improve such programs, and for other purposes.

S. 677

At the request of Mrs. CLINTON, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. BROWN) were added as cosponsors of S. 677, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 701

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 691, 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. 713

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 713, a bill to direct the Department of Education to use part of its fiscal year 2006 appropriation to support initiatives to improve reading instruction for children with disabilities and for other purposes.

S. 731

At the request of Mr. SALAZAR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 731, a bill to develop a methodology for, and complete the assessment of, geological storage capacity for carbon dioxide, and for other purposes.

S. 747

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 747, a bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes.

S. 756

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 756, a bill to prohibit schools from using the funds appropriated by the 2001 No Child Left Behind Act—until they add up to a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

S. 761

At the request of Mr. REID, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 803, a bill to make a provision in the Federalrong relief Act of 2005 that provides Federal matching of State spending of child support incentive payments.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. J. RES. 9

At the request of Mr. SALAZAR, his name was withdrawn as a cosponsor of S. J. Res. 9, a joint resolution to revise United States policy on Iraq.

S. CON. RES. 14

At the request of Mr. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 14, a concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 873. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high employment areas and to to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

S. 878. A bill to extend the application of the provisions of the No Child Left Behind Act to the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

S. 887. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for individuals in the teaching profession to reward teachers willing to stay in the classroom, especially in rural schools and high poverty schools.

Unfortunately, without our help, America’s poor and rural schools may not be able to attract the qualified teachers this legislation mandates and our children deserve. Isolated, struggling and competing against higher paying well-funded school districts for scarce classroom talent, such schools face a shortage of qualified teachers. As pressure to hire qualified teachers increases, this shortage will become a crisis, and children already at a disadvantage in relation to their more affluent and less isolated peers will be the ones who suffer most.

Today, I propose a bill that will help bring dedicated and qualified teaching professionals to West Virginia’s and America’s poor and rural schools, and help give their students the opportunity to learn and flourish that every child deserves. The Innovation and Education to Improve Education Act— or “I Teach” Act—will provide teachers a refundable tax credit every year they practice their profession in the public schools where they are needed most. And it will give every public school teacher—whichever school they choose—a refundable tax credit for earning certification by the National Board for Professional Teaching Standards. Together, these two tax credits give better access to the best and brightest teachers, and offer our national board teachers a better ability to recruit and retain skilled teachers.

One-fourth of America’s children attend public schools in rural areas, and of the 250 poorest counties in the United States, 244 are rural. West Virginia has rural schools scattered through 36 of its 55 counties, and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location.

Attracting teachers to these schools is difficult in large part due to the vast gap between what rural districts are able to offer and the salaries paid by more affluent school districts—as wide as $20,000 a year, according to one study. Disadvantaged schools must overcome similar difficulties. It is often a challenge for these schools to attract and keep qualified teachers. Yet according to the 2001 No Child Left Behind Act, every school must have qualified teachers by the end of the 2005–2006 school year.

My “I Teach” Act will reward teachers willing to work in rural or high poverty schools with an annual $1,000 refundable tax credit. If a teacher obtains certification by the National Board for Professional Teaching Standards, they will receive an additional annual $2,000 refundable tax credit.

Every teacher willing to work in underserved schools will earn a tax credit. Every teacher who gets certified will earn a tax credit. Teachers who work in rural or disadvantaged schools and get certified will earn both. Schools that desperately need help attracting teachers will get a boost. And children educated in poor and rural schools will benefit most.

In my State of West Virginia, as in over 30 other States, there is already a State fiscal incentive for teachers who earn national board certification. There are over 55,000 teachers with a national board certificate, and 280 are West Virginia teachers. West Virginia offers our national board teachers a $2500 bonus. My legislation builds upon the West Virginia program; together, they add up to a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

I have spent a great deal of time in West Virginia classrooms this year,
and it has become obvious to me that our education agenda suffers greatly from inadequate funding on a number of fronts. That is why I Teach is part of my education agenda. I also want to promote school construction bonds to improve facilities and renovate and modernize classrooms. For a decade, I have fought for the E-Rate program to provide $2.25 billion in discounts to connect our schools and libraries to modern technology.

Education must be among our top national priorities, essential for every family with a child and vital for our economic and national security. I supported the bold goals and higher standards of the 2001 No Child Left Behind Act, but they won’t be met unless our schools have the teachers and resources they need. I am committed to working closely with my Senate colleagues this year to secure as much funding as possible for our children’s education.

As important as school construction and technology are in the classroom, neither can replace a qualified and motivated teacher; therefore making it easier for underserved schools to attract the teachers they need remains one of my most important objectives. I hope each of my colleagues will join me in supporting this important legislation which takes a great stride toward providing better education for every child in the United States.

By Mr. DORGAN (for himself and Mr. CRAIG).

S. 875. A bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploitation and production, and improving international arrangements to secure the global petroleum supplies needed for purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senator CRAIG to introduce legislation called the Security and Fuel Efficiency Act of 2007 or SAFE Energy Act. This legislation is a balanced plan with the overall goal to improve the energy security of the U.S. through a 50 percent reduction in the oil intensity of the economy by 2030.

What that means, plainly, is that if we used more than 4 barrels of oil in 1973 for every one unit of GDP and are using just over 2 barrels of oil per unit of GDP today, then under the provisions of the SAFE Energy Act we are striving to get down to 1 barrel of oil per GDP by 2030. This is important to me because the United States remains dangerously dependent on foreign sources of oil. Today we import over 60 percent of our oil from Iraq, Kuwait, Saudi Arabia, and other unstable regions of the world. This is very troubling to me.

In the United States, we use about 67 percent of our oil to power our vehicles. This is the area where we are least secure and increasingly dependent. I am proposing along with my colleague, Senator CRAIG, a bipartisan, balanced approach to securing our future energy needs and reducing our dependence on foreign oil.

Our proposal is grounded in four cornerstone principles. The first principle is achievable, stepped increases in fuel efficiency of the transportation fleet. The second principle promotes increased availability of alternative fuel sources and infrastructure. The third principle calls for expanded production and enhanced exploration of domestic and other secure oil and natural gas resources. Finally, the fourth principle improves the management of alliances to better secure global energy supplies.

Senator CRAIG and I came together on this legislation because we believe that bolder energy security measures must be taken to address our long-term security, economic growth and environmental protection. Producing much of our energy at home will also address other major challenges.

There is no silver bullet to solving our energy dependence. Digging and drilling is a strategy I call yesterday forever. Conservation alone is not the answer. Renewable fuels hold promise, but we need to do much more here. We believe the combination of steps in the SAFE Energy Act provides the right pathway to U.S. energy security.

I ask unanimous consent that the text of the Security and Fuel Efficiency Energy Act of 2007 be printed in the RECORD.

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

S. 875

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 the “Security and Fuel Efficiency Energy Act of 2007” or the “SAFE Energy Act of 2007.”

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Title I—Increased Fuel Efficiency of the Transportation Sector

Title II—Increased Use of Alternative Fuels and Infrastructure

Title III—Development and Inventory of Certain Outer Continental Shelf Resources

Title IV—Management of Energy Risks

Title V—Strategy of Energy Infrastructure Equipment Reserve

Title VI—Miscellaneous

Title VII—Findings

Title VIII—Sunset

Title IX—Authorization of Appropriations

(b) Definitions of Passenger Motor Car.—Section 32901(a)(3) of title 49, United States Code, is amended—

(1) by striking “4-wheeled”;

(2) by striking “,” and inserting “; and”; and

all that follows and inserting a period.

(b) Definition of Passenger Automobile.—Section 32901(a)(16) of such title is amended by striking “and regulation—” and all that follows through the period and inserting “determines by regulation,” to have a significant feature (except 4-wheel drive) designed for off-highway operation.”

(c) Fuel Economy Information.—Section 32908(a) of such title is amended—

(1) by striking “DEFINITION” and inserting “DEFINITIONS”;

and

(2) by striking “—” and all that follows through “(2)” and inserting “—section, the term,”

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 2011, and apply to automobiles manufactured for model year 2012 and for each subsequent model year.

Sec. 101. Definitions.

Sec. 102. Annual increase in average fuel economy standards.

Sec. 103. Tax credits for alternative motor vehicles and fuel-efficient motor vehicles.

Sec. 104. Alternative technology motor vehicles manufacturing credit.

Sec. 105. Increase in maximum allowable gross weight for vehicles using certain National System of Interstate and Defense Highways.

Sec. 201. Renewable fuel standard.

Sec. 202. Modification of credit for alternative fuel vehicle refueling property.

Sec. 203. Enacted fuel infrastructure.

Sec. 204. Requirement to increase percentage of dual fueled automobiles.

Sec. 205. Emerging biofuels.

Sec. 206. Biodiesel.

Sec. 207. Unconventional fossil fuels.

Sec. 208. Study of incentives for renewable fuels.

Sec. 209. Definition of alternative fuel.


Sec. 211. Travel in connection with authorized hydrocarbon exploration and extraction activities.

Sec. 212. Monitored oil and gas leasing in certain areas of the Gulf of Mexico.

Sec. 213. Inventory of outer Continental Shelf oil and natural gas resources off southeastern coast of the United States.

Sec. 214. Enhanced oil recovery.

Sec. 215. Management of energy risks.

Sec. 216. Strategy of energy infrastructure equipment reserve.

Sec. 217. Studies and reports.

Sec. 218. Authorization of appropriations.

Sec. 219. Findings.

Sec. 220. Sunsets.

Sec. 301. Definition.

Sec. 302. Inventory of outer Continental Shelf oil and natural gas resources off southeastern coast of the United States.

Sec. 303. Definition.


Sec. 305. Inventory of outer Continental Shelf oil and natural gas resources off southeastern coast of the United States.

Sec. 306. Enhanced oil recovery.

Title IV—Management of Energy Risks


Sec. 402. Strategic energy infrastructure equipment reserve.

Sec. 403. Permits for energy infrastructure development and inventory of outer continental shelf resources.

Sec. 404. Authorization of activities and exports involving hydrocarbon resources by United States persons.

Sec. 405. Authorization of appropriations.

Sec. 406. Findings.

Sec. 407. Certification and reporting.

Sec. 408. Ombudsman for energy infrastructure.

Sec. 409. Authorization of appropriations.

Sec. 410. Definitions.


Sec. 412. Strategic energy infrastructure equipment reserve.


Sec. 415. Strategic energy infrastructure equipment reserve.

Sec. 416. Strategic energy infrastructure equipment reserve.

Sec. 417. Strategic energy infrastructure equipment reserve.

Sec. 418. Strategic energy infrastructure equipment reserve.

Sec. 419. Strategic energy infrastructure equipment reserve.
For model year 2012—For model year 2012, the average fuel economy standard for each class of automobiles shall be the average combined highway and city miles per gallon (mpg) for the United States and no offsetting safety improvements can be practically implemented for that model year or (C) is cost effective.

(2) MAXIMUM STANDARD.—Any average fuel economy standard prescribed for a class of automobiles in a model year under paragraph (1) shall be the maximum standard that

(A) is technologically achievable;

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

(C) is cost effective.

(3) CONSIDERATIONS IN DETERMINATION OF COST EFFECTIVENESS.—In determining cost effectiveness under paragraph (1)(C), the Secretary of Transportation shall take into account the total value to the United States of reducing, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of one gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

(A) value to consumers;

(B) economic security;

(C) national security;

(D) foreign policy;

(E) the impact of oil use—

(i) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

(ii) on import costs, weight transfers, and potential gross domestic product due to increased trade imbalances;

(iii) on import costs, weight transfers and cartel rents paid to foreign suppliers;

(iv) on macroeconomic dislocation and adjustment costs during oil shocks;

(v) on existing energy security policies, including the management of the Strategic Petroleum Reserve;

(vi) on the timing and severity of the oil peak, and

(vii) on the risk, probability, size, and duration of oil supply disruptions;
Revenue Code of 1986 is amended by adding at the end the following new section:

**SEC. 30D. NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE CREDIT.**

(a) In General.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount determined under subsection (b) with respect to the credit allowed under section 30C with respect to each new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

(b) CREDIT AMOUNT.—

(1) FUEL ECONOMY.—

(A) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Vehicle Weight Rating</th>
<th>Credit Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2,000 pounds</td>
<td>$150</td>
</tr>
<tr>
<td>2,000 pounds but not more than 4,000 pounds</td>
<td>$300</td>
</tr>
<tr>
<td>4,000 pounds but not more than 6,000 pounds</td>
<td>$500</td>
</tr>
<tr>
<td>6,000 pounds but not more than 8,000 pounds</td>
<td>$750</td>
</tr>
<tr>
<td>More than 8,000 pounds</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

(B) The credit amount determined under paragraph (1) with respect to any vehicle shall be increased by the amount of each credit allowed under subsection (a) of section 30C for that make and model year vehicle, an amount equal to the excess (if any) of—

(1) 120,000 divided by the 2012 model year average fuel economy standard for the vehicle class, over

(2) 120,000 divided by the fuel economy for such vehicle.

(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given such term by section 30C(c)(2).

(3) FUEL ECONOMY.—The fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

(4) OTHER TERMS.—The terms ‘automotive’, ‘passenger automobile’, ‘medium duty passenger vehicle’, ‘light truck’, and ‘manufacturers’ shall have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

(5) Special Rules.—

(1) Reduction in Basis.—For purposes of this subsection, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

(2) No Double Benefit.—

(A) Coordination with Other Vehicle Credits.—No credit shall be allowed under subsection (a) with respect to any new qualified fuel-efficient motor vehicle for any taxable year if a credit is allowed with respect to such motor vehicle.

(B) Other Tax Benefits.—The amount of any deduction or credit (other than the credit allowable under subsection (a)) shall be reduced by the amount of the credit allowed under subsection (a) for such motor vehicle for such taxable year.

(3) Property Used Outside the United States, etc.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 30(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

(4) Election Not to Take Credit.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

(5) Application with Other Credits.—

(A) Business Credit Treated as Part of General Business Credit.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)) for such taxable year.

(B) Personal Credit.—The credit allowed under subsection (a) (after the application of paragraph (1) for any taxable year shall not exceed the excess (if any) of—

(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27 and 30, over

(B) the tentative minimum tax for the taxable year.

(6) Regulations.—

(1) In General.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

(2) Coordination in Prescription of Certain Regulations.—The Secretary of the Treasury, in coordination with the Secretary of Transportation, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements of this section to be eligible for a credit under this section.

(2) Conforming Amendments.—

(A) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

(38) to the extent provided in section 30D(e)(1).

(B) Section 6501(m) of such Code is amended by inserting “30D(e)(4)”, after “30C(e)(5)”,.

(C) The table of sections for part IV of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 30D. New qualified fuel-efficient motor vehicle credit.”

(3) Effective Date.—The amendments made by this subsection shall apply to vehicles placed in service after December 31, 2010.

**SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.**

(a) In General.—Subpart B of part IV of chapter 1 of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

(38) to the extent provided in section 30D(e)(1).

(b) The table of sections for part IV of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 30E. Advanced technology motor vehicles manufacturing credit.”

(2) Conforming Amendments.—

(A) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

(38) to the extent provided in section 30D(e)(1).

(B) Section 6501(m) of such Code is amended by inserting “30D(e)(4)”, after “30C(e)(5)”,.

(C) The table of sections for part IV of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 30E. Advanced technology motor vehicles manufacturing credit.”

1. New qualified fuel-efficient motor vehicle credit.

2. Advanced technology motor vehicles manufacturing credit.

3. Effective date.


5. Regulations.

(1) In general.

(2) Coordination in prescription of certain regulations.

(3) Conforming amendments.

(4) Effective date.

(5) Conforming amendments.

(6) Regulations.
investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

“(c) Advanced Technology Motor Vehicles and Eligible Components.—For purposes of this section—

“(1) Advanced Technology Motor Vehicle.—The term ‘advanced technology motor vehicle’ means—

“(A) any qualified electric vehicle (as defined in section 30(c)(1)),

“(B) any new qualified fuel cell vehicle motor vehicle (as defined in section 30B(b)(3)),

“(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

“(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

“(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4)), including any mixed-fuel vehicle (as defined in section 30B(e)(5)),

“(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (b)), and

“(G) any other advanced sustainable energy vehicle.

“(2) Eligible Components.—The term ‘eligible component’ means any component inherent to any advanced technology motor vehicle, including—

“(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

“(i) motor, engine, or transmission,

“(ii) fuel storage and emission control systems,

“(iii) motor, engine, or transmission control systems,

“(iv) power train,

“(v) battery,

“(B) with respect to any all-electric new qualified hybrid motor vehicle—

“(i) electric drive motor (as defined in section 30B(e)(4)),

“(ii) hydraulic pump, or

“(iii) hydraulic pump-motor assembly,

“(C) with respect to any new lean burn technology motor vehicle—

“(i) motor, engine, or transmission,

“(ii) turbocharger, or

“(iii) fuel injection system,

“(D) with respect to any treatment system, such as a particle filter or NOx absorber, and

“(E) with respect to any advanced technology motor vehicle and any other component submitted for approval by the Secretary.

“(3) Electric Drive Transportation Technology.—The term ‘electric drive transportation technology’ means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

“(d) Integration Costs.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology motor vehicles or other engineering tasks relating to—

“(I) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

“(II) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

“(III) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems with mating systems for a specific vehicle application, and

“(IV) validating functionality and performance of components and subsystems for a specific vehicle application and

“(e) Eligible Taxpayer.—For purposes of this section, the term ‘eligible taxpayer’ means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

“(f) Basis.—For purposes of this section—

“(1) Basis of Credit.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(I) the sum of—

“(i) the regular tax liability (as defined in section 26(b)(1)) for such taxable year, plus

“(ii) the tax imposed by section 55 for such taxable year attributable to the taxable year ending after 1986 and not taken into account under section 53 for any prior taxable year,

“(II) other amounts taken into account under section 30B in determining the amount of the credit, and

“(III) other amounts taken into account for purposes of determining the credit for such taxable year.

“(2) Coordination with Other Deductions and Credits.—Except as provided in paragraph (2), the amount of any deduction or credit allowed under any other provision of chapter 1 for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit.

“(g) Research in Basin.—For purposes of this subtitile, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(h) No Double Benefit.—

“(1) Coordination with Other Deductions and Credits.—Except as provided in paragraph (2), the amount of any deduction or credit allowed under any other provision of chapter 1 for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit.

“(2) Research and Development Costs.—

“(A) In general.—Except as provided in paragraph (2), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

“(B) Costs Taken into Account in Determining Base Period Research Expenditures.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining the base period research expenses for purposes of applying section 41 to subsequent taxable years.

“(C) Business Carryovers Allowed.—If the credit allowed under subsection (a) for any taxable year exceeds the credit attributable to the taxable year under subsection (f) for such taxable year, such excess (to the extent of the credit allowed with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 38.

“(d) Determination.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall promulgate such regulations as are necessary to carry out the provisions of this section.

“(f) Termination.—This section shall not apply to any qualified investment after December 31, 2019.

“(g) Conforming Amendments.—

“(1) Section 101(a) of the Internal Revenue Code of 1986 is amended by striking ‘‘30A(e)’’, and inserting ‘‘30B(e)’’, and by adding at the end the following new paragraph:

“(30B(e)) to the extent provided in section 30B(g).’’.

“(h) Limitation Based on Amount of Additional Base Period Research Expenses.—If the amount of additional base period research expenses is greater than the amount of the credit allowed under subsection (a) for such taxable year, the amount of the credit allowed shall be reduced by the amount of such credit.

“(i) Application to Prior Taxable Years.—If the Secretary of the Treasury determines that application of the provisions of this section would have a material impact on highway safety, the Secretary shall conduct a study that—

“(1) analyzes the safety impacts of allowing significantly longer and heavier vehicles to use the National System of Interstate and Defense Highways than are allowed under regulations in effect as of the date of the enactment of this Act, and

“(2) considers the potential impact on highway safety of applying lower speed limits on such vehicles than the limits in effect on the day before the date of the enactment of this Act.

“Title II—Increased Use of Alternative Fuels and Infrastructure Sec. 201. Renewable Fuel Standard. Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended—

“(1) in paragraph (2)(B), by striking clause (i) and inserting the following:

“(i) Special Rules.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply.

“(k) Election Not to Take Credit.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

“(l) Regulations.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

“(m) Termination.—This section shall not apply to any qualified investment after December 31, 2019.

“(n) Conforming Amendments.—

“(1) Section 101(a) of the Internal Revenue Code of 1986 is amended by striking ‘‘30A(e)’’, and inserting ‘‘30B(e)’’, and by adding at the end the following new paragraph:

“(30B(e)) to the extent provided in section 30B(g).’’.

“(2) Section 6501(m) of such Code is amended by inserting ‘‘30B(e),’’ after ‘‘30C(e)(6),’’.

“(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 30D the following new item:

‘‘Sec. 30E. Advanced technology motor vehicles manufacturing credit.’’

“(c) Effective Dates.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2006. SEC. 106. INCREASE IN MAXIMUM ALLOWABLE GROSS WEIGHT FOR VEHICLES USING THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

“(a) Special Rule for Vehicles With a Supplemental Sixth Axle.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation makes a positive determination under subsection (d), the Secretary of Transportation shall promulgate regulations, in accordance with section 127(a) of title 23, United States Code, that set the maximum allowable gross weight for a vehicle using the National System of Interstate and Defense Highways at 97,000 pounds for vehicles with a supplemental sixth axle.

“(b) Conditions on Regulations.—The regulations promulgated under subsection (a)—

“(1) shall ensure that a loaded trailer tractor with a supplemental sixth axle and a gross weight of not more than 97,000 pounds that is traveling at 60 miles per hour has a stopping distance of not greater than 355 feet; and

“(2) shall not require a fundamental alteration of the vehicle architecture that is common for use in the transportation of goods as of the day before the date of the enactment of this Act.

“Title III—Highways and Housing

“Sec. 301. Safety Performance Highways at 97,000 pounds for vehicles using the National System of Interstate and Defense Highways.

“(a) Special Rules.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply.

“(1) Calendar Years 2006 Through 2020.—

“(i) Renewable Fuel.—For the purpose of paragraphs (a), (b), and (c) of section 41(f), the applicable total volume for any calendar years 2006 through 2020 shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Volume of Renewable Fuel (in billions of gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>4.0</td>
</tr>
</tbody>
</table>
‘Applicable total volume of renewable fuel (in billions of gallons)

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>4.7</td>
</tr>
<tr>
<td>2008</td>
<td>7.1</td>
</tr>
<tr>
<td>2009</td>
<td>9.5</td>
</tr>
<tr>
<td>2010</td>
<td>12.0</td>
</tr>
<tr>
<td>2011</td>
<td>12.6</td>
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<tr>
<td>2012</td>
<td>13.2</td>
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<tr>
<td>2013</td>
<td>13.8</td>
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<tr>
<td>2014</td>
<td>14.4</td>
</tr>
<tr>
<td>2015</td>
<td>15.0</td>
</tr>
<tr>
<td>2016</td>
<td>18.0</td>
</tr>
<tr>
<td>2017</td>
<td>21.0</td>
</tr>
<tr>
<td>2018</td>
<td>24.0</td>
</tr>
<tr>
<td>2019</td>
<td>27.0</td>
</tr>
<tr>
<td>2020</td>
<td>30.0</td>
</tr>
</tbody>
</table>

‘(B) incorporates the use of inlet valves from such tanks to enable varying amounts of ethanol and gasoline products to be blended within a chamber in the pump, and

(C) designates the pumps described in paragraph (B) as dispensing a blend of ethanol and gasoline products through separate hoses.’.

(2) FURTHER INCREASE FOR BLENDER PUMPS.—

(A) INCREASE IN CREDIT AMOUNT.—

(1) GENERAL.—Subsection (a) of section 30C of the Internal Revenue Code of 1986 (defining qualified alternative fuel vehicle refueling property) is amended to read as follows:

‘(A) at least—

(i) 11 percent of the volume of which consists of ethanol and gasoline, if the property is a blender pump;

(ii) 85 percent of the volume of which consists of one or more of the following: natural gas, composted natural gas, liquefied natural gas, liquefied petroleum gas, or hydrogen; or

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 205. ETHANOL-BLEND FUEL INFRASTRUCTURE.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

‘(11) INSTALLATION OF ETHANOL-BLEND FUEL PUMPS BY COVERED OWNERS AT STATIONS.—

(A) DEFINITIONS.—In this paragraph:

(i) COVERED OWNER.—The term ‘covered owner’ means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, owns 10 or more retail station outlets, as determined by the Secretary.

(ii) ETHANOL-BLEND FUEL.—The term ‘ethanol-blend fuel’ means a blend of gasoline not more than 85 percent, or less than 80 percent, of the content of which is derived from ethanol produced in the United States, as determined by the Secretary.

(B) REGULATIONS.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(C) DUPLICATE FUELS.

Boundaries of the States of Alaska and Hawaii, and in parts of certain other States, are determined in the Secretary’s judgment.

(D) REQUIREMENT FOR DUAL FUELED AUTOMOBILES.—(a) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by inserting after subsection (e) the following:

‘(f) REQUIREMENT FOR ANNUAL INCREASE IN DUAL FUELED AUTOMOBILES.—Each manufacturer shall ensure that the percentage of automobiles manufactured by such manufacturer in each model years 2012 through 2022 that are dual fueled automobiles is not less than 10 percentage points greater than the percentage of automobiles manufactured by such manufacturer in the previous model year that are dual fueled automobiles.’.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date specified in section 102(c).

SEC. 206. EMERGING BIOFUELS.

(a) ESTABLISHMENT OF INCENTIVE PROGRAM.—The Secretary of Energy (referred to in this section as the ‘Secretary’) shall establish a program under which the Secretary shall provide to eligible entities such incentives, on a per-gallon basis, with respect to the production of cellulosic ethanol and other emerging biofuels, including municipal solid waste.

(b) APPLICATION.—To be eligible to receive an incentive under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the project for which the incentive shall be used;

(2) a description of the use by the eligible entity of the incentive; and

(3) an estimate of the annual production using the incentive by the eligible entity of cellulosic ethanol or another biofuel, expressed on a per-gallon basis.

(c) SELECTION REQUIREMENTS.—The Secretary shall provide incentives under this section to not less than 5 biofuels that are cellulosic ethanol or another biofuel, expressed on a per-gallon basis.

(2) LEAST-COST INCENTIVES.—The Secretary shall provide incentives under this section to eligible entities that submit applications which reflect the least-cost use of the incentives, on a per-gallon basis, with respect to similar projects.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000.
SEC. 206. BIODIESEL.
(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel, as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16165).

(b) Regulations.—The Administrator of the Environmental Protection Agency shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

SEC. 207. UNCONVENTIONAL FOSSIL FUELS.
(a) In General.—The Secretary of Energy shall conduct a study and development program to develop carbon dioxide capture technologies that can be used in the recovery of liquid fuels from oil shale and the production of liquid fuels in coal utilization facilities to minimize the emissions of carbon dioxide from those processes.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for the period of fiscal years 2008 through 2012; and

(2) $100,000,000 for the period of fiscal years 2013 through 2017.

SEC. 208. STUDY OF INCENTIVES FOR RENEWABLE FUELS.
(a) Study.—The Secretary of Agriculture (in consultation with the Secretary of Energy, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, representatives of the biofuels industry, the oil industry, and other interested parties) shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce corn-based and cellulosic-based ethanol and biodiesel, and other emerging biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the level of tax incentives necessary, to the maximum extent practicable, to grow the biofuels industry of the United States to reduce the use of the United States of foreign oil during calendar years 2011 through 2030.

(b) Report.—The study shall include an analysis of the types and advantages and disadvantages of tax incentive options to, to the maximum extent practicable—

(1) limit the overall cost of the tax incentives to the Federal Government;

(2) encourage expansion of the biofuels industry by ensuring that new plants and recently expanded plants can fully amortize the investments in the plants;

(3) reward energy-efficient and low carbon-emitting technologies;

(4) compare the adhering processes (such as those that convert cellulosic feedstocks like corn stover and switch grass to ethanol) are economically competitive with fossil fuels;

(5) encourage agricultural producer equity participation in ethanol plants; and

(6) encourage the development of higher blend markets, such as E20, E30, and E85.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit a report that describes the results of the study to—

(1) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Environment and Public Works of the Senate; and

(4) the Committee on Finance of the Senate;

(5) the Committee on Agriculture of the House of Representatives;

(6) the Committee on Energy and Commerce of the House of Representatives; and

(7) the Committee on Ways and Means of the House of Representatives.

TITLE III. INVENTORY AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES
SEC. 301. DEFINITION.
In this title, the term ‘‘United States person’’ means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

SEC. 302. AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES BY UNITED STATES PERSONS.
Notwithstanding any other provision of law (including a regulation), United States persons (including, to the maximum extent practicable, associates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

SEC. 303. STUDY OF CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.
Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7290) is amended by inserting after subsection (b) the following:

“(c) General License Authority for Travel-Related Expenditures by Persons Engaging in Hydrocarbon Exploration and Extraction Activities.—

“(1) in general.—The Secretary of the Treasury shall, authorize under a general license persons (including agents and affiliates of those United States persons) to—

(A) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources described in paragraph (1); and

(B) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

“(2) person authorized.—Persons authorized to conduct an inventory of outer continental shelf oil and natural gas resources off the coast of the United States shall use the best technology available to obtain accurate resource estimates.

“(3) reports.—The Secretary shall submit to Congress an annual report on any inventory conducted under this section.

“(4) authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“That section is amended by—

(a) in subsection (a)(1), by—

(1) inserting ‘‘off the coast of a State described in subsection (a) only if the Governor of the State requests the inventory.’’;

(b) in subsection (b), by—

(1) inserting ‘‘off the coast of a State described in subsection (a) only if the Governor of the State requests the inventory.’’;

(2) in clause (ii), by striking ‘‘and at the end’’ and inserting ‘‘and at the end of this section.’’;

(3) in clause (iv), by striking the period at the end and inserting ‘‘; and’’; and

(4) by adding at the end the following:

“(v) are carried out in geologically challenging fields.’’.

SEC. 304. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.
(a) In General.—The Secretary of the Interior shall promulgate regulations that establish temporary moratoriums on the leasing, selling, and countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 1201 et seq.)

(b) Provisions ensuring that—

(1) no facility for the production or production of resources is visible to the unsu-
TITLE IV—MANAGEMENT OF ENERGY RISKS

SEC. 401. BUREAU OF INTERNATIONAL ENERGY POLICY.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) amended by adding at the end the following:

(1) by redesignating subsection (1) (as added by Public Law 105-292 (112 Stat. 2800) as subsection (k); and
(2) by adding at the end the following:

"(1) BUREAU OF INTERNATIONAL ENERGY POLICY—

"(1) ESTABLISHMENT.—There is established within the National Security Council a Bureau of International Energy.

"(2) Duties.—The Bureau shall, in conjunction with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, prepare and submit to Congress an annual energy security report."

SEC. 402. STRATEGIC ENERGY INFRASTRUCTURE EQUIPMENT RESERVE.

(a) ESTABLISHMENT.—The Secretary may establish and operate a strategic energy infrastructure equipment reserve.

(b) USE.—The reserve shall be used and operated for—

(1) the protection, conservation, maintenance, and testing of strategic energy infrastructure equipment; and
(2) the provision of strategic energy infrastructure equipment whenever and to the extent that—

(A) the Secretary, with the approval of the President, finds that the equipment is needed for energy security purposes; and
(B) the provision of the equipment is authorized by a joint resolution of Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. KOHL (for himself and Mr. SPECTER):

S. 578. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Oil Industry Merger Antitrust Enforcement Act. This legislation will significantly strengthen the antitrust laws to prevent anti-competitive mergers and acquisitions in the oil and gas industry.

We have all seen the suffering felt by consumers and our national economy resulting from rising energy prices. Last year, gasoline prices shattered the once unthinkable $3.00 a gallon level, before receding in the fall. Prices are on the move upward once again, having increased by 15 percent in the last month alone. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases in the last year.

Industry experts debate the causes of these extraordinarily high prices. Possible contributing factors include worldwide demand, supply disruptions, the actions of the OPEC oil cartel and limits on refinery capacity in the United States. But we cannot overlook one important factor—the substantial rise in concentration and consolidation in the oil industry. By gigantic mergers such as Exxon/Mobil, BP/Arco, Conoco/Phillips and Chevron/Texaco, by 2004, the five largest U.S. oil refining companies controlled over 56 percent of domestic refining capacity, a greater market share than the top ten companies a decade earlier.

This merger wave has led to substantially less competition in the oil industry. In 2004, the GAO concluded that these mergers have directly caused increases in the price of gasoline. A study by the independent consumer watchdog Public Citizen found that in the five years between 1999 and 2004, U.S. oil refiners increased their average profits on every gallon of gasoline refined from 22.8 cents to 40.8 cents, a 79 percent jump. And the grossly inflated profit numbers of the major oil companies—led by Exxon Mobil’s $34 billion profit in the first quarter of 2006, which followed its $36 billion profit in 2005—suggesting profits that have never achieved in U.S. history, are conclusive evidence—if any more was needed—of the lack of competition in the U.S. oil industry. While it is true that the world price of crude oil has substantially increased, the fact that thisovsky oil price pass-through all of these price increases to consumers of gasoline and other refined products—and greatly compound their profits along the way—confirms that there is a failure of competition in our oil industry.

More than 90 years ago, one of our Nation’s basic antitrust laws—the Clayton Act—was written to prevent just such industry concentration harming competition. It makes illegal any merger or acquisition that the effect of which “may be substantially to lessen competition.” Despite the plain command of this law, the Federal Trade Commission the Federal agency with responsibility for enforcing antitrust laws in this industry has failed to take any effective action to prevent undue concentration in this industry. Instead, it permitted almost all of these 2,600 oil mergers and acquisitions to proceed without challenge. And where the FTC has ordered divestitures, they have been wholly ineffective to restore competition. Consumers have been at the mercy of an increasingly powerful oligopoly of a few giant oil companies, passing along increased price increases as the market becomes increasingly concentrated and competition diminishes. It is time for us in Congress to take action to strengthen our antitrust law so that it will, as intended, stand as a bulwark to protect consumers and prevent any further corporate profits that are substantially to lessen competition...

Our bill will strengthen merger enforcement under the antitrust law in two respects. First, it will direct that the FTC, in conjunction with the Justice Department, revise its Merger Guidelines to take into account the special conditions prevailing in the oil industry. In reviewing a pending merger or acquisition to determine whether to approve it or take legal action to block it, the FTC follows what are known as “Merger Guidelines.” The Merger Guidelines set forth the factors that the agency must examine to determine if a merger or acquisition lessens competition, and sets forth the legal tests the FTC is to follow in deciding whether to approve or challenge a merger. As presently written, the Merger Guidelines fail to direct the FTC, when reviewing an oil industry merger, to pay any heed at all to the special economic conditions prevailing in that industry.

Our bill will correct this deficiency. Many special conditions prevail in the oil and gas marketplace that warrant scrutiny, conditions that do not occur in other industries, and the Merger Guidelines should reflect these conditions. In most industries, when demand rises and existing producers earn ever increasing profits, new entrants enter the market and new supply expands, reducing the pressure on price. However, in the oil industry, there are severe limitations on supply and environmental and regulatory difficulty in opening new refineries, so this normal market mechanism does not exist. Additionally, in most industries, consumers shift to alternative products in the face of sharp price increases, leading to a reduction in demand and a corresponding reduction in the pressure to increase prices. But in the essential commodity as gasoline, consumers have no such option they must continue to consume gasoline to get to work, to go to school, and to shop. These factors all mean that antitrust enforcers should be especially cautious about permitting increases in concentration in the oil industry.

Accordingly, our bill directs the FTC and Justice Department to revise their Merger Guidelines to take into account the special conditions prevailing in the oil industry—including the high inelasticity of demand for oil and petroleum-related products; the ease of gaining market power; supply and refining capacity limits; difficulties of market entry; and unique regulatory requirements applying to the oil industry.

This revision of the Merger Guidelines must be completed within six months of enactment of this legislation.

The second manner in which this legislation will strengthen merger enforcement will be to shift the burden of proof in Clayton Act challenges to oil industry mergers and acquisitions. In such cases, the burden will be placed on the merging parties to establish, by a preponderance of evidence, that their transaction does not substantially lessen competition. This provision would reverse the usual rule that the government or private plaintiff challenging the merger must prove that the transaction harms competition. As the par-
it is entirely appropriate that the merging parties bear this burden. This provision does not forbid all mergers in the oil industry—if the merging parties can establish that their merger does not substantially harm competition, it may proceed from here. However, shifting the burden of proof in this manner will undoubtedly make it more difficult for oil mergers and acquisition to survive court challenge, thereby enhancing the law’s ability to block truly anti-competitive transactions and deterring companies from even attempting such transactions. In today’s concentrated oil industry and with consumers suffering record high prices, mergers and acquisitions that even the merging parties cannot justify should not be tolerated.

As Chairman of the Senate Antitrust Subcommittee, I believe that this bill is a crucial step to ending this unprecedented move towards industry concentration and to begin to restore competitive balance to the oil and gas industry.

Since the days of the break-up of the Standard Oil trust one hundred years ago, antitrust enforcement has been essential to prevent undue concentration in this industry. This bill is an essential step to ensure that our antitrust laws are sufficiently strong to ensure a competitive oil industry in the 21st century. I urge my colleagues to support the Oil Industry Merger Antitrust Enforcement Act.

I am unanimous in the sentiment that the text of this bill will be printed in the RECORD.

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

S. 878

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 “Oil Industry Merger Antitrust Enforcement Act.”

SEC. 2. STATEMENT OF FINDINGS AND DECLARATIONS OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) American consumers are suffering from excessively high prices for gasoline, natural gas, heating oil, and other energy products.

(2) These excessively high energy prices have been caused, at least in substantial part, by undue concentration among companies involved in the production, refining, distribution, and marketing of oil, gasoline, natural gas, heating oil, and other petroleum-related products.

(3) There has been a sharp consolidation caused by mergers and acquisitions among oil companies over the last decade, and the antitrust enforcement agencies (the Federal Trade Commission and the Department of Justice Antitrust Division) have failed to employ the antitrust laws to prevent this consolidation, to the detriment of consumers and competition. This consolidation has caused a substantial injury to competition and has enabled the remaining oil companies to gain market power over the sale, refining, and distribution of petroleum-related products.

(4) The demand for oil, gasoline, and other petroleum-based products is highly inelastic so that oil companies can easily utilize market power to raise prices.

(5) Maintaining competitive markets for oil, gasoline, natural gas, and other petroleum-related products is in the highest national interest.

(b) PURPOSES.—The purposes of this Act are to:

(1) ensure vigorous enforcement of the antitrust laws in the oil industry;

(2) restore competition to the oil industry and to the production, refining, distribution, and marketing of gasoline and other petroleum-related products; and

(3) prevent the accumulation and exercise of market power by oil companies.

SEC. 3. BURDEN OF PROOF.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

“(1) alleges that the effect of a merger, acquisition, or other transaction affecting commerce may be to substantially lessen competition, or to tend to create a monopoly, in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas; and

“(2) establishes that a merger, acquisition, or transaction is between or involves persons participating in a conspiracy to limit the supply, or fix the price of, oil, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas: the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not substantially lessen competition or tend to create a monopoly.”

SEC. 4. ENSURING FULL AND FREE COMPETITION.

(a) REVIEW.—The Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly review and revise all enforcement guidelines and policies, including the Horizontal Merger Guidelines issued April 6, 1997, and the Non-Horizontal Merger Guidelines issued June 14, 1984, and modify those guidelines in order to:

(1) specifically address mergers and acquisitions in oil companies and among companies involved in the production, refining, distributing, or marketing of oil, gasoline, natural gas, heating oil, or other petroleum-related products; and

(2) ensure that the application of these guidelines will prevent any merger and acquisition that either holds or creates the danger of such a merger or acquisition may be to substantially lessen competition, or to tend to create a monopoly, and reflect the special conditions prevailing in the oil industry described in subsection (b).

(b) SPECIAL CONDITIONS.—The guidelines described in subsection (a) shall be revised to take into account the special conditions prevailing in the oil industry, including—

(1) the high inelasticity of demand for oil and petroleum-related products;

(2) the ease of gaining market power in the oil industry; and

(3) supply and refining capacity limits in the oil industry;

(4) difficulties of market entry in the oil industry; and

(5) unique regulatory requirements applying to the oil industry.

(c) COMPETITION.—The review and revision of the enforcement guidelines required by this section shall be completed not later than 6 months after the date of enactment of this Act.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Federal Trade Commission and the Antitrust Division of the Department of Justice shall submit a report to the Committee on the judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the review and revision of the enforcement guidelines mandated by this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) OIL INDUSTRY.—The term “oil industry” means companies and persons involved in the production, refining, distribution, or marketing of oil or petroleum-based products.

(2) PETROLEUM-BASED PRODUCT.—The term “petroleum-based product” means gasoline, diesel fuel, jet fuel, home heating oil, natural gas, or other products derived from the refining of oil or petroleum.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SHERIDAN, Mr. COBURN, Mr. DURBIN, Mrs. BOXER, and Mr. LEVIN):

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the No Oil Producing and Exporting Cartels Act of 2007 (“NOPEC”). It is time for the U.S. government to fight back on the price of oil and hold OPEC nations accountable when it acts illegally. This bill will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

Our bill will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will expressly specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this bill in each Congress since 2000. This legislation has passed the Judiciary Committee unanimously three times since it was first introduced, and in 2005 passed the full Senate by voice vote as an amendment to the Energy Bill before being striped from that bill in the conference committee. In this Congress, to finally pass this legislation into law and give our Nation a long overdue tool to counteract this pernicious and anti-consumer conspiracy.

Throughout the last year, consumers all across the Nation watched gas prices rise to previously unimagined levels. As crude oil prices exceeded $40, then $50 and then $60 per barrel, retail prices of gasoline over $3.00 per gallon became commonplace. While prices temporarily receded last fall, the general trend is significantly upwards, and prices are rising even today. Gas prices have increased 32 cents in the last month alone to a national average of...
March 14, 2007

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$2.56 per gallon, a nearly 15 percent increase in just one month.

As we consider gas price changes, one fact has remained consistent: any move downwards in price ends as soon as OPEC decides to cut production. Referring to the 8 percent rise in worldwide crude oil prices since the start of the year, OPEC President Mohammed al-Hamli commented “we had a bad situation at the beginning of the year. It is much better now.” The difference—combining exports of 1.7 million barrels of oil a day adopted by OPEC last October and December driving up crude oil prices. And while OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill.

So there is no doubt that the price of crude oil dances to the tune set by OPEC members. Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair and free markets and should not be tolerated.

Real people suffer real consequences every day in our Nation because of OPEC’s actions. Rising gas prices are a silent tax that takes hard-earned money from American workers who spend time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Anyone who has gone through a Midwest winter can tell you about the tremendous personal costs associated with higher home heating bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply, one the EPA revising fuel standards. Others point to the EPA revisions, the FTC to be vigilant, the FTC has put a task force in these allegations. As a result of our recent decisions to cut oil production and authors of the bill have mildly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Some critics have argued that suing OPEC will not work or that threatening suit will harm oil prices. But one cause of these escalating gas prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly burdened American consumers by raising the prices consumers need to be addressed. As this and other cases show, the mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

Even with effective laws, there is no doubt that the actions of the international oil cartel would be gross violation of antitrust law if engaged in by private companies. 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 member nations engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity. The Attorney General of the United States may bring an action to enforce this section.

The suffering of consumers across the Nation in the last year has made me more certain than ever that this legislation is necessary. Between OPEC’s repeated decisions to cut oil production and recent repetitive decisions to cut oil production for the last several years that there is no illegal conduct by domestic companies responsible for rising gas prices, I am convinced that we need to take action, and take action now, before the damage spreads too far.

I urge my colleagues to support our legislation so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations. Thank you.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 879

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 “No Oil Producing and Exporting Cartels Act of 2007” or “NOPEC”.

SEC. 2. SHERMAN ACT.

This 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 foreign state, or any individual, 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 reason- able effect to fix prices 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 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 may bring an action to enforce this section in any district court of

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the United States as provided under the anti-trust acts."

SEC. 3. SOVEREIGN IMMUNITY.
Section 188(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 "; and"
(3) by adding at the end the following: "8) in which the action is brought under section 7A of the Sherman Act."

Mr. LEAHY. Mr. President, I am pleased to join Senator KORZ, the chairman of the Subcommittee on Antitrust and Competition Policy, by cosponsoring again the No Oil Producing and Exporting Cartels, NOPEC, Act. I thank Senator KOHL for Producing and Exporting Cartels, Antitrust and Competition Policy, by

pleased to join Senator K OHL, the presenting of national governments. I urge

my colleagues to support this bill and to say "No" to OPEC.

By Mrs. LINCOLN (for herself and Mr. SMITH).
S. 881. A bill to extend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 881

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 "Short Line Railroad Investment Act of 2007."

SEC. 2. EXTENSION AND MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) EXTENSION.—
(1) IN GENERAL.—Subsection (d) of section 45G of the Internal Revenue Code of 1986 (relating to qualified railroad track maintenance expenditures) is amended by striking "for maintaining" and all that follows and inserting "for maintaining—"
(A) in the case of taxable years beginning after December 31, 2006 and before January 1, 2008, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2005, by a Class II or Class III railroad without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track, and
(B) in the case of taxable years beginning after December 31, 2007, and before January 1, 2011, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2007, by a Class II or Class III railroad (determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track);

(b) COORDINATION WITH SECTION 55.—Sec-
ction 55(f)(1) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii)(A) and inserting ", and", and, by adding at the end the following new clause:
"(ii) the credit determined under section 45G;"

(c) CREDIT LIMITATION ADJUSTMENT.—Sub-
paragraph (A) of section 45G(b)(1) of the Internal Revenue Code of 1986 is amended by striking "$3,500" and inserting "$4,500".

Mr. President, I urge my colleagues support for this important measure that will improve short line railroads that have such a vital role in the transportation of goods and our Nation's economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. MENENDEZ (for himself, Mr. LUTTIG, Mr. MIKULSKI, and Mr. CASEY):
S. 882. A bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MENENDEZ. Mr. President, since the March 2003 start of the Iraq war, more than 24,042 members of our Armed Forces have been injured, more than 10,685 of them too severely to be returned to action.

I have visited these soldiers at Walter Reed, at Fort Dix, and at the East Orange Veterans Hospital. I have heard stories of consistent problems and frustration about fighting against DoD and VA bureaucracy for months and even years simply to receive the basic benefits they are owed by a grateful Nation.

The careful thinking at Walter Reed again brings to light the shortcomings in the process our returning veterans must deal with in their difficult transition from soldier to civilian. Just as
the deplorable conditions that have come to light are unacceptable, so too are the countless stories detailing the mazes of forms, hearings, and medical evaluations that prevent so many of our veterans from getting the health care they need.

Too often, it seems that rather than thanking the soldier for their sacrifice, this system sets up yet another battle of bureaucracy. Too often, it seems that the system is stacked against the very soldiers it is designed to help. Too often, it seems that veterans are left to figure out their own treatment options and benefits or risk missing deadlines and losing benefits. It doesn’t have to be this way. We have an obligation not only to fulfill the promises we make to America’s fighting men and women, but to do so in a manner that ensures the benefits we owe them are made readily available.

At the East Orange VA hospital in my State of New Jersey, for instance, we have a War-Related Illness and Injury Study Center that stands underutilized because many veterans aren’t even informed that it’s there. Patients whose quality of life could be drastically improved by the technology the center offers miss this opportunity simply because they are not aware the option is available. This country can do better; the will of the American people is to do better; now this government must do better.

That’s why I am proud to introduce the “Veterans Navigator Act”, a bill that will expand and enhance the important work done by VSOs and other non-governmental organizations to guide our Nation’s servicemen and women to and through the VA healthcare system. It would, in fact, acknowledge the work of these organizations by providing $25 million in grants over 5 years to augment their capabilities.

The ‘Navigator’ concept is not new. It is similar to the Patient Navigator demonstration program I introduced and which was subsequently enacted into law. There, we also took a successful small-scale program being used at select medical facilities around the country and expanded it by providing grants for a scaled-up demonstration program to serve those with cancer and other chronic diseases, and in particular, to provide support to medically underserved populations.

With the Veterans Navigator bill, I propose to do something similar, capitalizing on the successes of the Patient Navigator concept, to help our troops. The $25 million over 5 years in the bill would allow VSOs and other organizations to apply for grants so that they could hire and train navigators to provide assistance, on an individualized basis, to members of the Armed Forces as they transition from military service to the VA healthcare system. They would be liaison workers between the DoD and the VA. Right now, many VSOs rely principally on donations to perform these services.

At the end of the 5 years, the VA Secretary would submit a report to Congress on the effectiveness of the Veterans Navigator demonstration program and recommend whether or not it should be made permanent.

One of these service officers or counselors, a navigator is a ‘sherrpa’, a guide through the maze of paper and people and specialists and benefits. A navigator is an advocate for those no longer able to go it alone. A navigator is a facilitator, someone who will walk the process, to provide the expertise you will need to transition between active duty and veterans status and to get the urgent care you need.

Let me be clear: a navigator does not supplant the role of the DoD or the VA. A navigator is meant to complement the work done by these organizations, particularly at a time when those systems are struggling to meet the needs of the soldiers returning from war and after the conflicts in Iraq and Afghanistan have ended.

While all veterans will benefit, the bill focuses particular attention on four underserved groups in the military community: the seriously injured or wounded soldiers, female soldiers, those suffering from psychological problems like Post-Traumatic Stress Disorder, PTSD, and members of the activated National Guard and Reserves.

These underserved groups have not been sufficiently served in existing VA and DoD transition programs and activities. It is these underserved groups who especially need continuity of care as they enter and wind their way through the VA medical system. Part of the reason they have not been adequately cared for is that the nature of the current wars we are fighting, in Iraq, in Afghanistan, is different from previous conflicts we’ve undertaken.

During the Iraq and Afghanistan campaigns, we have the largest activation of National Guard and reservists since World War II. As of March 12, according to DoD, the United States had 141,000 military personnel deployed in Iraq. Of these, 119,995 were active component personnel and 21,995 were National Guard and Reserves. These numbers are set to increase due to the recent announcement by President Bush to send at least 20,000 more troops to Iraq by August.

The GAO released a report in February 2005 citing deficiencies in benefits for these soldiers. The report concluded that National Guard and Reserve soldiers “are given little help navigating a thicket of regulations and procedures necessary to gain access to military doctors.”

To complicate matters, members of our National Guard who seek medical care must file for an extension of their active duty status in order to continue to access military bases and hospitals.

In its report, GAO also concluded that, and I quote, “the Army has not consistently provided the infrastructure needed to accommodate the needs of soldiers trying to navigate their way through the ‘active duty medical extension’ (ADME) process . . . this has resulted in injured and ill soldiers carrying the burden for ensuring that they do not fall off their active duty orders.”

The Veterans Navigator Act would help minimize such occurrences by providing National Guardsmen and Reserve soldiers the hands-on help they need through the ADME process and to help correct any discrepancies before they cause a delay in accessing VA medical care.

Veterans with psychological problems also need help. In the last several years, we’ve been hearing a lot more about post-traumatic stress disorder, or PTSD in veterans and those returning from conflict. The GAO report concluded that roughly 78 percent of those service members returning from Iraq and Afghanistan who were found to be at risk for PTSD were not provided appropriate medical assistance. All of these factors mean that now, more than ever, our Nation’s soldiers need help moving between the DoD and VA realms.

According to a recent study commissioned by the Department of Veterans Affairs, roughly 15 percent of service members returning from Iraq suffer from PTSD. GAO has concluded that roughly 78 percent of those service members at risk for PTSD do not get further evaluation. That means they return to active duty or are discharged without receiving the appropriate care.

It is the nature of this disorder to appear not right after the traumatic event is experienced, but often not until an individual re-experiences an event, has a flashback or is somehow reminded of a battlefield event. That may not happen until after a service member has been discharged from service. Once PTSD does emerge, the veteran may not know how to access VA medical assistance, or he or she may not have yet enrolled into the VA medical system.

Again, as in the case of the severely wounded, time is of the essence. PTSD can manifest itself so severely as to incapacitate a soldier, making medical care more urgent. In the case of returning National Guardsmen and Reservists, the problem is made more complex because of the 2-year time limit on eligibility for VA benefits.

Since 1991, opportunities for women in our Nation’s armed forces have grown. For the first time, the military is placing women in support units at the front line. This has come partly as the result of more than 10 years of policy changes making 91 percent of the career fields gender neutral.

The Navy and the Air Force have begun to allow female soldiers to fly fighters and bombers. The Army has expanded the role of women in ground combat operations. Right now, “women command combat military police companies, fly Apache helicopters, work as
tactical intelligence analysts, and serve in artillery units.”

This would have been unheard of a decade ago, but it’s happening right now. Right now, record numbers of female soldiers are fighting on the front lines and, more recently, more are being seriously wounded or killed. A Baltimore Sun reporter profiling women soldiers’ participation in Iraq observed that “the war in Iraq has been an equal opportunity employer, by killing and injuring a historic number of female soldiers in combat situations.”

Therefore, a VA medical system designed to treat wounded male soldiers must now ensure that female soldiers get the right kind of medical care. They will need help finding that care and getting access to that care. A veteran navigator can help them do that.

Because of the length and size of the deployment, many more soldiers are being seriously wounded. According to the GAO, roughly 90 percent of U.S. soldiers wounded in combat during World War II later died. Today, that number has dropped to 3 percent for those serving in Iraq and Afghanistan due to advances in technology and protective gear.

What we see is clearly a positive development, it also means that many of these injured soldiers are returning home with severe disabilities, including traumatic brain injuries and missing limbs that require comprehensive inpatient rehabilitation services.

But, severe injuries often mean a lengthy transition from active duty to veteran status. As my story earlier indicates, the physical evaluation of a seriously wounded service member to determine whether he or she can return to active duty can take months to complete. In the interim, the VA has to be able to identify these soldiers so that they can perform early outreach, provided that they have the information on hand.

Despite this, the GAO observed in a March 2005 report that the VA faces “significant challenges in providing services to seriously injured service members.” In many cases, VA staff have reported that seriously injured service members are simply not ready to begin thinking about VA benefits or dealing with the VA system during the recovery process. The problem here, as GAO has pointed out, is that the VA has no policy for maintaining contact with these soldiers down the line, once they are discharged. Contact is often conducted on an ad hoc basis. Navigators can also help these seriously wounded soldiers.

VSOs such as the Veterans of Foreign Wars, Disabled American Veterans, Jewish War Veterans and so many others have emphasized the importance of maintaining contact with seriously injured veterans who do not initially apply for VA health care benefits because it may be many months or even years before they are prepared to apply for them.

The Veterans Navigator can help perform this function. Because this individual or individuals have reached out to the injured service member before his or her discharge, they can, in coordination with the VA caseworkers, remain in contact with them as they return to civilian life. The navigator can also help obtain information from DoD on seriously injured soldiers earlier on so that they can help ensure that all service members and veterans benefit from VA health care services at the right time.

At a time when many active duty service people and veterans have fought and often made the ultimate sacrifice for their country, we cannot risk having any soldier fall through the cracks. We cannot take the risk that our female soldiers, who are fighting alongside their male colleagues, may not receive the medical care they need. We cannot risk the lives and health of soldiers with PTSD. We cannot risk the lives and health of any service member who put their lives at risk for our country.

As we have seen with the situation at Walter Reed, DoD and VA simply do not have the manpower to effectively handle the influx of serious cases coming into the system. With a backlog of over half a million claims, the VA cannot adequately address the individual needs of America’s warriors. Our service members didn’t have to wait to sign up to serve their country; they shouldn’t have to wait and fight to get the benefits they are seriously entitled to.

The very least that we can do is to ensure that all of these brave men and women are able to access the medical benefits to which they are entitled, particularly in their time of greatest need. At some point in each of our lives, we might need a guiding hand to help us find our way. Today, I am proposing to provide that helping hand to our injured veterans in a time of their greatest need. It is the very least that we can do.

By Mrs. FEINSTEIN (for herself and Mr. VONDYOVICH):


Mrs. FEINSTEIN. Mr. President. I rise today with Senator VONDYOVICH to introduce legislation that would expand the Federal student loan forgiveness program to include Head Start teachers.

Nationally, only 31 percent of Head Start teachers have completed a bachelor’s or advanced degree program.

In California, that number is even smaller: only 21 percent of Head Start teachers have completed a bachelor’s degree.

To prepare Head Start children for elementary school, we must recruit highly qualified teachers who have demonstrated knowledge and teaching skills in reading, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning.

 Recruiting and retaining teachers with such qualifications is critical to ensuring that children start elementary school ready to learn.

A survey conducted by the U.S. Department of Health and Human Services, the Head Start Family and Child Experiences Survey (FACES), found that “teachers with higher education levels were found to have more high quality language activities and more creative activities in their classrooms.

In order to give every child a jump start in life, we must continue to recruit highly qualified teachers to the Head Start field and prevent the best teachers from leaving.

Many Head Start programs across the country, including in California, are losing qualified teachers to local school districts in part because the pay is better.

Nationally, the average Head Start teacher earns a salary of about $21,000—almost half the amount of elementary school teachers salary of about $43,000.

Low pay, combined with increasing student debt, makes it increasingly difficult to attract and retain highly qualified Head Start teachers.

I must provide incentives to encourage recent graduates, current Head Start teachers without a degree, and college students to enter and remain in this important field.

This legislation would allow recent college graduates (obtaining a minimum of a bachelor’s degree), and current Head Start teachers without a degree, to receive up to $5,000 of their Federal student loans forgiven in exchange for 5 years of teaching in a Head Start program; and provide Head Start teachers with the same opportunity as currently offered to eligible elementary and secondary school teachers to receive up to $5,000 in loan forgiveness in exchange for 5 years of service.

Providing our Nation’s low-income children with access to highly educated and qualified Head Start teachers so that they enter school ready to learn is critical to their future success.

We must provide incentives for the Head Start program that has the potential to reach out to low-income children early in their formative years when their cognitive skills are just developing.

Research shows that Head Start is a smart investment in our children’s future.

For example, a 2003 Kindergarten Readiness: Head Start Success study of more than 600 graduates in San Bernardino County, CA, demonstrated that society receives nearly nine dollars in earnings and employment, for every one dollar invested in Head Start children.

That is why we must act now.
Every teacher that the Head Start program loses impacts the quality and access to services for our Nation’s neediest children, and ultimately can impact their future success.

I urge my colleagues to join me and Senator Voinovich in supporting this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) SHORT TITLE.—This section may be cited as the “Loan Forgiveness for Head Start Teachers Act of 2007.”

(b) HEAD START TEACHERS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

“(1)(A) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or meets the requirements of subsection 1965, or meets the requirements of subsection

(II) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and

(3) in subsection (g), by adding at the end the following:

“(4) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subsection (B) in paragraph (2), if the individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2007.”; and

(C) by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2011 and succeeding fiscal years to carry out loan repayment under this section, or service described in subclause (II) of subsection (b)(1)(A).”;

(iii) CONFORMING AMENDMENTS.—

(1) FPELL PROGRAM.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(a) S HORT TITLE.—This Act may be cited as the “Family-Based Meth Treatment Access Act of 2007.”

(b) SEC. 2. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.

This Act may be cited as the “Family-Based Meth Treatment Access Act of 2007.”

Section 508 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended—

(1) in the section heading, by striking “PREGNANT AND POSTPARTUM WOMEN” and inserting “PREGNANT AND POSTPARTUM WOMEN”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “postpartum women treatment for substance abuse” and inserting “parenting women treatment for substance abuse (including treatment for addiction to methamphetamine)”;

(B) in paragraph (1), by striking “reside in” and inserting “reside in or receive outpatient treatment services from”;

(C) in paragraph (2), by striking “reside with the women in” and inserting “reside with the women in, or receive outpatient treatment services from”;

(3) in subsection (d)(6), by inserting “, or referrals for counseling,” after “Counseling”; and

(4) in subsection (h)(1), by striking “pregnant and postpartum women” and inserting “pregnant and parenting women”;

(5) by amending subsection (m) to read as follows:

“(m) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

“(i) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and

“(ii) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.”;

(6) in subsection (p), by—

(A) striking “October 1, 1994” and inserting “October 1, 2008”;

(B) striking “Committee on Labor and Human Resources” and inserting “Committee on Health, Education, Labor, and Pensions”; and

(C) inserting “in submitting reports under this subsection, the Director may use data collected under this section or other provisions of law” after “biennial report under section 501(k)”; and

(D) striking “Each report under this subsection shall include” and all that follows and inserting “Each report under this subsection shall, with respect to which the report is prepared, include the following:

“(1) A summary of any evaluations conducted under subsection (e);

“(2) Data on the number of pregnant and parenting women in need of, but not receiving, treatment for substance abuse among non-violent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 884

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 “Family-Based Meth Treatment Access Act of 2007.”

SEC. 2. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.

Section 508 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended—

(4) in subsection (h)(1), by striking “pregnant and postpartum women” and inserting “pregnant and parenting women”;

(5) by amending subsection (m) to read as follows:

“(m) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

“(i) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and

“(ii) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.”;

(6) in subsection (p), by—

(A) striking “October 1, 1994” and inserting “October 1, 2008”;

(B) striking “Committee on Labor and Human Resources” and inserting “Committee on Health, Education, Labor, and Pensions”; and

(C) inserting “in submitting reports under this subsection, the Director may use data collected under this section or other provisions of law” after “biennial report under section 501(k)”; and

(D) striking “Each report under this subsection shall include” and all that follows and inserting “Each report under this subsection shall, with respect to which the report is prepared, include the following:

“(1) A summary of any evaluations conducted under subsection (e);

“(2) Data on the number of pregnant and parenting women in need of, but not receiving, treatment for substance abuse among non-violent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 884

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 “Family-Based Meth Treatment Access Act of 2007.”

SEC. 2. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.

Section 508 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended—
(9) in subsection (a) (as so redesignated), by striking ‘‘such sums as may be necessary to fiscal years 2001 through 2003’’ and inserting ‘‘$70,000,000 for each of fiscal years 2008 through 2012’’.

SEC. 3. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.

Title V of the Public Health Service Act (42 U.S.C. 290a et seq.) is amended by inserting after section 509 the following:

‘‘SEC. 510. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities for the purpose of assisting local jails and detention facilities in providing comprehensive, family-based substance abuse treatment services (including treatment for licensor and certification of methamphetamine) to pregnant and parenting adults who are considered nonviolent offenders.

(b) REQUIREMENTS APPLICABLE TO NONPROFIT PRIVATE ENTITIES.—An award may be made under subsection (a) to an applicant that is a nonprofit private entity only if the Secretary determines that—

(1) the applicant has the capacity to provide the services described in subsection (a); and

(2) the applicant meets all applicable State licensor and certification requirements regarding the provision of substance abuse treatment services.

(c) REQUIREMENTS APPLICABLE TO FAMILY DRUG TREATMENT PROGRAM THAT IS AN ALTERNATIVE TO INCARCERATION.—A grant under this subsection may be used for a family drug treatment program that is an alternative to incarceration only if the program complies with the following:

(1) The program is a comprehensive, long-term family treatment program focused on the treatment of the parent and child.

(2) The program and its providers meet all applicable applicable to family drug treatment program that is an alternative to incarceration.——A grant under this subsection may be used for a family drug treatment program that is an alternative to incarceration only if the program complies with the following:

(1) the applicant has the capacity to provide the services described in subsection (a); and

(2) the applicant meets all applicable State licensor and certification requirements regarding the provision of substance abuse treatment services.

(3) Each parent offender who participates in the program is sentenced to, or placed on probation, or placed in, a long-term family treatment program (which shall include a residential component).

(4) Each parent offender who participates in the program serves a sentence with respect to the underlying crime if that parent offender does not successfully complete treatment with the residential treatment provider.

(5) The program has mandatory periodic drug testing. The Secretary shall, by prescription, regulations, specify standards for the timing and manner of complying with such testing. The standards shall ensure that—

(A) each individual participating in the program as an alternative to incarceration is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Secretary may require; and

(B) the testing is accurate and practicable providers.

(c) The drug testing regime is a factor in determinations of whether program participants successfully complete treatment.

(d) AWARD OF AWARDS.—In making awards under subsection (a), the Secretary shall give priority to any entity that agrees to use the award for a program serving an area that—

(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Secretary under section 332 to have a shortage of family-based substance abuse treatment options; and

(2) is determined by the Secretary to have high rates of addiction to methamphetamine or other drugs.

(e) DEFINITIONS.—In this section the terms ‘‘family drug treatment program’’, ‘‘family treatment program’’, and ‘‘comprehensive, long-term family treatment program’’ have the meanings provided for in this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for each of fiscal years 2008, 2009, and 2010, and $50,000,000 for each of fiscal years 2011 and 2012.

By Mr. BINGAMAN (for himself and Mr. LEAHY):

S. 886. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Vermont, Senator LEAHY, to introduce a bill that would restore the American people’s access to Presidential papers. This bill is the companion to H.R. 1255, which is sponsored by Representative HENRY WAXMAN, and was passed in the House of Representatives with strong bipartisan support.

In 1978, Congress passed the Presidential Records Act and declared that a President’s papers were the property of the people of the United States of America and were to be administered by the National Archives and Records Administration, or NARA. The Act provided that Presidential papers would be made available 12 years after a President left office, allowing the former or incumbent President the right to claim executive privilege for particularly sensitive documents. In order to fulfill that mandate, President Reagan in 1989 signed Executive Order 12667, which gave the former or incumbent President 30 days to claim executive privilege.

However, in 2001, President Bush issued Executive Order 13233, nullifying President Reagan’s order and imposing new regulations for obtaining Presidential and Vice-Presidential documents. President Bush’s new order greatly restricts access to Presidential papers by requiring that all requests for documents be innocuous, be approved by both the former President and current White House. In this way the order goes against the letter and the spirit of the Presidential Records Act by creating a presumption of nondisclosure, thus allowing the White House to prevent the release of records simply by inaction.

The President’s order also limits who can have access to Presidential papers by expanding the scope of executive privilege to the records of Vice Presidents for the first time. Also, former Presidents can now designate third parties, including family members and Vice Presidents, to exercise executive privilege on their behalf, meaning that Presidential papers could remain concealed many years after a President’s death. These expansions raise some serious constitutional questions.

The administration shouldn’t fear passage of this bill. Any documents that contain sensitive national security information would remain inaccessible, as would any documents pertaining to law enforcement or the death of the President. Executive privilege for both former and current Presidents would still apply to any papers the White House designates. With these safeguards in place, there is no reason to further hinder access to documents that are in some cases more than 20 years old.

By not passing this bill, the Congress would greatly limit its own ability to investigate previous administrations, not to mention the ability of historians and other interested parties to research the past. Knowledge of the past enriches and informs our understanding of the present, and by limiting our access to these documents we do both ourselves and future generations a great disservice. Numerous historians, journalists, archivists and other scholars have voiced their dissatisfaction with the administratives because they understand how important open access to Presidential papers was.

By passing this bill, the Congress would do both ourselves and future generations a great disservice. We here in the Congress cannot and should not surrender our ability to investigate previous Presidential administrations because doing so would remove a vitally important means of ensuring Presidential accountability.

I believe it is time for these documents to become part of the public record. I believe in open, honest, and accountable government, and I do not believe in keeping secrets from the American people. The Presidential Records Act was one of this country’s most vital post-Watergate reforms and
March 14, 2007

CONGRESSIONAL RECORD — SENATE

S. 887. A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to offer the bill with Senator DURBIN to restore our Nation’s agricultural inspection functions to the Department of Agriculture.

This bill would transfer the Agricultural Quarantine Inspection Program—AQI—from the Department of Homeland Security’s Customs and Border Protection back to the USDA’s Animal and Plant Health Inspection Service—APHIS—.

The bill was introduced as part of the Homeland Security Act, agricultural inspections at all points of entry in the United States were transferred from the USDA to DHS. Four years later, it is clear that fewer agricultural inspections are being conducted at our borders and ports.

I have heard this message loud and clear from: California Secretary of Agriculture A.G. Kawamura, Farm Bureau, the American Landscape and Nursery Association, the California Agriculture Commissioners and Sealer Associations, the Nisei Farmers League, the Nature Conservancy, Environmental Defense, National Wildlife Federation, Union of Concerned Scientists, Defenders of Wildlife, and the San Diego County Agriculture Commissioner, the Contra Costa County Agriculture Commissioner, and many California farmers.

These groups have observed not only the decrease in the number of inspections since the Agricultural Quarantine Inspection Program was transferred to the Department of Homeland Security—DHS—but also decreased communication between the program and State agricultural organizations.

Last year, the Government Accountability Office reported that highlighted the problems associated with the transfer of the program from the U.S. Department of Agriculture to the Department of Homeland Security, entitled “Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease.”

The GAO study found:

The inspection rate at several key American ports of entry has significantly decreased. Inspections decreased in Miami by 12.7 percent, in Boston by 17.9 percent, and San Francisco by 21.4 percent.

Sixty percent of agricultural inspection specialists believed they were doing either “somewhat” or “many fewer” inspections since the transfer.

Sixty-three percent of survey respondents did not believe that their port had enough agriculture specialists to carry out agricultural duties.

Lastly, 64 percent of the agriculture specialists reported that their work was not respected by Customs and Border Patrol.

These statistics are deplorable.

The failure to protect our borders from the invasion of agricultural pests

it remains vitally important today. In these times when trust in government is slipping more and more every day, we need to send a statement to the American people that we here in Washington don’t need to hide from public scrutiny—that instead we welcome and encourage public scrutiny. This bill will send just such a message.

Franklin Roosevelt commented on the opening of his Presidential library in 1941:

‘‘To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a Nation must believe in three things. It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its own people to learn from the past so that they can gain in judgment in creating their own future.’’

I believe that the American people deserve and need access to Presidential records.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 887

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 “Presidential Records Act Amendments of 2007”.

SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

S. 2208. Claims of constitutionally based privilege against disclosure

`(a)(1) When the Archivist determines under subsection (b) that a claim may be made available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

`(i) promptly provide notice of such determination to—

`(I) the former President during whose term of office the record was created; and

`(II) the incumbent President; and

`(b) make the notice available to the public;

`(2) The notice under paragraph (1)—

`(A) shall be in writing; and

`(B) shall include such information as may be prescribed in regulations issued by the Archivist;

`(3)(A) Upon the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b);

`(B) A former President or the incumbent President may extend the period under subparagraph (A) for not more than 20 additional days (excluding Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

`(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire before January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

`(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure shall be asserted personally by a former President or the incumbent President, as applicable.

`(2) A former President or the incumbent President shall notify the Archivist, the Committee on Homeland Security and Governmental Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

`(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period beginning on the date the Archivist is notified of the claim.

`(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President or the incumbent President.

`(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

`(A) the incumbent President withdraws the privilege claim; or

`(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

`(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

`(e)(1) The Archivist shall adjust any applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or other judicial process.

`(2) The Archivist shall adjust any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3)(d) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.

`(f) The Archivist shall adjust any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3)(d) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.

`(g) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting “, except section 2208,” after “chapter”.

`(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting “, except section 2208, after “chapter”.

`(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

“2208. Claims of constitutionally based privilege against disclosure.”


Executive Order number 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 887.

A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Homeland Security and Governmental Affairs.

Mr. President, I rise today to offer the bill with Senator DURBIN to restore our Nation's agricultural inspection functions to the Department of Agriculture.

This bill would transfer the Agricultural Quarantine Inspection Program—AQI—from the Department of Homeland Security's Customs and Border Protection back to the USDA's Animal and Plant Health Inspection Service—APHIS—.

As part of the Homeland Security Act, agricultural inspections at all points of entry in the United States were transferred from the USDA to DHS. Four years later, it is clear that fewer agricultural inspections are being conducted at our borders and ports.

I have heard this message loud and clear from: California Secretary of Agriculture A.G. Kawamura, Farm Bureau, the American Landscape and Nursery Association, the California Agriculture Commissioners and Sealers Association, the Nisei Farmers League, the Nature Conservancy, Environmental Defense, National Wildlife Federation, Union of Concerned Scientists, Defenders of Wildlife, and the San Diego County Agriculture Commissioner, the Contra Costa County Agriculture Commissioner, and many California farmers.

These groups have observed not only the decrease in the number of inspections since the Agricultural Quarantine Inspection Program was transferred to the Department of Homeland Security—DHS—but also decreased communication between the program and State agricultural organizations.

Last year, the Government Accountability Office reported that highlighted the problems associated with the transfer of the program from the U.S. Department of Agriculture to the Department of Homeland Security, entitled "Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease."

The GAO study found:

The inspection rate at several key American points of entry has significantly decreased. Inspections decreased in Miami by 12.7 percent, in Boston by 17.9 percent, and San Francisco by 21.4 percent.

Sixty percent of agricultural inspection specialists believed they were doing either "somewhat" or "many fewer" inspections since the transfer.

Sixty-three percent of survey respondents did not believe that their port had enough agriculture specialists to carry out agricultural duties.

Lastly, 64 percent of the agriculture specialists reported that their work was not respected by Customs and Border Patrol.

These statistics are deplorable.

The failure to protect our borders from the invasion of agricultural pests
places our farmlands and forests at great risk of infestation.

USDA estimates nationally that agricultural pests cost the American agricultural industry an annual loss of about $11 billion. In California alone, pest infestations cost my State’s farmers about $3 billion. This amount includes crops lost in the quarantine, and the cost of measures taken to control and eradicate pest outbreaks.

The farmers in my State continue to battle against serious agricultural pests, such as the rusty pig asparagus beetle, the Asian long-horned beetle, the Mediterranean fruit fly, and many others.

During the time that DHS has been in charge of agriculture inspections, Fresno County experienced its first fruit fly outbreak, quarantine, and eradication. According to the Fresno County Department of Agriculture, a 105-square-mile area had to be quarantined due to an outbreak of the peach fruit fly. The pest is indigenous to Asia, and is believed to have entered the country on smuggled fruit carried by an airline passenger. The eradication effort cost approximately $2 million.

The interception of pests at inspection points, coupled with the elimination and eradication of pest outbreaks, is a top priority for California agriculture organizations. And these groups have worked hard to improve the agricultural inspection process.

But this is not just a California problem. Farmers and foresters from every corner of our country have faced the imposing threat of a foreign agricultural pest invasion.

Here are just a few examples of the pests that threaten our Nation:

The Glassy-winged sharpshooter is a devastating new pest for California. Since its migration into California in 1999 from the southeastern United States, the glassy-winged sharpshooter population has ballooned throughout southern California. This pest transmits Pierce’s disease, which threatens 450,000-plus acres of wine grapes, more than 330,000 acres of raisin and table grapes, a crop production of $4 billion and associated economic activity of $45 billion. There is no known cure for Pierce’s disease.

The glassy-winged sharpshooter also spreads to almonds, citrus, and peaches as well as native plants, shrubs, and trees.

Citrus canker is believed to have originated in Southeast Asia and was discovered in Florida in 1995. It causes lesions on the leaves, stems, and fruit of citrus trees as well as helping to spread bacteria that cause leaf blight and fruit to drop prematurely, and makes fruit too unsightly to be sold. The Federal Government has spent $578 million for eradication, with little results.

The Asian long-horned beetle was introduced to the United States in August 1996 inside solid wood packing material from China. The beetle is a serious threat to hardwood trees and has no known natural predator in the United States. The beetle has the potential to destroy millions of acres of America’s hardwood forests and industries such as lumber, maple syrup, nursery, and tourism accumulating over $1 billion in losses. The beetle has spread to New York, New Jersey, Illinois, and California.

In the summer of 2002, scientists detected a new exotic insect in Michigan, the emerald ash borer. This insect is an invasive species originally from Asia. To date, it has destroyed damaged millions of ash trees in Michigan. It has been detected in Ohio, Indiana, Maryland, Ohio, Illinois, and in Ontario, Canada.

The National Association of State Departments of Agriculture—NASDA—recognizes the impending danger and has first-hand experience of how inspections have changed since the DHS takeover. NASDA recently announced that one of its key recommendations is to reassign cargo inspection from DHS to USDA’s Animal and Plant Health Inspection Service—APHIS.

NASDAQ explains: APHIS has “the expertise and communication system to carry out a focused and effective agricultural safeguarding effort at our borders.”

Our Nation’s agriculture is too important to leave open to the risk of invasion of agricultural pests. I urge my colleagues to join me in supporting this bill.

Let us re prioritize the plant and animal border inspections and strengthen the anti-terrorism mission of DHS by returning the Agricultural Quarantine Inspections to its logical place, the United States Department of Agriculture.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS FROM THE DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—


(b) CONFORMING AMENDMENT TO FUNCTION OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date described in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out purposes delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date described in subsection (e), all employees of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 221(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the “International Agricultural Inspection Program”, under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the “Administrator”) shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTION ALERTS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for security inspections of passengers of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(f) INSPECTION USER FEES.—The Administrator may charge inspection user fees, including by indicating cargo to be held for immediate inspection.

(g) CAREER TRACK PROGRAM.—In carrying out the program under this paragraph, the Administrator, in coordination with the National Association of State Departments of Agriculture, shall—

(A) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, plant, animal, and natural resources; and

(B) develop a career track program for purposes of the career track program.

(h) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the “Secretary”) shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Committee on Agriculture of the United States and reports of interagency advisory groups, as applicable; and
B. ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting the movement of the animals and plants with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary shall develop and maintain an integrated real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(B) ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the “International Trade Inspection Advisory Committee” (referred to in this subparagraph as the “Advisory Committee”), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) MODEL.—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) MEMBERSHIP.—The committee shall be composed of members representing—

(I) State departments of agriculture;

(II) directors of ports and airports in the United States;

(III) the public; and

(V) such other entities as the Secretary determines to be appropriate.

(2) DELIVERY.—At least twice each year, the Secretary shall submit to Congress a report containing an assessment of—

(A) the resource needs for import and entry agricultural inspection, including the number of inspectors required; and

(B) the adequacy of—

(i) inspection and monitoring procedures and facilities in the United States; and

(ii) the strategic plan developed under subsection (e)(vii) (A).

(3) FUNDING.—The Secretary shall pay the costs of each import and entry agricultural inspector, except the Animal and Plant Health Inspection Service—

(A) from amounts made available to the Department of Agriculture for the applicable fiscal year; and

(B) if amounts described in subparagraph (A) are unavailable, from amounts of the Committee on Foreign Relations.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date which is 180 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—DESIGNATING SEPTEMBER 2007 AS “CAMPUS FIRE SAFETY MONTH”

Mr. BIDEN (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 105

Whereas tragic fires in student housing in Nebraska, Missouri, Oklahoma, and Pennsylvania have cut short the lives of college students in the United States;

Whereas, in 2000, at least 99 people, including students, parents, and children, have died in campus-related fires;

Whereas more than 75 percent of those deaths occurred in off-campus residences;

Whereas a majority of the students in the United States live in off-campus residences;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems have been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method for controlling or extinguishing a fire in its early stages and protecting the lives of the building’s occupants;

Whereas many students are living in off-campus occupancies, sorority and fraternity housing, and residence halls that are not adequately protected with automatic fire alarm systems and automatic fire sprinkler systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college careers;

Whereas the post-World War I Turkish Government indicted the top leaders involved in the “organization and execution” of the Armenian Genocide as a “campaign of race extermination”, and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the Department approves your procedure of committing such massacres and destruction of the Armenians”; and

Whereas, on May 24, 1915, the Allied Powers issued the joint statement of England, France, and Russia, the United Kingdom, the United States, and on September 2007, President Woodrow Wilson agreed to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds for the relief of the Armenians,” who, at that time, were enduring “starvation, disease, and untold suffering.”

Whereas Senator Concurrent Resolution 12, 96th Congress, agreed to July 18, 1916, resolved that “the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds for the relief of the Armenians,” who, at that time, were enduring “starvation, disease, and untold suffering.”

Whereas the President of the United States, Mr. George W. Bush, on September 24, 2007, submitted the following resolution; which was referred to the Committee on Foreign Relations: