTOR TRADING.—Covered entities may purchase or otherwise acquire tradeable allowances from other covered sectors to satisfy the requirements of section —0301.

(c) CLIMATE CHANGE CREDIT CORPORATION.—The Climate Change Credit Corporation established under section —0351 may sell tradeable allowances allocated to it under section —0332(a)(2) to any covered entity or to any investor, broker, or dealer in such tradeable allowances. The Climate Change Credit Corporation shall use all proceeds from such sales in accordance with the provisions of section —0352.

(d) BANKING OF TRADEABLE ALLOWANCES.—Notwithstanding the requirements of section —0301, a covered entity that has more than a sufficient amount of tradeable allowances to satisfy the requirements of section —0301, may refrain from submitting a tradeable allowance to satisfy the requirements in order to sell, exchange, or use the tradeable allowance in the future.

SEC. 305. EXEMPTION OF SOURCE CATEGORIES.

(a) IN GENERAL.—The Administrator may grant an exemption from the requirements of this division to a source category if the Administrator determines, after public notice and comment, that it is not feasible to measure or estimate emissions from that source category, until such time as measurement or estimation becomes feasible.

(b) REDUCTION OF LIMITATIONS.—If the Administrator exempts a source category under subsection (a), the Administrator shall also reduce the total tradeable allowances under section —0331(a)(1) by the amount of greenhouse gas emissions that the exempted source category emitted in calendar year 2000, as identified in the 2000 Inventory.

(c) LIMITATION ON EXEMPTION.—The Administrator may not grant an exemption under subsection (a) to carbon dioxide produced from fossil fuel.

SUBTITLE B—ESTABLISHMENT AND ALLOCATION OF TRADEABLE ALLOWANCES

SEC. 331. ESTABLISHMENT OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—The Administrator shall promulgate regulations to establish tradeable allowances, denominated in units of carbon dioxide equivalents, for calendar years beginning after 2009, equal to—

(1) 5896 million metric tons, measured in units of carbon dioxide equivalents, reduced by

(2) the amount of emissions of greenhouse gases in calendar year 2000 from non-covered entities.

(b) SERIAL NUMBERS.—The Administrator shall assign a unique serial number to each tradeable allowance established under subsection (a), and shall take such action as may be necessary to prevent counterfeiting of tradeable allowances.

(c) NATURE OF TRADEABLE ALLOWANCES.—A tradeable allowance is not a property right, and nothing in this title or any other provision of law limits the authority of the United States to terminate or limit a tradeable allowance.

(d) NON-COVERED ENTITY.—

(1) IN GENERAL.—In this section the term ''non-covered entity'' means an entity that—

(A) owns or controls a source of greenhouse gas emissions in the electric power, industrial, or commercial sectors of the United States economy (as defined in the Inventory), refines or imports petroleum products for use in transportation, or produces or imports hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride; and

(B) is not a covered entity.

(2) EXCEPTION.—Notwithstanding paragraph (1), an entity that is a covered entity for any calendar year beginning after 2009 shall not be considered to be a non-covered entity for purposes of subsection (a) only because it emitted, or its products would have emitted, 10,000 metric tons or less of greenhouse gas, measured in units of carbon dioxide equivalents, in the year 2000.

SEC. 332. DETERMINATION OF TRADEABLE ALLOWANCE ALLOCATIONS.

(a) IN GENERAL.—The Secretary shall determine—

(1) the amount of tradeable allowances to be allocated to each covered sector of that sector's allotments; and

(2) the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation established under section —0351.

(b) ALLOCATION FACTORS.—In making the determination required by subsection (a), the Secretary shall consider—

(1) the distributive effect of the allocations on household income and net worth of individuals;

(2) the impact of the allocations on corporate income, taxes, and asset value;

(3) the impact of the allocations on income levels of consumers and on their energy consumption;

(4) the effects of the allocations in terms of economic efficiency;

(5) the ability of covered entities to pass through compliance costs to their customers;

(6) the degree to which the amount of allocations to the covered sectors should decrease over time; and

(7) the need to maintain the international competitiveness of United States manufacturing and avoid the additional loss of United States manufacturing jobs.

(c) ALLOCATION RECOMMENDATIONS AND IMPLEMENTATION.—Before allocating or providing tradeable allowances under subsection (a) and within 24 months after the date of enactment of this Act, the Secretary shall submit the determinations under subsection (a) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce. The Secretary's determinations under paragraph (1), including the allocations and provision of tradeable allowances pursuant to that determination, are deemed to be a major rule (as defined in section 804(2) of title 5, United States Code), and subject to the provisions of chapter 8 of that title.

SEC. 333. ALLOCATION OF TRADEABLE ALLOWANCES.

(a) IN GENERAL.—Beginning with calendar year 2010 and after taking into account any initial allocations under section —0335, the Administrator shall—

(1) allocate to each covered sector that sector's allotments determined by the Administrator under section —0332 (adjusted for any such initial allocations and the allocation to the Climate Change Credit Corporation established under section —0351); and

(2) allocate to the Climate Change Credit Corporation established under section —0351 the tradeable allowances allocable to that Corporation.

(b) INTRASECTORIAL ALLOTMENTS.—The Administrator shall, by regulation, establish a process for the allocation of tradeable allowances under this section, without cost to covered entities, that will—

(1) encourage investments that increase the efficiency of the processes that produce greenhouse gas emissions;

(2) minimize the costs to the government of allocating the tradeable allowances;

(3) not penalize a covered entity for emissions reductions made before 2010 and registered with the database; and

(4) provide sufficient allocation for new entrants into the sector.

(c) POINT SOURCE ALLOCATION.—The Administrator shall allocate the tradeable allowances for the electricity generation, industrial, and commercial sectors to the entities owning or controlling the point sources of greenhouse gas emissions within that sector.

(d) HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.—The Administrator shall allocate the tradeable allowances for producers or importers of hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride to such producers or importers.

(e) SPECIAL RULE FOR ALLOCATION WITHIN THE TRANSPORTATION SECTOR.—The Administrator shall allocate the tradeable allowances for the transportation sector to petroleum refiners or importers that produce or import petroleum products that will be used as fuel for transportation.

(f) ALLOCATIONS TO RURAL ELECTRIC COOPERATIVES.—For each electric generating unit that is owned or operated by a rural electric cooperative, the Administrator shall allocate each year, at no cost, allowances in an amount equal to the greenhouse gas emissions of each such unit in 2000, plus an amount equal to the average emissions growth expected for all such units. The allocations shall be offset from the allowances allocated to the Climate Change Credit Corporation.

(g) EARLY AUCTION FOR TECHNOLOGY DEPLOYMENT AND DISSEMINATION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy and the Secretary of Commerce, shall allocate tradeable allowances by the Climate Change Credit Corporation for auction before 2010. The Climate Change Credit Corporation shall use the proceeds of the

auction, together with any funds received as reimbursements under subtitle C of title IV of this division, to support the programs established by that subtitle until the secretary of Energy and the Corporation jointly determine that the purposes of those programs have been accomplished. The Corporation shall also use the proceeds of the auction to support the programs established by subtitle D of title IV of this division until 2010.

(2) DETERMINATION OF ALLOCATION.—In determining the amount of tradeable allowances to be allocated to the Climate Change Credit Corporation under this subsection, the Administrator shall consider—

(A) the expected market value of tradeable allowances for auction;

(B) the annual funding required for the programs established by subtitle C of title IV;

(C) the repayment provisions of those programs; and

(D) the allocation factors in section —0332(b).

(3) LIMITATION.—In allocating tradeable allowances under paragraph (1) the Administrator shall take into account the purposes of section —0331 and the impact, if any, the allocation under paragraph (1) may have on achieving those purposes.

(h) ALLOCATION TO COVERED ENTITIES IN STATES ADOPTING MANDATORY GREENHOUSE GAS EMISSIONS REDUCTION PROGRAMS.—For a covered entity operating in any State that has adopted a legally binding and enforceable program to achieve and maintain reductions that are consistent with, or more stringent than, reductions mandated by this Act, and which requirements are effective prior to 2010, the Administrator shall consider such binding state actions in making the final determination of allocation to such covered entities.

SEC. 334. ENSURING TARGET ADEQUACY.

(a) IN GENERAL.—Beginning 2 years after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall review the allowances established by section —0331 no less frequently than biennially—

(1) to re-evaluate the levels established by that subsection, after taking into account the best available science and the most currently available data, and

(2) to re-evaluate the environmental and public health impacts of specific concentration levels of greenhouse gases,

to determine whether the allowances established by subsection (a) continue to be consistent with the objective of the United Nations' Framework Convention on Climate Change of stabilizing levels of greenhouse gas emissions at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) REVIEW OF 2010 LEVELS.—The Under Secretary shall specifically review in 2008 the level established under section —0331(a)(1), and transmit a report on his reviews, together with any recommendations, including legislative recommendations, for modification of the levels, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, the House of Representatives Committee on Science, and the House of Representatives Committee on Energy and Commerce.

SEC. 335. INITIAL ALLOCATIONS FOR EARLY PARTICIPATION AND ACCELERATED PARTICIPATION.

(a) Before making any allocations under section —0333, the Administrator shall allocate—

(1) to any covered entity an amount of tradeable allowances equivalent to the amount of greenhouse gas emissions reductions registered by that covered entity in the national greenhouse gas database if—

(A) the covered entity has requested to use the registered reduction in the year of allocation;

(B) the reduction was registered prior to 2010; and

(C) the Administrator retires the unique serial number assigned to the reduction under section —0201(c)(3); and

(2) to any covered entity that has entered into an accelerated participation agreement under section —0336, such tradeable allowances as the Administrator has determined to be appropriate under that section.

(b) Any covered entity that is subject to a State mandatory greenhouse gas emissions reduction program that meets the requirements of subsection (h) of section —0333 shall be eligible for the allocation of allowances under this section and section —0336 if the requirements of the State mandatory greenhouse gas emission reduction program are consistent with, or more stringent than, the emission targets established by this Act.

SEC. 336. BONUS FOR ACCELERATED PARTICIPATION.

(a) IN GENERAL.—If a covered entity executes an agreement with the Administrator under which it agrees to reduce its level of greenhouse gas emissions to a level no greater than the level of its greenhouse gas emissions for calendar year 1990 by the year 2010, then, for the 6-year period beginning with calendar year 2010, the Administrator shall—

(1) provide additional tradeable allowances to that entity when allocating allowances under section —0334 in order to recognize the additional emissions reductions that will be required of the covered entity;

(2) allow that entity to satisfy 20 percent of its requirements under section —0301 by—

(A) submitting tradeable allowances from another nation's market in greenhouse gas emissions under the conditions described in section —0312(b)(1);

(B) submitting a registered net increase in sequestration, as registered in the National Greenhouse Gas Database established under section —0201, and as adjusted by the appropriate sequestration discount rate established under section —0371; or

(C) submitting a greenhouse gas emission reduction (other than a registered net increase in sequestration) that was registered in the National Greenhouse Gas Database by a person that is not a covered entity.

(b) TERMINATION.—An entity that executes an agreement described in subsection (a) may terminate the agreement at any time.

(c) FAILURE TO MEET COMMITMENT.—If an entity that executes an agreement described in subsection (a) fails to achieve the level of emissions to which it committed by calendar year 2010—

(1) its requirements under section —0301 shall be increased by the amount of any tradeable allowances provided to it under subsection (a)(1); and

(2) any tradeable allowances submitted thereafter shall be counted first against the increase in those requirements.

SUBTITLE C—CLIMATE CHANGE CREDIT CORPORATION

SEC. 351. ESTABLISHMENT.

(a) IN GENERAL.—The Climate Change Credit Corporation is established as a nonprofit corporation without stock. The Corporation shall not be considered to be an agency or establishment of the United States Government.

(b) APPLICABLE LAWS.—The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act.

(c) BOARD OF DIRECTORS.—The Corporation shall have a board of directors of 5 individuals who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as chairman. No more than 3 members of the board serving at any time may be affiliated with the same political party. The members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate and shall serve for terms of 5 years.

SEC. 352. PURPOSES AND FUNCTIONS.

(a) TRADING.—The Corporation—

(1) shall receive and manage tradeable allowances allocated to it under section —0333(a)(2); and

(2) shall buy and sell tradeable allowances, whether allocated to it under that section or obtained by purchase, trade, or donation from other entities; but

(3) may not retire tradeable allowances unused.

(b) USE OF TRADEABLE ALLOWANCES AND PROCEEDS.—

(1) IN GENERAL.—The Corporation shall use the tradeable allowances, and proceeds derived from its trading activities in tradeable allowances, to reduce costs borne by consumers as a result of the greenhouse gas reduction requirements of this division. The reductions—

(A) may be obtained by buy-down, subsidy, negotiation of discounts, consumer rebates, or otherwise;

(B) shall be, as nearly as possible, equitably distributed across all regions of the United States; and

(C) may include arrangements for preferential treatment to consumers who can least afford any such increased costs.

(2) TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—The Corporation shall allocate a percentage of the proceeds derived from its trading activities in tradeable allowances to provide transition assistance to dislocated workers and communities. Transition assistance may take the form of—

(A) grants to employers, employer associations, and representatives of employees—

(i) to provide training, adjustment assistance, and employment services to dislocated workers; and

(ii) to make income-maintenance and needs-related payments to dislocated workers; and

(B) grants to State and local governments to assist communities in attracting new employers or providing essential local government services.

(3) PHASE-OUT OF TRANSITION ASSISTANCE.—The percentage allocated by the Corporation under paragraph (2)—

(A) shall be 20 percent for 2010;

(B) shall be reduced by 2 percentage points each year thereafter; and

(C) may not be reduced below zero.

(4) ADAPTATION AND MITIGATION ASSISTANCE FOR LOW-INCOME PERSONS AND COMMUNITIES.—The Corporation shall allocate at least 10 percent of the proceeds derived from its trading activities to funding climate change adaptation and mitigation programs to assist low-income populations identified in the report submitted under section —0105(b) as having particular needs in addressing the impact of climate change.

(5) ADAPTATION ASSISTANCE FOR FISH AND WILDLIFE HABITAT.—The Corporation shall fund efforts to strengthen and restore habitat that improves the ability of fish and wildlife to adapt successfully to climate change. The Corporation shall deposit the proceeds from no less than 10 percent of the total allowances allocated to it in the wildlife restoration fund subaccount known as the Wildlife Conservation and Restoration Account established under section 3 of the

Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b). Amounts deposited in the subaccount under this paragraph shall be available without further appropriation for obligation and expenditure under that Act.

(6) TECHNOLOGY DEPLOYMENT PROGRAMS.—The Corporation shall establish and carry out a program, through direct grants, revolving loan programs, or other financial measures, to provide support for the deployment of technology to assist in compliance with this Act by distributing the proceeds from no less than 50 percent of the total allowances allocated in support of the program established under section —0491.

(c) APPROPRIATIONS.—Notwithstanding any other provision of this Act, no funds may be obligated or expended by the Corporation except as provided by appropriations Acts.

SUBTITLE D—SEQUESTRATION ACCOUNTING; PENALTIES

SEC. 371. SEQUESTRATION ACCOUNTING.

(a) SEQUESTRATION ACCOUNTING.—If a covered entity uses a registered net increase in sequestration to satisfy the requirements of section —0301 for any year, that covered entity shall submit information to the Administrator every 5 years thereafter sufficient to allow the Administrator to determine, using the methods and standards created under section —0204, whether that net increase in sequestration still exists. Unless the Administrator determines that the net increase in sequestration continues to exist, the covered entity shall offset any loss of sequestration by submitting additional tradeable allowances of equivalent amount in the calender year following that determination.

(b) REGULATIONS REQUIRED.—The Secretary, acting through the Under Secretary of Commerce for Science and Technology, in coordination with the Secretary of Agriculture, the Secretary of Energy, and the Administrator, shall issue regulations establishing the sequestration accounting rules for all classes of sequestration projects.

(c) CRITERIA FOR REGULATIONS.—In issuing regulations under this section, the Secretary shall use the following criteria:

(1) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is not more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the median value of that range.

(2) If the range of possible amounts of net increase in sequestration for a particular class of sequestration project is more than 10 percent of the median of that range, the amount of sequestration awarded shall be equal to the fifth percentile of that range.

(3) The regulations shall include procedures for accounting for potential leakage from sequestration projects and for ensuring that any registered increase in sequestration is in addition that which would have occurred if this Act had not been enacted.

(d) UPDATES.—The Secretary shall update the sequestration accounting rules for every class of sequestration project at least once every 5 years.

SEC. 372. PENALTIES.

Any covered entity that fails to meet the requirements of section —0301 for a year shall be liable for a civil penalty, payable to the Administrator, equal to thrice the market value (determined as of the last day of the year at issue) of the tradeable allowances that would be necessary for that covered entity to meet those requirements on the date of the emission that resulted in the violation.

TITLE IV—INNOVATION AND COMPETITIVENESS

SEC. 401. FINDINGS.

The Congress finds the following:

(1) Innovation, the process that ultimately provides new and improved products, manufacturing processes, and services, is the basis for technological progress. This technological advancement is a key element of sustained economic growth.

(2) The innovation economy is fundamentally different from the industrial or even the information economy. It requires a new vision and new approaches.

(3) Changing innovation processes and the evolution of the relative contribution made by the private and public sectors have emphasized the need for strong industry-science linkages.

(4) Patent regimes play an increasingly complex role in encouraging innovation, disseminating scientific and technical knowledge, and enhancing market entry and firm creation.

(5) Increasing participation and maintaining quality standards in tertiary education in science and technology are imperative to meet growing demand for workers with scientific and technological knowledge and skills.

(6) Research, innovation, and human capital are our principal strengths. By sustaining United States investments in research and finding collaborative arrangements to leverage existing resources and funds in a scarce budget environment, we ensure that America remains at the forefront of scientific and technological capability.

(7) Technology transfer of publicly funded research is a critical mechanism for optimizing the return on taxpayer investment, particularly where other benefits are not measurable at all or are very long-term.

(8) Identifying metrics to quantify program effectiveness is of increasing importance because the entire innovation process is continuing to evolve in an arena of increasing global competition. Metrics need to take into account a wide range of steps in a highly complex process, as well as the ultimate product or service, but should not constrain the continued evolution or development of new technology transfer approaches.

(9) The United States lacks a national innovation strategy and agenda, including an aggressive public policy strategy that energizes the environment for national innovation, and no Federal agency is responsible for developing national innovation policy.

SUBTITLE A—INNOVATION INFRASTRUCTURE

SEC. 421. THE INNOVATION ADMINISTRATION.

(a) IN GENERAL.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1990 (15 U.S.C. 3704) is amended—

(1) by striking ''a Technology'' in subsection (a) and inserting ''an Innovation'';

(2) by striking ''The Technology'' in subsection (a) and inserting ''The Innovation'';

(3) by striking ''of Technology'' in subsection (a)(3) and inserting ''of Innovation'';

(4) by striking ''Technology'' each place it appears in subsection (b) and in subsection (c)(1) and inserting ''Innovation'';

(5) by inserting ''(1) IN GENERAL.—'' before ''The Secretary'' in subsection (c) and redesignating paragraphs (1) through (15) as subparagraphs (A) through (O); and

(6) by adding at the end of subsection (c) the following:

''(2) SPECIFIC INNOVATION-RELATED DUTIES.—

''(A) IN GENERAL.—The Secretary, through the Under Secretary, shall—

''(i) provide advice to the President with respect to the policies and conduct of the Innovation Administration, including ways to improve research and development concerning climate change innovation and the methods of collecting and disseminating findings of such research;

''(ii) provide advice to the President and the Congress on the development of climate change innovation research programs;

''(iii) develop and monitor metrics to be used by the Federal government in managing the innovation process;

''(iv) develop and establish government wide climate change innovation policy and strategic plans, consistent with the strategic plans of the United States Climate Change Science Program and the United States Climate Technology Challenge Program, including an implementation plan, developed in consultation with the Secretary of Energy and the Climate Change Credit Corporation, for the Climate Technology Challenge Program under section —0491, addressing technology priorities, total funding, opportunities for Federal procurement, and other issues;

''(v) review and evaluate on a continuing basis—

''(I) technologies available for transfer and deployment to the commercial sector;

''(II) all statutes and regulations pertaining to Federal programs which assist in the transfer and deployment of technologies, both domestically and internationally; and

''(III) new and emerging innovation policy issues affecting the deployment of new technologies, including identification of barriers to commercialization and recommendations for removal of those barriers;

''(vi) assess the extent to which such policies, programs, practices, and procedures facilitate or impede the promotion of the policies set forth in subsection (b);

''(vii) gather information about the implementation, effectiveness, and impact of the deployed climate change related technologies based on metrics developed under clause (iii);

''(viii) make recommendations to the President and the Congress and other officials of Federal agencies or other Federal entities, regarding ways to better promote the policies developed under paragraph (1)(B);

''(ix) provide advice, recommendations, legislative proposals to the Congress on a continuing basis, and any additional information the Agency or the Congress deems appropriate;

''(x) make recommendations to the President, the Congress, and Federal agencies or entities regarding policy on Federal purchasing behavior that would provide incentives to industry to bring new products to market faster;

''(xi) conduct economic analysis in support of climate change technology development and deployment;

''(xii) work with academia to develop education programs to support the multi-disciplinary nature of innovation;

''(xiii) establish partnerships with industry to determine the needs for the future workforce to support deployed technologies;

''(xiv) assist in the search for partners to establish public-private partnerships, and in searching for capital funds from the investment community for new businesses in the climate change technology sector; and

''(xv) identify opportunities to promote cooperation on research, development, and commercialization with other countries and make recommendations, based on the opportunities so identified to the Secretary of State.

''(B) ANNUAL REPORT.—

''(i) IN GENERAL.—The Administrator shall prepare and submit to the President and the appropriate committees of the Congress a report entitled 'Climate Change Innovation: A Progress Report' within 6 months after the date of enactment of the Climate Stewardship and Innovation Act of 2005 and annually thereafter.

''(ii) CONTENTS.—The report shall assess the status of the Nation in achieving the purposes set forth in subsection (b), with particular focus on the new and emerging issues impacting the deployment of new climate change technologies. The report shall present, as appropriate, available data on research, education, workforce, financing, and market opportunities. The report shall include recommendations for policy change.

''(iii) CONSULTATION REQUIRED.—In determining the findings, conclusions, and recommendations of the report, the Agency shall seek input from industry, academia, and other interested parties.''.

(b) REFERENCES.—Any reference to the Technology Administration in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document or pertaining to the Technology Administration or an officer or employee of the Technology Administration, is deemed to refer to the Innovation Administration or an officer or employee of the Innovation Administration, as appropriate.

SEC. 422. TECHNOLOGY TRANSFER OPPORTUNITIES.

(a) IN GENERAL.—The Secretary of Commerce shall conduct a study of technology transfer barriers, best practices, and outcomes of technology transfer activities at Federal laboratories related to the licensing and commercialization of energy efficient technologies, and other technologies that, compared to similar technology in commercial use, result in reduced emissions of greenhouse gases, increased ability to adapt to climate change impacts, or increased sequestration of greenhouse gases. The Secretary shall submit a report setting forth the findings and conclusions of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act. The Secretary shall work with the existing interagency working group to address identified barriers to technology transfer.

(b) BUSINESS OPPORTUNITIES STUDY.—The Secretary of Commerce shall perform an analysis of business opportunities, both domestically and internationally, available for climate change technologies. The Secretary shall transmit the Secretary's findings and recommendations from the first such analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act, and shall transmit a revised report of such findings and recommendations to those Committees annually thereafter.

(c) AGENCY REPORT TO INCLUDE INFORMATION ON TECHNOLOGY TRANSFER INCOME AND ROYALTIES.—Paragraph (2)(B) of section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is amended—

(1) by striking ''and'' after the semicolon in clause (vi);

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) the number of fully-executed licenses which received royalty income in the preceding fiscal year for climate-change or energy-efficient technology;

''(viii) the total earned royalty income for climate-change or energy-efficient technology; and''.

(d) INCREASED INCENTIVES FOR DEVELOPMENT OF CLIMATE-CHANGE OR ENERGY-EFFICIENT TECHNOLOGY.—Section 14(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)) is amended—

(1) by striking ''15 percent,'' in paragraph (1)(A) and inserting ''15 percent (25 percent for climate change-related technologies),''; and

(2) by inserting ''($250,000 for climate change-related technologies)'' after ''$150,000'' each place it appears in paragraph (3).

SEC. 423. GOVERNMENT-SPONSORED TECHNOLOGY INVESTMENT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to provide financial support for the development, through private enterprise, of technology that has potential application to climate change adaptation and mitigation.

(b) FINANCIAL SUPPORT.—The Secretary of Commerce may establish a nonprofit government sponsored enterprise for the purpose of providing investment in private sector technologies that show promise for climate change adaptation and mitigation applications.

(c) TERMS; CONDITIONS; TRANSPARENCY.—The Secretary shall report within 30 days after the end of each calendar quarter to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on its operations during that preceding calendar quarter.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the use of the enterprise established under subsection (b) such sums as may be necessary to carry out the purpose of this section.

SEC. 424. FEDERAL TECHNOLOGY INNOVATION PERSONNEL INCENTIVES.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 24. FEDERAL TECHNOLOGY INNOVATION PERSONNEL INCENTIVES.

''(a) IN GENERAL.—The head of a Federal laboratory may authorize the participation by any employee of the laboratory in an activity described in subsection (b) in order to achieve the purposes of this division.

''(b) AUTHORIZED ACTIVITIES.—

''(1) COMMERCIAL DEVELOPMENT PARTICIPATION ARRANGEMENTS.—

''(A) IN GENERAL.—The head of a Federal laboratory may, under the authority provided by section 12(b)(5) of this Act, authorize an employee to participate, as an officer or employee, in the creation of an enterprise established to commercially exploit research work realized in carrying out that employee's responsibilities as an employee of that laboratory for a period of up to 24 months. The authority may be renewed for an additional 12-month period.

''(B) LIMITATIONS.—In addition to the requirements set forth in section 12, an employee may not be authorized under subparagraph (A) to participate in such an enterprise if—

''(i) it would be prejudicial to the normal functioning of the laboratory;

''(ii) by its nature, terms and conditions, or the manner in which the authority would be exercised, participation by that employ would reflect adversely on the functions exercised by that employee as an employee of the laboratory, or risk compromising or calling in question the independence or neutrality of the laboratory; or

''(iii) the interests of the enterprise are of such a nature as to be prejudicial to the mission or integrity of the laboratory or employee.

''(C) RELATIONSHIP TO LABORATORY EMPLOYMENT.—

''(i) REPRESENTATION.—The employee may not represent the employee's official position or the laboratory while participating in the creation of the enterprise.

''(ii) FEDERAL EMPLOYMENT STATUS.—Beginning with the effective date of the authorization under subsection (a), an employee shall be placed in a temporary status without duties or pay and shall cease all duties in connection with the laboratory.

''(iii) RETURN TO SERVICE.—At the end of the authorization period, the employee may be restored to his former position in the laboratory upon termination of any employment or professional relationship with the enterprise.

''(2) SERVICE IN PRIVATE SECTOR ADVISORY CAPACITY.—

''(A) IN GENERAL.—The head of a Federal laboratory may, under the authority provided by section 12(b)(5) of this Act, authorize an employee to serve, as a member of the board of directors of, as a member of an advisory committee to, or in any similar capacity with a corporation, partnership, joint venture, or other business enterprise for a period of not more than 5 years in order to provide advice and counsel on ways to improve the diffusion and use of an invention or other intellectual property of a Federal laboratory.

''(B) QUALIFYING INVESTMENT.—Under the authorization, an employee authorized to serve on the board of directors of a corporation may purchase and hold the number of qualifying shares of stock needed to serve as a member of that board.

''(C) PARTICIPATION IN CERTAIN PROCEEDINGS.—An employee authorized under subparagraph (A) may not participate in any grant evaluation, contract negotiation, or other proceeding in which the corporation, partnership, joint venture, or other business enterprise has an interest during the authorization period.''.

SEC. 425. INTERDISCIPLINARY RESEARCH AND COMMERCIALIZATION.

(a) IN GENERAL.—The Director of the National Science Foundation shall develop and implement a plan to increase and establish priorities for funding for multidisciplinary and interdisciplinary research at universities in support of the adaptation to and mitigation of climate change. The plan shall—

(1) address the cross-fertilization and fusion of research within and across the biological and physical sciences, the spectrum of engineering disciplines, and entirely new fields of scientific exploration; and

(2) include the area of emerging service sciences.

(b) REPORT TO CONGRESS.—The Director shall transmit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(c) SERVICE SCIENCE DEFINED.—In this section, the term ''service science'' means the melding together of the fields of computer science, operations research, industrial engineering, mathematics, management science, decision sciences, social sciences, and legal sciences in a manner that may transform entire enterprises and drive innovation at the intersection of business and technology expertise.

SEC. 426. CLIMATE INNOVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Director of the National Science Foundation, shall create a program of public-private partnerships that—

(1) focus on supporting climate change related regional innovation;

(2) bridge the gap between the long-term research and commercialization;

(3) focus on deployment of technologies needed by a particular region in adapting or mitigating the impacts of climate change; and

(4) support activities that are selected from proposals submitted in merit-based competitions.

(b) INSTITUTIONAL DIVERSITY.—In creating the program, the Secretary and the Administrator shall—

(1) encourage institutional diversity; and

(2) provide that universities, research centers, national laboratories, and other nonprofit organizations are allowed to partner with private industry in submitting applications.

(c) GRANTS.—The Secretary may make grants under the program to the partnerships, but the Federal share of funding for any project may not exceed 50 percent of the total investment in any fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 427. NATIONAL MEDAL OF CLIMATE STEWARDSHIP INNOVATION.

(a) IN GENERAL.—There is established a National Medal of Climate Stewardship Innovation, which shall be of such design and materials, and bear such inscription, as the President may prescribe. The President shall award the medal on the basis of recommendations submitted by the National Science Foundation and the Secretary of Commerce to individuals who, in the judgment of the President, are deserving of special recognition by reason of their outstanding contributions to knowledge in the field of climate change innovation.

(b) CRITERIA.—The medal shall be awarded in accordance with the following criteria:

(1) ANNUAL LIMIT.—No more than 20 individuals may be awarded the medal in any calendar year.

(2) CITIZENSHIP.—No individual may be awarded the medal unless, at the time the award is made, the individual is—

(A) a citizen or other national of the United States; or

(B) an alien lawfully admitted to the United States for permanent residence who—

(i) has filed a petition for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

(ii) is not permanently ineligible to become a citizen of the United States.

(3) POSTHUMOUS AWARD.—

(A) IN GENERAL.—Notwithstanding paragraph (2), the medal may be awarded posthumously to an individual who, at the time of death, met the conditions set forth in paragraph (2).

(B) 5-YEAR LIMITATION.—Notwithstanding subparagraph (A), the medal may not be awarded posthumously to an individual after the fifth anniversary of that individual's death.

(c) INSCRIPTION AND CERTIFICATE.—Each medal shall be suitably inscribed. Each individual awarded the medal shall also receive a citation descriptive of the award.

(d) PRESENTATION.—The presentation of the medal shall be made by the President with such ceremonies as the President deems proper, including attendance by appropriate Members of Congress.

SEC. 428. MATH AND SCIENCE TEACHERS' ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation shall establish within the Foundation a climate change science and technology enhancement program for teachers.

(b) PURPOSE.—The purpose of the program is to provide for professional development of mathematics and science teachers at elementary, middle, and secondary schools (as defined by the Director), including improving the education and skills of those teachers with respect to—

(1) teaching strategies;

(2) subject-area expertise; and

(3) the understanding of climate change science and technology and the environmental, economic, and social impacts of climate change on commerce.

(c) PROGRAM AREAS.—In carrying out the program under this section, the Director shall focus on the areas of—

(1) scientific measurements;

(2) tests and standards development;

(3) industrial competitiveness and quality;

(4) manufacturing;

(5) technology transfer; and

(6) any other area of expertise that the Director determines to be appropriate.

(d) APPLICATION PROCEDURE.—The Director shall prescribe procedures and selection criteria for participants in the program.

(e) AWARDS.—The Director shall issue awards under the program to participants. In issuing the awards, the Director shall ensure that the maximum number of participants practicable participate in the program. In order to ensure a maximum level of participation of participants, the program under this section shall be conducted on an annual basis during the summer months, when a majority of elementary, middle, and secondary schools are not in classes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director for carrying out this section—

(1) $2,500,000 for fiscal year 2006; and

(2) $2,500,000 for fiscal year 2007.

SEC. 429. PATENT STUDY.

(a) IN GENERAL.—The Director of the Patent and Trademark Office, in consultation with representatives of interested parties in the private sector, shall conduct a study to determine the extent to which changes to the United States patent system are necessary to increase the flow of climate change-related technologies. The study shall address—

(1) the balance between the protection of the inventor and the disclosure of information;

(2) the role of patents in innovation within the covered sectors;

(3) the extent to which patents facilitate increased investments in climate change research and development;

(4) the international deployment of United States developed climate change related technologies on the United States patent system;

(5) ways to leverage databases as innovation tools;

(6) best practices for collaborative standard setting; and

(7) any other issues the Director deems appropriate.

(b) REPORT.—Within 6 months after the date of enactment of this Act, the Director shall transmit a report setting forth the findings and conclusions of the study to the Congress.

SEC. 430. LESSONS-LEARNED PROGRAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Energy shall establish a national lessons-learned and best practices program to ensure that lessons learned and best practices concerning energy efficiency and greenhouse gas emission reductions are available to the public. The program shall contain consumer awareness initiatives including product labeling and campaigns to raise public awareness. The Secretary shall determine the process and frequency by which the information is provided.

(b) PROGRAM CONTENT.—The program—

(1) may include experiences realized outside of the Federal government;

(2) shall include criteria by which entries in the program are determined;

(3) shall use a standardized, user-friendly format for data reports; and

(4) may include any other matters the Secretary deems appropriate.

SUBTITLE B—SPECIFIC PROGRAM INITIATIVES

SEC. 451. TRANSPORTATION.

(a) IN GENERAL.—The Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation shall establish jointly a competitive, merit-based research program to fund proposals that—

(1) develop technologies that aid in reducing fuel use or reduce greenhouse gas emissions associated with any fuel;

(2) further develop existing or new technologies to create renewable fuels created from less carbon or energy-intensive practices than current renewable fuel production; or

(3) remove existing barriers for deployment of existing fuels that dramatically reduce greenhouse gas emissions;

(4) support low-carbon transportation fuels, including renewable hydrogen, advanced cellulosic ethanol, and biomass-based diesel substitutes, and the technical hurdles to market entry;

(5) support short-term and long-term technology improvements for United States cars and light trucks that reduce greenhouse gas emissions, including advanced, high-power hybrid vehicle batteries, advanced gasoline engine designs, fuel cells, hydrogen storage, power electronics, and lightweight materials;

(6) support advanced heavy-duty truck technologies to reduce greenhouse gas emissions from the existing and new fleets, including aerodynamics, weight reduction, improved tires, anti-idling technology, high-efficiency engines, and hybrid systems; or

(7) expand research into the climatological impacts of air travel and support advanced technologies to reduce greenhouse gas emissions from aircraft including advanced turbines, aerodynamics, and logistics technology that reduces delays, increases load factors and cuts in-air emissions.

(b) REAL-WORLD TEST PROCEDURES.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) conduct research and establish a Federal test procedure for certifying fuel economy of heavy duty vehicles; and

(2) update Federal test procedures for certifying fuel economy of automobiles and light duty trucks so the results better reflect real-world operating conditions.

(c) INCORPORATION INTO PROGRAM.—The Secretaries shall ensure that the program established under subsection (a) is incorporated into the United States Climate Technology Challenge Program.

(d) MARKETING STUDY.—The Secretary of Transportation, in coordination with the Secretary of Commerce, shall conduct a study on how the government can accelerate the market for low-carbon vehicles. The results of the study shall be submitted to the Congress within 6 months after the date of enactment of this Act.

SEC. 452. AGRICULTURAL SEQUESTRATION.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish an interagency panel of representatives from the United States Forest Service, Agriculture Research Service, Agricultural Experiment Stations and Extension Service, Economic Research Service Natural Resource Conservation Service, Environmental Protection Agency, the U.S. Geological Survey, and the National Institute of Standards and Technology to establish standards for measurement (and re-measurement) of sequestered carbon, including lab procedures,

field sampling methods, and accuracy of sampling statistics.

(b) DUTIES.—The interagency panel shall—

(1) develop discounted default values for the amount of greenhouse gas emission reductions due to carbon sequestration or emissions reductions from improved practices and technologies;

(2) develop technologies for low-cost laboratory and field measurement;

(3) develop procedures to improve the accuracy of equations used to estimate greenhouse gas emissions reductions produced by adoption of improved land management technologies and practices;

(4) develop local and regional databases on carbon sequestration in soils and biomass, greenhouse gas emissions, and adopted land management technologies and practices;

(5) develop computation methods for additionality discounts for prospective greenhouse gas offsets;

(6) develop entitywide reporting requirements to evaluate project-level leakage;

(7) develop commodity-specific greenhouse gas offset discount factors for market-level leakage, and update those factors periodically;

(8) develop guidelines and standards for greenhouse gas offset and reduction project monitoring and verification and uniform qualifications for third party verifiers, including specification of conflict of interest conditions;

(9) increase landowner accessibility to technologies and practices by—

(A) improving and expanding availability and adoption of best management practices for soils, crop residues, and forests to achieve additional carbon sequestration that meets standards as bona fide greenhouse gas offsets;

(B) improving and expanding availability and adoption of best management practices for soils, crop residues, and forests to achieve reductions in emissions of carbon dioxide, methane, and nitrous oxides that meet standards as bona fide greenhouse gas emissions reductions; and

(C) establishing incentives for land managers to help finance investments in facilities that produce bona fide greenhouse gas offsets or reductions through carbon sequestration or direct greenhouse gas emissions reductions; and

(10) establish best practices to address nonpermanence and risk of release of sequestered greenhouse gases by—

(A) assessing and quantifying risks, both advertent and inadvertent, of release of greenhouse gases sequestered in soils and biomass; and

(B) establishing insurance instruments concerning the release, both advertent and inadvertent, of sequestered greenhouse gases.

(c) ADDITIONALITY DEFINED.—In this section the term ''additionality'' means emissions reduction and sequestration activities that result in atmospheric benefits that would not otherwise have occurred.

SEC. 453. GEOLOGICAL STORAGE OF SEQUESTERED GREENHOUSE GASES.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall establish guidelines for setting individual project baselines for reductions of greenhouse gas emissions and greenhouse gas storage in various types of geological formations to serve as the basis for determining the amount of greenhouse gas reductions produced by the project.

(b) SPECIFIC ACTIVITIES.—The Secretary of Energy, in consultation with the Director of the U.S. Geological Survey, shall—

(1) develop local and regional databases on existing practices and technologies for greenhouse gas injection in underground aquifers;

(2) develop methods for computation of additionality discounts for prospective greenhouse gas reductions or offsets due to carbon dioxide injection and storage in underground aquifers;

(3) develop accepted standards for monitoring of carbon dioxide stored in geological subsurface reservoirs by—

(A) developing minimum suitability standards for identifying and monitoring of geological storage sites including oil, gas, and coal bed methane reservoir and deep saline aquifers; and

(B) testing monitoring standards using sites with long term (multi-decade) large injections of carbon dioxide into oil field enhanced recovery projects; and

(4) address non-permanence and risk of release of sequestered greenhouse gas by—

(A) establishing guidelines for risk assessment of inadvertent greenhouse gas release, both long-term and short-term, associated with geological sequestration sites; and

(B) developing insurance instruments to address greenhouse gas release liability in geological sequestration.

(c) NATIONAL GEOLOGICAL CARBON SEQUESTRATION ASSESSMENT.—

(1) FINDINGS.—The Congress finds the following:

(A) One of the most promising options for avoiding emissions of carbon dioxide is through long-term storage by geological sequestration in stable geological formations, which involves—

(i) capturing carbon dioxide from industrial sources; and

(ii) injecting the captured carbon dioxide into geological storage sites, such as deep saline formations, unmineable coal seams, and depleted gas and oil fields.

(B) As of the date of introduction of this Act, there are only very broad estimates of national geological storage capacity.

(C) The potential to recover additional oil and gas resources through enhanced oil and gas recovery using captured carbon dioxide emissions is an option that could add the equivalent of tens-of-billions of barrels of oil to the national resource base.

(D) An initial geological survey of storage capacity in the subsurface of sedimentary basins in the United States would—

(i) provide estimates of storage capacity based on clearly defined geological parameters with stated ranges of uncertainty;

(ii) allow for an initial determination of whether a basin or 1 or more portions of the basin may be developed into a storage site; and

(iii) provide information on—

(I) a baseline for monitoring injections and post injection phases of storage; and

(II) early opportunities for matching carbon dioxide sources and sinks for early deployment of zero-emissions fossil fuel plants using capture and storage technologies.

(2) NATIONAL GEOLOGICAL CARBON SEQUESTRATION ASSESSMENT.—

(A) DEVELOPMENT AND TESTING OF ASSESSMENT METHODOLOGY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the United States Geological Survey shall develop and test methods for the conduct of a national assessment of geological storage capacity for carbon dioxide.

(ii) OPPORTUNITY FOR REVIEW AND COMMENT.—During the period beginning on the date that is 180 days after the date of enactment of this Act and ending on the date of completion of the development and testing of the methodologies under clause (i), the Director shall provide the Under Secretary for Oceans and Atmosphere of the Department of Commerce, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Minerals Management Service, the Director of the Bureau of Land Management, the heads of other Federal land management agencies, the heads of State land management agencies, industry stakeholders, and other interested parties with an opportunity to review and comment on the proposed methodologies.

(B) ASSESSMENT.—

(i) IN GENERAL.—The Director shall conduct the assessment during the period beginning on the date on which the development and testing of the methodologies is completed under subparagraph (A) and ending 4 years after the date of enactment of this Act.

(ii) AVAILABILITY OF INFORMATION.—The Director shall establish an Internet database accessible to the public that provides the results of the assessment, including a detailed description of the data collected under the assessment.

(iii) REPORT.—Not later than 1 year after the date on which the assessment is completed under clause (i), the Director shall submit to the appropriate committees of Congress and the President a report that describes the findings of the assessment.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 to carry out this section for fiscal years 2006 through 2009.

SEC. 454. ENERGY EFFICIENCY AUDITS.

(a) IN GENERAL.—The Secretary of Energy shall establish a program to reduce greenhouse gas emissions through the deployment of energy efficiency measures, including appropriate technologies, by large commercial customers by providing for energy audits. The program shall provide incentives for large users of electricity or natural gas to obtain an energy audit.

(b) COMPONENTS.—The energy audit shall provide users with an inventory of potential energy efficiency measures, including appropriate technologies, and their cost savings over time, along with financing options to initiate the project.

(c) REIMBURSEMENT OF AUDIT COSTS.—If any of the recommendations of an energy audit implemented by a facility owner result in cost savings greater than 5 times the cost of the original audit, then the facility owner shall reimburse the Secretary for the cost of the audit.

SEC. 455. ADAPTATION TECHNOLOGIES.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall establish a program on adaptation technologies as part of the Climate Technology Challenge Program. The Director shall perform an assessment of the climate change technological needs of various regions of the country. This assessment shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 6 months after the date of enactment of this Act.

(b) REGIONAL ESTIMATES.—The Director of the Office of Science and Technology Policy, in consultation with the Secretaries of Transportation, Homeland Security, Agriculture, Housing and Urban Development, Health and Human Services, Defense, Interior, Energy, and Commerce, the Administrator of the Environmental Protection Agency, the Director of U.S. Geologic Survey, and other such Federal offices as the Director deems necessary, along with relevant State agencies, shall perform 6 regional infrastructure cost assessments covering the United States, and a national cost assessment, to provide estimates of the range of

costs that should be anticipated for adaptation to the impacts of climate change. The Director shall develop those estimates for low, medium, and high probabilities of climate change and its potential impacts. The assessments shall be provided to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

SEC. 456. ADVANCED RESEARCH AND DEVELOPMENT FOR SAFETY AND NONPROLIFERATION.

The Secretary of Energy shall establish, operate, and report biannually to Congress the results of—

(1) a program of research and development focused on advanced once-through fuel cycles;

(2) a Nuclear System Modeling project to carry out the analysis, research, simulation, and collection of engineering data needed to evaluate all fuel cycles with respect to cost, inherent safety, waste management and proliferation-avoidance and -resistance; and

(3) an Advanced Diversified Waste-Disposal Research Program for deep-bore hole disposal options, alternative geological environments, and improved engineered barriers.

SUBTITLE C—CLIMATE TECHNOLOGY DEPLOYMENT PROGRAM

PART I—PROGRAM AUTHORITY

SEC. 471. GOVERNMENT-INDUSTRY PARTNERSHIPS FOR FIRST-OF-A-KIND ENGINEERING DESIGN.

(a) IN GENERAL.—The Corporation may provide funding for a cost-sharing program to address first-of-a-kind engineering costs inherent in building the first facility of a substantially new design that generates electricity with low or no net greenhouse gas emissions or produces transportation fuels that result in low or no net greenhouse gas emissions, including Integrated Gasification Combined Cycle Advanced Coal power generating facilities using carbon capture technology with geological storage of greenhouse gases, advanced reactor designs, large scale biofuels facilities that maximize the use of cellulosic biomass, and large scale solar concentrating power facilities.

(b) PROJECT SELECTION.—The Secretary of Energy in coordination with the Corporation shall select the final designs to be supported, in terms of reducing greenhouse gas emissions, demonstrating a new technology, meeting other clean air attainment goals, generating economic benefits, contributing to energy security, contributing to fuel and technology diversity, maintaining price stability, and attaining cost effectiveness and economic competitiveness.

(c) COST-SHARING LIMITATIONS.—

(1) CORPORATION'S SHARE OF COSTS.—Costs for the program shall be shared equally between the Corporation and the builder of such first facilities.

(2) NUCLEAR REACTORS.—Funding under this section for any nuclear facility—

(A) may not exceed $200,000,000 for an individual project; and

(B) shall be available for no more than 1 of each of the 3 designs certified by the Nuclear Regulatory Commission.

(d) REIMBURSEMENT OF COSTS.—For any subsequently-built facility that uses a design supported by the cost-sharing program under this section, the Secretary of Energy and the Corporation shall specify an amount to be paid to the Corporation in order for the Corporation to receive full reimbursement for costs the Corporation incurred in connection with the design, considering the program's objectives, including the costs of promoting the deployment of cost-effective, economically competitive technologies with no or low net greenhouse gas emissions.

(e) REIMBURSEMENT FOR DELAY.—If the construction of such a first facility of a substantially new design is not started within 10 years after the date on which a commitment under the cost-sharing program is made by the Secretary, then the industry partner shall reimburse the Corporation for any costs incurred by the Corporation under the program.

(f) JURISDICTION.—

(1) NUCLEAR REGULATORY COMMISSION.—Nothing in this Act shall affect the jurisdiction of the Nuclear Regulatory Commission over nuclear power plant design approvals or combined construction and operating licenses pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(2) REGULATORY AGENCIES.—Nothing in this Act affects the jurisdiction of any Federal, State, or local government regulatory agency.

SEC. 472. DEMONSTRATION PROGRAMS.

(a) NUCLEAR REGULATORY COMMISSION LICENSING PROCESS.—

(1) DEMONSTRATION PROGRAM.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a demonstration program to reduce the first-time regulatory costs of the current Nuclear Regulatory Commission licensing process incurred by the first applicant using an advanced reactor design.

(2) PERMITS; LICENSES; COST-SHARING.—

(A) The demonstration program shall—

(i) address the Early Site Permit applications and the combined construction and operating license applications; and

(ii) be jointly funded by the Department of Energy and the applicant.

(B) The Secretary shall work with the applicant to determine the appropriate percentage of costs that the Department and the applicant shall each provide.

(3) REIMBURSEMENT FOR LICENSE TRANSFER.—If an applicant decides to transfer a permit granted by the Commission under the program to another entity, the applicant shall reimburse the Department for its costs in obtaining the permit.

(b) RETOOLING OF ADVANCED VEHICLE MANUFACTURING.—

(1) IN GENERAL.—Within 24 months after the date of enactment of this Act, the Secretary of Energy shall establish a program to demonstrate the effectiveness of retooling an existing vehicle or vehicle component manufacturing facility to reduce reduced greenhouse gas emissions from vehicles and increasing competitiveness of advanced technology vehicle production facilities.

(2) PROGRAM ELEMENTS.—

(A) ACTIVITIES SUPPORTED.—The demonstration program shall be designed—

(i) to re-equip an existing manufacturing facility to produce advanced technology vehicles or components that will result in reduced greenhouse gas emissions; and

(ii) to conduct engineering integration activities of advanced technological vehicles and components.

(B) FUNDING.—The program shall be jointly funded by the private sector and the Department of Energy. Secretary of Energy shall work with participating entities to determine the appropriate percentage of costs that each shall provide.

(C) ELIGIBLE COMPONENTS AND ACTIVITIES.—The Secretary, in coordination with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall determine what advanced technology components and engineering integration activities will qualify for support under the program.

(D) ELIGIBLE COSTS.—Costs eligible to be shared under this subsection include the cost of engineering tasks related to—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(3) LIMITATION.—No more than 2 facilities may receive financial assistance under the program for re-equipment and expansion or for engineering integration.

(4) ADVANCED TECHNOLOGY VEHICLE DEFINED.—In this subsection, the term ''advanced technology vehicle'' means a light duty motor vehicle that is either a hybrid or advanced lean burn technology motor vehicle, and that meets the following additional performance criteria:

(A) The vehicle shall meet the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator under that Act.

(B) The vehicle shall meet any new emission standard for fine particulate matter prescribed by the Administrator under that Act.

(C) The vehicle shall achieve at least 125 percent of the base year city fuel economy for its weight class.

PART II—FINANCING

SEC. 481. CLIMATE TECHNOLOGY FINANCING BOARD.

(a) PURPOSE.—The Climate Technology Financing Board shall work with the Sedretary of Energy to make financial assistance available to joint venture partnerships and promote private sector participation in financing eligible projects under this subtitle.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall establish within the Department of Energy a Climate Technology Financing Board, which shall be responsible for assisting the Secretary in carrying out this subtitle.

(2) MEMBERSHIP.—The Climate Technology Financing Board shall be comprised of—

(A) the Secretary of Energy, who shall serve as chair; and

(B) 6 additional members appointed by the Secretary, including—

(i) the Chief Financial Officer of the Department of Energy;

(ii) at least 1 representative of the Corporation; and

(iii) other members with experience in corporate and project finance in the energy sector as deemed necessary by the Secretary to carry out the functions of the Board.

(3) REPRESENTATION OF FEDERAL INTEREST.—The Climate Technology Financing Board shall represent the Federal government's interest in all negotiations with project developers interested in forming joint venture partnerships and obtaining secured loans or loan guarantees under this subtitle.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Climate Technology Financing Board, through the Secretary of Energy, shall publish in the Federal Register such final regulations as may be necessary to implement section —0482 of this title.

(2) PROJECT SELECTION CRITERIA.—In selecting eligible projects for financial assistance under this subtitle, the Board shall consider, among other relevant criteria—

(A) the extent to which the project reduces greenhouse gases, demonstrates new technologies, meets other clean air attainment goals, generates economic benefits, contributes to energy security, contributes to fuel and technology diversity, and maintains price stability, cost effectiveness, and economic competitiveness;

(B) the extent to which assistance under this subtitle would foster innovative public-private partnerships and attract private equity investment;

(C) the likelihood that assistance under this subtitle would enable the project to proceed at an earlier date than the project would otherwise be able to proceed without such assistance;

(D) the extent to which the project represents the construction of the first generation of facilities that use substantially new technology; and

(E) any other criteria deemed necessary by the Secretary for the promotion of long-term cost effective climate change-related technologies.

(3) MANDATORY REGULATORY PROVISIONS.—The regulations required by paragraph (1) shall include the following:

(A) The general terms and conditions under which non-recourse financial assistance will be provided. Those terms shall include—

(i) a debt-to-equity ratio of up to 80 percent debt from the Corporation, approved by the Secretary, and no less than 20 percent equity from the project developer;

(ii) a pledge of the eligible project's assets to the Secretary and the project developer to secure their respective loan and equity contributions; and

(iii) loan repayment terms generally consistent with financial terms available to project developers in the United States power generation industry.

(B) The general terms and conditions under which loan guarantees will be provided, which shall be consistent with section —0483(c).

(C) The procedures by which project owners and project developers may request such financial assistance.

(D) A process under which the Climate Technology Financing Board, the joint venture partnership, and the project developer shall negotiate commercially reasonable terms consistent with terms generally available in the United States power generation industry regarding cost, construction schedule, and other conditions under which the project developer shall acquire the loan from the joint venture partnership and repay the secured loan and acquire an undivided interest in the eligible project when the project achieves commercial operation. Terms prescribed under this subparagraph shall include—

(i) a defined right of the joint venture partnership to terminate the loan agreement upon a date certain for project delays that are not the fault of the project developer; and

(ii) may not refer to the Federal Acquisition Regulations.

(E) Provisions to retain independent third-party engineering assistance, satisfactory to the Climate Technology Financing Board, the project developer, and the joint venture partnership, to verify and validate construction costs and construction schedules, to monitor construction, and authorize draws on financing during construction to ensure that construction is consistent with generally accepted utility practice, and to make recommendations as to the cause of delay or cost increases should such delays or cost increases occur.

(F) Provisions to ensure—

(i) continued project development and construction in the event of a delay to achieving commercial operation caused by an event outside the control of the joint development partners and the project developer; and

(ii) continued project operations in the event the sale of the eligible project to the project developer is not executed due to an event outside the control of the project developer.

(G) Any other information necessary for the Secretary of Energy to discharge fully the obligation conferred under this subtitle, including a process for negotiating the terms and conditions of such financial assistance.

(d) COMPREHENSIVE IMPLEMENTATION PLAN.—Not later than 12 months after the date of enactment of this Act, the Climate Technology Financing Board shall prepare and transmit to the President and Congress a comprehensive plan for implementation of this subtitle.

(e) PROGRESS REPORTS.—Not later than 12 months after the comprehensive plan required by subsection (d) and annually thereafter the Secretary shall prepare and transmit to the President and the Congress a report summarizing progress in satisfying the requirements established by the subtitle.

SEC. 482. RESPONSIBILITIES OF THE SECRETARY.

(a) FINANCIAL ASSISTANCE.—Subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary, in coordination with the Corporation, may make available to joint venture partnerships for eligible project costs such Federal financial assistance as the Climate Technology Financing Board determines is necessary to enable access to, or to supplement, private sector financing for projects if the Board determines that such projects are needed to reduce greenhouse gas emissions, contribute to energy security, fuel or technology diversity, or clean air attainment goals. The Secretary, in coordination with the Corporation, shall prescribe such terms and conditions for financial assistance as the Secretary deems necessary or appropriate to protect the financial interests of the United States.

(b) REQUIREMENTS.—Approval criteria for financial assistance under subsection (a) shall include—

(1) the creditworthiness of the project;

(2) the extent to which Federal financial assistance would encourage public-private partnerships, attract private-sector investment, and demonstrate safe and secure electric generation or fuel production technology;

(3) the likelihood that Federal financial assistance would hasten commencement of the project;

(4) in the case of a nuclear power plant, whether the project developer provides reasonable assurance to the Secretary that the project developer can successfully manage nuclear power plant operations;

(5) the extent to which the project will demonstrate safe and secure reduced or zero greenhouse gas emitting electric generating or fuel production technology; and

(6) any other criteria the Secretary deems necessary or appropriate.

(c) RESERVE AMOUNT.—Before entering into any agreements under this subtitle, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for any loan or loan guarantee provided by the agreement. The Secretary, in consultation with the project developer, shall determine the appropriate type of Federal financial assistance to be provided for eligible projects.

(d) CONFIDENTIALITY.—The Secretary and the Corporation shall protect the confidentiality of any information that is certified by a project developer to be commercially sensitive.

(e) FULL FAITH AND CREDIT.—All loans or loan guarantees provided by the Secretary under this subtitle shall be general obligations of the United States backed by the full faith and credit of the United States.

SEC. 483. LIMITATIONS.

(a) SECURED LOANS.—

(1) IN GENERAL.—The financial assistance provided by this subtitle for secured loans or loan guarantees—

(A) shall be available for new low or zero greenhouse gas emitting energy generating or fuel production facilities, including—

(i) no more than 3 integrated gasification combined cycle coal power plants with carbon capture and geological storage of greenhouse gases;

(ii) no more than the first of each of the 3 advanced reactor design projects for which applications for combined construction and operating licenses have been filed on or before December 31, 2015;

(iii) no more than 3 large scale biofuels production facilities that encourage a diversity of pioneer projects relying on different feedstocks in different regions of the country and maximizing the use of cellulosic biomass; and

(iv) no more than 3 large scale solar facilities of greater than 5 megawatts capacity which begin operation after December 31, 2005, and before January 1, 2011; and

(B) may not exceed 80 percent of eligible project costs for each project.

(2) GOVERNMENT-CAUSED DELAYS.—Paragraph (1)(B) of this subsection does not apply if—

(A) with respect to a nuclear power plant—

(i) the conditions specified in the construction and operation license issued by the Nuclear Regulatory Commission change; and

(ii) the changed conditions result in project delays or changes in project scope after the start of construction that are not attributable to private sector project management, construction, or variances from the Nuclear Regulatory Commission's approved design criteria or safety requirements; or

(B) with respect to an advanced coal power plant, biofuels production facility, solar power facility, or other eligible facility—

(i) the conditions specified in the construction permit change; and

(ii) the changed conditions result in project delays or changes in project scope after the start of construction that are not attributable to private sector project management, construction, or variances from the approved design criteria or safety requirements.

(3) ADDITIONAL ASSISTANCE.—If paragraph (1)(B) of this subsection does not apply for reasons described in paragraph (2), then the financial assistance payable to the project developer shall include additional capital costs, costs of project oversight, lost replacement power, and calculated interest, as determined appropriate by the Secretary of Energy.

(b) LOAN REPAYMENT TERMS.—

(1) The repayment terms for non-recourse secured loans made under this subtitle shall be negotiated among the Climate Technology Financing Board, the joint venture partnership, and the project developer prior to issuance of the loan and commencement of construction.

(2) The project developer shall purchase the joint venture partnership's interest in the project after the start of the eligible project's commercial operation pursuant to the conditions of the loan with the proceeds of refinancing from non-Federal funding sources.

(3) The value of the joint venture partnership's interest in the eligible project shall be determined in negotiations prior to issuance of a secured loan under the subtitle.

(4) The interest rate on loans made under this subtitle shall not be less than the yield on United States Treasury securities of a similar maturity to the maturity of the loan

on the date of execution of the loan agreement.

(5) A secured loan for an eligible project under this subtitle shall be non-recourse to the joint venture partnership in the event of bankruptcy, insolvency, liquidation, or failure of the project to start commercial operation when the project is ready for commercial operation.

(c) LOAN GUARANTEE TERMS.—

(1) IN GENERAL.—A loan guarantee shall apply only when a project developer defaults on a loan solely as a result of the regulatory actions, directly applied to the project, of a State, Federal or local government.

(2) LIMITATION.—Nothing in this subsection shall obligate the Corporation or Secretary to provide payments in the event of a default that results from a project developer's malfeasance, misfeasance, or mismanagement of the construction or operation of the project, or from conduct or circumstances unrelated to the regulatory actions of any governmental entity.

(3) ESCROW.—The corporation shall hold in escrow the amounts necessary for payments in the event of a default by the project developer in accordance with the terms of this subsection.

SEC. 484. SOURCE OF FUNDING FOR PROGRAMS.

Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section —0333(g) of this division, subject to the limitation in section —0333(g)(3).

PART III—DEFINITIONS

SEC. 486. DEFINITIONS.

In this subtitle:

(1) ADVANCED REACTOR DESIGN.—The term ''advanced reactor design'' means any reactor design approved and certified by the Nuclear Regulatory Commission.

(2) CELLULOSIC ETHANOL.—The term ''cellulosic ethanol'' means ethanol produced from fibrous or woody plant materials.

(3) COMMERCIAL OPERATION.—

(A) NUCLEAR POWER FACILITY.—With respect to a nuclear power plant, the term ''commercial operation'' means the date—

(i) on which a new nuclear power plant has received a full power 40-year operating license from the Nuclear Regulatory Commission; and

(ii) by which all Federal, State, and local appeals and legal challenges to such operating license have become final.

(B) ADVANCED COAL POWER PLANTS.—With respect to an advanced coal power plant, the term ''commercial operation'' means the date—

(i) on which a new power plant has received a full power rating; and

(ii) by which all Federal, State, and local appeals and legal challenges to the operating license for the power plant have become final.

(4) CORPORATION.—The term ''Corporation'' means the Climate Change Credit Corporation.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means—

(A) any commercial nuclear power facility for the production of electricity that uses one or more advanced reactor designs;

(B) any advanced coal power plant utilizing the integrated gasification combined cycle technology with carbon capture and geological storage of greenhouse gases;

(C) any biofuels production facility which uses cellulosic feedstock; or

(D) any power facility which uses solar energy for the production of more than 75 percent of its annual output, which output capacity shall not be less than 10 megawatts as determined by common engineering practice.

(6) ELIGIBLE PROJECT COSTS.—The term ''eligible project costs'' means all costs related to the development and construction of an eligible project under this subtitle, including, without limitation, the cost of—

(A) development phase activities, including site acquisition and related real property agreements, environmental reviews, licensing and permitting, engineering and design work, off-taker agreements and arrangements, and other preconstruction activities;

(B) fabrication and acquisition of equipment, project construction activities and construction contingencies, project overheads, project management costs, and labor and engineering costs incurred during construction;

(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction; and

(D) any other costs that the Climate Technology Financing Board deems reasonable and appropriate as eligible project costs.

(7) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' means project construction financing of up to 80 percent of a project's eligible project costs in the form of a non-recourse secured loan or loan guarantee.

(8) FIRST-OF-A-KIND ENGINEERING COSTS.—The term ''first-of-a-kind engineering costs'' means the extra costs associated with the first units of a design category for engineering work that develops the design details that finish plant standardization up to a complete plant design and that can be reused for building subsequent units.

(9) JOINT VENTURE PARTNERSHIP.—The term ''joint venture partnership'' means a special purpose entity, including corporations, partnerships, or other legal entities established to develop, construct, and finance an eligible project and to receive financing proceeds in the form of non-recourse secured loans provided by the Secretary and private equity provided by project developers.

(10) LOAN.—The term ''loan'' means a direct non-recourse loan issued to a joint venture partnership engaged in developing an eligible project and funded by the Secretary under this subtitle, which is subject to repayment by the joint venture partnership under terms and conditions to be negotiated among the project developer, joint venture partnership, and the Secretary before the start of construction on the project.

(11) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary to pay all or part of the principle and interest on a loan or other debt obligation issued by a project developer related to its equity investment and funded by a lender.

(12) PROJECT DEVELOPER.—The term ''project developer'' means a corporation, partnership, or limited liability company that—

(A) provides reasonable assurance to the Secretary that the project developer can successfully manage plant operations;

(B) has the financial capability to contribute 20 percent equity to the development of the project; and

(C) upon commercial operation, will purchase the project from the joint venture partnership.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(14) SUBSIDY AMOUNT.—The term ''subsidy amount'' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal government of a loan, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays, in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SUBTITLE D—REVERSE AUCTION FOR TECHNOLOGY DISSEMINATION

SEC. 491. CLIMATE TECHNOLOGY CHALLENGE PROGRAM.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Climate Change Credit Corporation, shall develop and carry out a program in fiscal years 2006 through 2009, to be known as the ''Climate Technology Challenge Program''. The Secretary shall award funding through the program to stimulate innovation in development, demonstration, and deployment of technologies that have the greatest potential for reducing greenhouse gas emissions. The program shall be conducted as follows:

(1) The Secretary shall post a request for zero or low greenhouse gas energy services or products along with a suggested level of funding for each competition.

(2) The Secretary shall award the funding to the lowest bidder in each competition who meets all other qualifications in a form of a production incentive to supply—

(A) the requested services for a specified period of time; or

(B) the requested product within a specified period of time.

(b) FUNDING.—

(1) SOURCE.—Notwithstanding any other provision of law, or any other provision of this division, authorizing or appropriating funds to carry out the provisions of this division, no funds may be made available to carry out any activity under this subtitle except proceeds from the auction authorized by section —0333(g) of this division, subject to the limitation in section —0333(g)(3).

(2) OPERATING FUNDS.—Beginning with fiscal year 2010, the Climate Change Credit Corporation shall administer the Climate Technology Challenge Program using funds generated under section —0352 of this division.

(c) PROGRAM REQUIREMENTS.—

(1) COMPETITIVE PROCESS.—Recipients of awards under the program shall be selected through competitions conducted by the Secretary.

(2) ADVERTISEMENT OF COMPETITIONS.—The Secretary shall widely advertise any competitions conducted under the program.

(3) CATEGORIES OF COMPETITIONS.—The Secretary shall conduct separate competitions in the following areas of energy and fuel production and services:

(A) Advanced coal (including integrated gasification combined cycle) with carbon capture and storage.

(B) Renewable electricity.

(C) Energy efficiency (including transportation).

(D) Advanced technology vehicles.

(E) Transportation fuels.

(F) Carbon sequestration and storage.

(G) Zero and low emissions technologies.

(H) Adaptation technologies.

(I) The Secretary may also conduct competition for a general category to stimulate additional, unanticipated advances in technology.

(4) EVALUATIONS AND CRITERIA FOR COMPETITIONS.—

(A) PANEL OF EXPERTS.—The Secretary shall establish a separate panel of experts to evaluate proposals submitted under each competition.

(B) COMPETITION CRITERIA.—The Secretary, in consultation with other relevant Federal agency heads, shall set minimum criteria, including performance and safety criteria, for each competition. Proposals shall be evaluated on their ability to reduce, avoid, or sequester greenhouse gas emissions at a given price.

(C) FULL LIFE CYCLE.—All proposals within a competition shall compete on full life cycle avoided greenhouse gas emissions (as weighted by global warming potential) per dollar of incentive.

(5) REPORT OF AWARDS.—In 2009 and every 5 years thereafter the Secretary shall issue a report on the awards granted by the program, funding provided, and greenhouse gas emissions avoided or sequestered.

(6) PROGRAM EVALUATION.—The Secretary, in coordination with the National Academies of Science, shall evaluate the continued necessity of the program and future funding needs after fiscal year 2009. The evaluation shall be submitted 3 months before the end of fiscal year 2009 to the Congress and the Climate Change Credit Corporation.

(7) REVIEW AND REVISION BY CORPORATION.—The Climate Change Credit Corporation shall review and revise the awards program every 5 years starting in 2009, issuing new guidelines for the next 5 years of Climate Technology Challenge Program by the end of the fiscal year in which the evaluation in paragraph (6) is reported. The Climate Change Credit Corporation shall assess and adjust the categories of competitions as described in paragraph (3) to ensure new developing technologies that reduce, avoid, or sequester greenhouse gases and are in need of financial assistance for further development and deployment are the focus of the awards program.

(d) BUDGETING AND AWARDING OF FUNDS.—

(1) AVAILABILITY OF FUNDS.—Any funds appropriated to carry out this section shall remain available until expended, but for not more than 4 fiscal years.

(2) DEPOSIT AND WITHDRAWAL OF FUNDS.—When an award is offered, the Secretary shall deposit the total amount of funding made available for that award in the Climate Technology Challenge Trust Fund. If funding expires before an award is granted, the Secretary shall deposit additional funds in the account to ensure the availability of funding for all awards. If an award competition expires before its goals are met, the Secretary may redesignate those funds for a new challenge, but any redesignated funds will be considered as newly deposited for the purposes of paragraph (3). All cash awards made under this section shall be paid from that account.

(3) MAXIMUM AWARD.—No competition under the program may result in the award of more than $100,000,000 without the approval of the Secretary.

(4) POST-2010 FUNDING.—Funding for the competitions after fiscal year 2010 shall be taken from the Climate Change Credit Corporation.

(e) REGISTRATION; ASSUMPTION OF RISK.—

(1) REGISTRATION.—Each potential recipient of an award in a competition under the program under this section shall register for the competition.

(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities (including contractors and subcontractors at any tier, suppliers, users, customers, cooperating parties, grantees, investigators, and detailees), for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The Secretary may exercise the authority in this section in conjunction with or in addition to any other authority of the Secretary to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects that promote reduced greenhouse gas emissions.

SA 827. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT THROUGH 2010.

Paragraphs (1), (2), (3), (5), (6), (7), (9), and (10) of section 45(d) of the Internal Revenue Code of 1986, as amended by title XV, are amended by striking ''2009'' each place it appears and inserting ''2011''.

SA 828. Mr. BINGAMAN (for Mr. DORGAN) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the end appropriate place insert the following:

SEC. ___. EXPANSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY TO INCLUDE ELECTRIC THERMAL STORAGE UNIT.

(a) IN GENERAL.—Section 25C(b) of the Internal Revenue Code of 1986 (relating to limitation), as added by title XV, is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(4) $250 for any electric thermal storage unit.''.

(b) ELECTRIC THERMAL STORAGE UNIT.—Section 25C(c)(2)(A) of such Code, as so added, is amended—

(1) by striking ''or'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting '', or'', and

(3) by adding at the end the following new clause:

''(iv) an electric thermal storage unit which converts low-cost, off-peak electricity to heat and stores such heat for later use in specially designed ceramic bricks.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005.

SA 829. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 746, line 9, insert '', in consultation with the Administrator of the Environmental Protection Agency,'' after ''Secretary''.

SA 830. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 732, lines 6 and 7, insert '', in consultation with the Administrator of the Environmental Protection Agency,'' after ''Administration''.

SA 831. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 726, line 21, insert '', in consultation with the Administrator of the Environmental Protection Agency,'' after ''Secretary''.

SA 832. Mr. BINGAMAN (for Mr. JEFFORDS) submitted an amendment intended to be proposed by Mr. BINGAMAN to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 724, line 12, insert before ''shall enter'' the following: '', in consultation with the Administrator of the Environmental Protection Agency,''.

On page 726, line 5, insert ''and the Administrator of the Environmental Protection Agency'' after ''Interior''.

On page 726, line 10, insert before ''shall report'' the following: ''and the Administrator of the Environmental Protection Agency''.

On page 726, line 14, strike ''Secretary's agreement or disagreement'' and insert ''agreement or disagreement of the Secretary of the Interior and the Administrator of the Environmental Protection Agency''.

SA 833. Mr. KOHL (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. LEVIN, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.''.

SA 834. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 52, line 24, strike ''efficiency; and'' and all that follows through page 53, line 8 and insert the following: ''efficiency;

''(C) understanding and accessing Federal procurement opportunities with regard to Energy Star technologies and products; and

''(D) identifying financing options for energy efficiency upgrades.

''(2) The Secretary, the Administrator of the Environmental Protection Agency, and the Administrator of the Small Business Administration shall make program information available to small business concerns directly through the district offices and resource partners of the Small Business Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives (SCORE), and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture.

''(3) The Secretary, on a cost shared basis in cooperation with the Administrator of the Environmental Protection Agency, shall provide to the Small Business Administration all advertising, marketing, and other written materials necessary for the dissemination of information under paragraph (2).

''(4) There are authorized to be appropriated in fiscal year 2006, such sums as may be necessary to carry out this subsection, which shall remain available until expended.''.

SA 835. Mrs. CLINTON (for herself and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 2___. NATIONAL PRIORITY PROJECT DESIGNATION.

(a) DESIGNATION OF NATIONAL PRIORITY PROJECTS.—

(1) IN GENERAL.—There is established the National Priority Project Designation (referred to in this section as the ''Designation''), which shall be evidenced by a medal bearing the inscription ''National Priority Project''.

(2) DESIGN AND MATERIALS.—The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(b) MAKING AND PRESENTATION OF DESIGNATION.—

(1) IN GENERAL.—The President, on the basis of recommendations made by the Secretary, shall annually designate organizations that have—

(A) advanced the field of renewable energy technology and contributed to North American energy independence; and

(B) been certified by the Secretary under subsection (e).

(2) PRESENTATION.—The President shall designate projects with such ceremonies as the President may prescribe.

(3) USE OF DESIGNATION.—An organization that receives a Designation under this section may publicize the Designation of the organization as a National Priority Project in advertising.

(4) CATEGORIES IN WHICH THE DESIGNATION MAY BE GIVEN.—Separate Designations shall be made to qualifying projects in each of the following categories:

(A) Wind and biomass energy generation projects.

(B) Photovoltaic and fuel cell energy generation projects.

(C) Energy efficient building and renewable energy projects.

(D) First-in-Class projects.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—Certification and selection of the projects to receive the Designation shall be based on criteria established under this subsection.

(2) WIND, BIOMASS, AND BUILDING PROJECTS.—In the case of a wind, biomass, or building project, the project shall demonstrate that the project will install not less than 30 megawatts of renewable energy generation capacity.

(3) SOLAR PHOTOVOLTAIC AND FUEL CELL PROJECTS.—In the case of a solar photovoltaic or fuel cell project, the project shall demonstrate that the project will install not less than 3 megawatts of renewable energy generation capacity.

(4) ENERGY EFFICIENT BUILDING AND RENEWABLE ENERGY PROJECTS.—In the case of an energy efficient building or renewable energy project, in addition to meeting the criteria established under paragraph (2), each building project shall demonstrate that the project will—

(A) comply with third-party certification standards for high-performance, sustainable buildings;

(B) use whole-building integration of energy efficiency and environmental performance design and technology, including advanced building controls;

(C) use renewable energy for at least 50 percent of the energy consumption of the project;

(D) comply with applicable Energy Star standards; and

(E) include at least 5,000,000 square feet of enclosed space.

(5) FIRST-IN-CLASS USE.—Notwithstanding paragraphs (2) through (4), a new building project may qualify under this section if the Secretary determines that the project—

(A) represents a First-In-Class use of renewable energy; or

(B) otherwise establishes a new paradigm of building integrated renewable energy use or energy efficiency.

(d) APPLICATION.—

(1) INITIAL APPLICATIONS.—No later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with this section.

(2) CONTENTS.—The application shall describe the project, or planned project, and the plans to meet the criteria established under subsection (c).

(e) CERTIFICATION.—

(1) IN GENERAL.—Not later than 60 days after the application period described in subsection (d), and annually thereafter, the Secretary shall certify projects that are reasonably expected to meet the criteria established under subsection (c).

(2) CERTIFIED PROJECTS.—The Secretary shall designate personnel of the Department to work with persons carrying out each certified project and ensure that the personnel—

(A) provide each certified project with guidance in meeting the criteria established under subsection (c);

(B) identify programs of the Department, including National Laboratories and Technology Centers, that will assist each project in meeting the criteria established under subsection (c); and

(C) ensure that knowledge and transfer of the most current technology between the applicable resources of the Federal Government (including the National Laboratories and Technology Centers, the Department, and the Environmental Protection Agency) and the certified projects is being facilitated to accelerate commercialization of work developed through those resources.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

SA 836. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 346, between lines 21 and 22, add the following:

Subtitle C—Loan Guarantees

SEC. 421. LOAN GUARANTEES.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary may provide loan guarantees for a project to produce energy and clean fuels from Western subbituminous coal using appropriate coal liquefaction technology.

(b) REQUIREMENTS.—The project described in subsection (a) shall use coal owned by a State government, in combination with private and Tribal coal resources.

SA 837. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 53, line 8, strike the quotation marks and the final period and insert the following:

''(3) NATIONAL CENTER FOR APPROPRIATE TECHNOLOGY SMALL BUSINESS ENERGY CLEARINGHOUSE.—The Secretary and the Administrator of the Small Business Administration, as a part of the outreach to small business concerns regarding the Energy Star Program required by this subsection, may enter into a cooperative agreement with the National Center for Appropriate Technology to establish, maintain, and promote a Small Business Energy Clearinghouse (in this section referred to as the 'Clearinghouse'). The Secretary and the Administrator shall ensure that the Clearinghouse provides a centralized resource where small business concerns may access, telephonically and electronically, technical information and advice to help increase energy efficiency and reduce energy costs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, to remain available until expended.''.

SA 838. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

On page 656, between lines 19 and 20, insert the following:

SEC. 1237. KENTUCKY PILOT PROGRAM.

(a) EQUITABILITY WITHIN TERRITORY RESTRICTED ELECTRIC SYSTEMS.—Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is amended—

(1) by striking ''October 1, 1991'' and inserting ''April 1, 2005''; and

(2) by striking the period at the end and inserting '': *Provided further*, That this subsection shall not apply in the Commonwealth of Kentucky.''.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the costs, benefits, and other effects of the amendment made by this section, including differing costs to electricity consumers in the Commonwealth of Kentucky.

(B) INCLUSION.—In conducting the study under subparagraph (A), the Comptroller General shall evaluate the potential costs and benefits of granting the Federal Energy Regulatory Commission jurisdiction over the entire Tennessee Valley Authority grid with respect to sales and purchases of electricity by the Tennessee Valley Authority.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the findings of the study under paragraph (1).

SA 839. Mr. LAUTENBERG (for himself, Mr. REID, Mr. LIEBERMAN, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future

with secure, affordable, and reliable energy; as follows:

At the appropriate place, insert the following:

TITLE —SAVE CLIMATE SCIENCE

SEC. —01. SHORT TITLE.

This title may be cited as the ''Save Climate Scientific Credibility, Integrity, Ethics, Nonpartisanship, Consistency, and Excellence Act'' or the ''Save Climate SCIENCE Act''.

SEC. —02. FINDINGS.

The Congress finds the following:

(1) Federal climate-related reports and studies that summarize or synthesize science that was rigorously peer-reviewed and that cost taxpayers millions of dollars, were altered to misrepresent or omit information contained in the underlying scientific reports or studies.

(2) Reports of such alterations were exposed by scientists who were involved in the preparation of the underlying scientific reports or studies.

(3) Such alteration of Federal climate-related reports and studies raises questions about the credibility, integrity, and consistency of the United States climate science program.

SEC. —03. PUBLICATION REQUIREMENT.

(a) IN GENERAL.—Within 48 hours after an executive agency (as defined in section 105 of title 5, United States Code) publishes a summary, synthesis, or analysis of a scientific study or report on climate change that has been modified to reflect comments by the Executive Office of the President 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 make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public both the final version and the last draft version before it was modified to reflect those comments.

(b) FORMAT AND EASE OF COMPARISON.—The documents shall be made available—

(1) in a format that is generally available to the public; and

(2) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 texts.

SEC. —04. ENFORCEMENT.

The failure, by the head of an executive agency, to comply with the requirements of section —02 shall be considered a failure to file a report required by section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. —05. ANNUAL REPORT BY COMPTROLLER GENERAL.

The Comptroller General shall transmit to the Congress within 1 year after the date of enactment of this Act, and annually thereafter, a report on compliance with the requirements of section —02 by executive agencies that includes a information on the status of any enforcement actions brought under section 104 of the Ethics in Government Act of 1978 (5 U.S.C. App.) for violations of section —02 of this Act during the 12-month period covered by the report.

SEC. —06. WHISTLEBLOWER EXTENSION FOR DISCLOSURES RELATING TO INTERFERENCE WITH CLIMATE SCIENCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 2302(b)(8) of title 5, United States Code, are amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by adding ''or'' at the end; and

(3) by inserting after clause (ii) the following:

''(iii) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading,''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1212(a)(3) of title 5, United States Code, is amended—

(A) by striking ''regulation, or gross'' and inserting ''regulation; gross''; and

(B) by adding at the end the following: ''or tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''

(2) Section 1213(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by inserting ''or'' at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading;''; and

(B) in paragraph (2)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking ''safety.'' in subparagraph (B) and inserting ''safety; or''; and

(C) by inserting after subparagraph (B) the following:

''(C) tampering with the conduct of Federally funded climate-related scientific research or analysis, altering or omitting the findings of Federally funded climate-related scientific research or analysis, or directing the dissemination of climate-related scientific information known by the directing employee to be false or misleading.''.

SA 840. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX INCENTIVES FOR TRUCKS WITH NEW DIESEL ENGINE TECHNOLOGIES.

(a) INVESTMENT CREDIT FOR TRUCKS WITH NEW DIESEL TECHNOLOGY.—

(1) IN GENERAL.—

(A) ALLOWANCE OF CREDIT.—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 48 the following new section:

''SEC. 48E. NEW DIESEL TECHNOLOGY CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the new diesel technology credit for any taxable year is 5 percent of the cost of any qualified truck which is placed in service on or after January 1, 2007, and before January 1, 2008.

''(b) QUALIFIED TRUCK.—For purposes of this section, the term 'qualified truck' means any motor vehicle (as defined in section 30(c)(2)) which—

''(1) is first placed in service on or after January 1, 2007,

''(2) is propelled by diesel fuel,

''(3) has a gross vehicle weight rating of more than 33,000 pounds, and

''(4) complies with the regulations of the Environmental Protection Agency with respect to diesel emissions for model year 2007 and later.''.

(B) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 of such Code, as amended by this Act, is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) the new diesel technology credit.''.

(C) CONFORMING AMENDMENTS.—

(i) Section 49(a)(1)(C) of such Code, as amended by this Act, is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by adding at the end the following new clause:

''(vii) the basis of any qualified truck.''.

(ii) 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 48 the following new item:

''Sec. 48E. New diesel technology credit.''.

(2) CREDIT ALLOWED AGAINST AMT.—

(A) IN GENERAL.—Subsection (c) of section 38 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR NEW DIESEL TECHNOLOGY CREDIT.—

''(A) IN GENERAL.—In the case of the new diesel technology credit—

''(i) this section and section 39 shall be applied separately with respect to such credit, and

''(ii) in applying paragraph (1) to such credit—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the new diesel technology credit).

''(B) NEW DIESEL TECHNOLOGY CREDIT.—For purposes of this subsection, the term 'new diesel technology credit' means the portion of the investment credit under section 46 determined under section 48E.''.

(B) CONFORMING AMENDMENTS.—Paragraphs (2)(A)(ii)(II), (3)(A)(ii)(II), and (4)(A)(ii)(II) of section 38(c) of such Code are each amended by inserting ''or the new diesel technology credit'' after ''the specified credits''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2006, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) ELECTION TO EXPENSE QUALIFIED TRUCKS.—

(1) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after section 179B the following new section:

''SEC. 179E. ELECTION TO EXPENSE NEW DIESEL TECHNOLOGY TRUCKS.

''(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the cost of any qualified truck (as defined in section 48E) as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified truck is placed in service.

''(b) ELECTION.—

''(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

''(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

''(c) TERMINATION.—This section shall not apply to property placed in service after December 31, 2007.''.

(2) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of such Code, as amended by this Act, is amended by inserting after the item relating to section 179D the following new item:

''Sec. 179E. Election to expense new diesel technology trucks.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service on or after January 1, 2007.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources for Tuesday, June 28, 2005 at 3 p.m. has been cancelled.

The purpose of the hearing was to receive testimony on the water supply status in the Pacific Northwest and its impact on power production, as well as to receive testimony on S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

For further information, please contact Kellie Donnelly 202–224–9360 or Steve Waskiewicz at 202–224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 21, 2005, at 9:30 a.m., to receive a classified briefing regarding improvised explosive devices (IEDS).

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2005, at 10 a.m., to conduct a hearing on ''The Consideration of Regulatory Relief Proposals.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 9:30 a.m. to hold a hearing on Russia.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, 2005 at 2:30 p.m., to hold a hearing on nominations.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 21, 2005, at 9:15 a.m., for a hearing titled, ''Juvenile Diabetes: Examining the Personal Toll on Families, Financial Costs to the Federal Health Care System, and Research Progress Toward a Cure.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 21, 2005, at 10 a.m., to conduct a hearing to examine the issue of voter verification in the Federal elections process.

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

SUBCOMMITTEE ON FISHERIES AND COAST GUARD

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries and Coast Guard be authorized to meet on Tuesday, June 21, 2005, on Coast Guard's Revised Deepwater Implementation Plan at 10 a.m., in SR–253.

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

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I further ask consent that Eric Loewen of my staff be granted floor privileges during consideration of the Energy bill.

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

Mr. DAYTON. Mr. President, I ask unanimous consent that Max Frances Moran of my office be granted floor privileges during the debate on the Energy bill.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that Douglas Rathbun be granted the privilege of the floor for the duration of debate on H.R. 6.

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

AMENDING COMMUNICATIONS SATELLITE ACT OF 1962

Mr. DOMENICI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1282 that was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1282) to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1282) was read the third time and passed, as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL INTERESTS OF OFFICERS, MANAGERS, OR DIRECTORS.

Section 621(5)(D) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(D)) is amended—

(1) by striking ''(I)'' in clause (ii);

(2) by striking ''signatories, or (II)'' in clause (ii) and all that follows through ''mechanism;'' and inserting ''signatories; and'';

(3) by striking ''organization; and'' in clause (iii) and inserting ''organization.''; and

(4) by striking clause (iv).

SEC. 2. CRITERIA FOR INTELSAT SEPARATED ENTITIES.

Subtitle B of title VI of the Communications Satellite Act of 1962 (47 U.S.C. 763 et seq.) is amended by striking section 623 (47 U.S.C. 763b).

SEC. 3. PRESERVATION OF SPACE SEGMENT CAPACITY OF THE GMDSS.

Section 624 of the Communications Satellite Act of 1962 (47 U.S.C. 763c) is amended to read as follows:

''SEC. 624. SPACE SEGMENT CAPACITY OF THE GMDSS.

''The United States shall preserve the space segment capacity of the GMDSS. This section is not intended to alter the status that the GMDSS would otherwise have under United States laws and regulations of the International Telecommunication Union with respect to spectrum, orbital locations, or other operational parameters, or to be a barrier to competition for the provision of GMDSS services.''.

SEC. 4. SATELLITE SERVICE REPORT.

(a) ANNUAL REPORT.—The Federal Communications Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. The Commission shall transmit a copy of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

(b) CONTENT.—The Commission shall include in the report—

(1) an identification of the number and market share of competitors in domestic and international satellite markets;

(2) an analysis of whether there is effective competition in the market for domestic and international satellite services; and

(3) a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

MEASURE PLACED ON THE CALENDAR—H.R. 2745

Mr. DOMENICI. I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 2745) to reform the United Nations, and for other purposes.

Mr. DOMENICI. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, JUNE 22, 2005

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 22. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy bill, provided that when the Senate resumes consideration of the Energy bill, Senator FEINSTEIN be recognized to offer an amendment as provided under the previous order.

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

PROGRAM

Mr. DOMENICI. Tomorrow, the Senate will resume consideration of the Energy bill. Under the previous order, as we have just indicated, Senator FEINSTEIN will offer a liquefied natural gas amendment in the morning, under 1-hour time agreement. Following that debate, the Senator from West Virginia, Senator BYRD, will offer an amendment regarding rural gas prices. It is my hope that we will be able to stack the votes in relation to the Feinstein amendment with additional votes tomorrow morning. Senators should expect at least 1 vote prior to lunch.

For the remainder of the day, we will continue working through the amendments on the bill.

We reached an agreement tonight with respect to the McCain-Lieberman climate change amendment. We expect to dispose of the amendment tomorrow afternoon. We will consider additional amendments tomorrow, and Senators should expect rollcall votes throughout the day and into the evening.

Finally, I remind Senators we just filed cloture on the bill. That cloture vote will occur on Thursday, as we try to complete the bill this week.

As a reminder, under the provisions of rule XXII, the first-degree amendments must be filed by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Wednesday, June 22, 2005, at 9:30 a.m.