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No. 91

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 4, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: You are all-powerful, Lord, and worthy of highest praise. Your power is great, and there is no limit to Your wisdom.

We, as Your people, as a Nation, are truly a tiny part of Your vast creation. Yet, we wish to praise You.

It is You Who move and act in any of us and take delight in our offering You praise. For You are to be found within us.

When we desire to create equal justice for all people, it is You Who plant the desire in us.

It is You Who plot out the ways we position ourselves for the future and lead Your people to insight and consensus.

When we long for peace in such a deep way that we are willing to lay down armaments and take our place at the table of negotiations, then we know it is You Who make us instruments of secure peace and begin the ending of hate and violence.

Lord, You have made us. You made us for Yourself so our hearts are restless now and we will not rest until we rest in You forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPITO led the Pledge of Allegiance as follows:

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

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### ENERGY AND GAS PRICES

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to urge my colleagues to join us in bringing down the price of gasoline and securing our energy supply.

Last December we enacted legislation that began to redirect our Nation's energy policy so it is clean, secure, and invests in our workforce.

In May we passed the Gas Price Relief for Consumers Act of 2008, legislation which gives the U.S. authorities the ability to prosecute those who engage in anti-competitive behavior, like the cartels such as OPEC.

Just last month we also passed the Renewable Energy and Job Creation

Act of 2008, which will provide needed investments and security to renewable energy and energy efficiency industries.

With the passage of all these bills and others, we are reducing our dependence on oil to bring down the record gas prices, secure our Nation's energy supply, and create hundreds of thousands of green collar jobs.

I urge my colleagues to help our businesses and consumers and struggling families to support all of these efforts.

### AMERICANS DEMAND ACTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the American people are fed up with rising energy prices. They are fed up that the leadership here in Washington does not seem to have the will to step forward and make tough decisions so that we can begin to ease the pain at the pump.

I am proud to be working with many of my colleagues in the House of Representatives to try to bring real relief to the American people. In particular, I am proud to be supporting legislation such as the American Energy Independence and Price Reduction Act that would open up a small part of ANWR for energy production and exploration today and use funds obtained through the sale of land leases to invest in alternative energy sources for tomorrow.

These plans would adhere to the strictest environmental requirements in our Nation's history. This type of comprehensive approach is direct. It is timely. It is vital to building a stronger strategic energy portfolio.

The American people demand and deserve action.

In conclusion, God bless our troops, and we will never forget September the 11th.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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### HONORING THE LIFE OF JACK MILDREN

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Madam Speaker, I rise today to honor the life of a remarkable Oklahoman.

Jack Mildren passed away on Thursday, May 22, following a 2-year battle with cancer.

Jack was born in 1949 and later was a Texas high school football star who chose to attend college in Oklahoma.

Known as the "Godfather of the Wishbone," Jack led the University of Oklahoma football team in an appearance in the 1971 "Game of the Century," along with being the MVP of a Sugar Bowl win. He's most widely recognized for laying the foundation for the success of the Sooner football program for years after his graduation. Jack left OU an Academic All-American and went on to play professional football for three seasons.

Jack was not only a football star but also a civic leader and an outstanding public servant. He was elected as Oklahoma's 22nd Lieutenant Governor. Most recently, he served as a banker as well as a beloved Oklahoma sports radio host.

Jack Mildren will not only be remembered by his wife, Janis; and children, Leigh, Lauren, and Drew; but by all Oklahomans for his contributions to the history of our State.

We will miss you, Jack.

### CLEAN COAL-DERIVED FUELS FOR ENERGY SECURITY ACT

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, I rise today because gas prices at the pump are just a symptom of our growing addiction to foreign oil and inaction by this House leadership.

For our wallets and for our national security, we need to become more energy independent. Congress should start now to develop more of our domestic energy supply. And one of those more affordable and abundant supplies of energy we have now is coal. With over 250 years of reserves, the United States has the world's largest coal reserves.

Last night I introduced H.R. 6170, the Clean Coal-Derived Fuels for Energy Security Act, to reduce our reliance on foreign oil. My bill is clear: It will establish and mandate 6 billion gallons of clean coal-to-liquid fuel by the year 2022. Coal can be converted through proven, existing modern technology into clean, synthetic oil and be economically viable, resulting in lower prices at the gas pump.

We need to be serious about becoming more energy independent. West Virginians deserve a comprehensive long-term solution that provides real

stability and actually leads to the creation of new energy. Coal-to-liquid fuel will create an investment in rural communities, good-paying jobs for Americans, and cheaper energy for Americans.

### SUPPORT H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in support of H.R. 3021, a bill that will help our local schools build the high-quality classrooms that our students deserve.

This responsible legislation, which we will consider today, provides for needed investments in public school facilities, investments that will result in improved student performance.

Our Nation's public school facilities are in disrepair. This is a disgrace, and it impedes our students' ability to learn. Local education agencies want to make a difference, but they need our help.

With our younger students, we know that maintenance issues draw them away from focusing on what they need to focus on in the classroom, when they see chipping paint, water dripping from ceilings, poor heating and cooling. We need to change that. And older students cannot be prepared for the 21st Century if they don't have a 21st Century classroom.

These examples are not just anecdotal. There is firm evidence that suggests that we must invest in our school facilities in order to improve students' performance. By failing to do so, we are sending our youth a message that we don't care about them.

So I hope that my colleagues will vote with the best interests of our students and vote on this legislation in the affirmative today.

### AMERICAN ENERGY INDEPENDENCE

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker, it's high time Congress acts on high gas prices. The American people are crying out for help and assistance; yet this Democrat Congress is doing nothing when it comes to energy independence for Americans.

Finding a comprehensive long-term solution is what the American people want so that we can be energy independent, or at least more energy independent than we are today.

Conserving is a sign of personal virtue, but we cannot conserve our way to American energy independence. The Democrat plan is only conservation and it's only tax increases.

On our side of the aisle, we are trying to reach out to the Democrats and say

that we must have energy exploration here domestically.

When it comes to energy, America needs to rely on its own ingenuity and innovation, not the Saudi royal family.

### LEADERSHIP DEMANDS ACTION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, Americans are demanding action as they're being battered by sky-high gas prices.

The relentless unwillingness to act by this majority has left my constituents fuming and looking for action, not more of the same rhetoric and politics.

We sit at the precipice of four dollar gasoline. How much higher do these costs have to go before the majority will act? Five dollars? Six dollars? Ten dollars? Is the Democrat majority so out of touch with the American people?

On this side of the aisle, we have produced an action plan to increase access to new sources of energy, increase American production, encourage alternative fuels, and incentivize conservation. We are ready to act.

Madam Speaker, gas prices have increased 70 percent since you took control of Congress, and it's your duty to act. I call on you to allow the responsible Republican energy plan to come to this floor.

Madam Speaker, idleness is not leadership.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

### HELP OUR FAMILIES

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, I learned yesterday from reports that the State of South Carolina has the lowest gas in the Nation. It was reported that the average gas price in South Carolina is \$3.79, and most other States have an average of about 20 cents higher or right at \$4.

A lot of people would think that's good news. In fact, some would give me the opportunity to congratulate South Carolina. But I'm not going to use this platform to deliver good news because it's not good news.

It's not good news to the South Carolina citizens or citizens anywhere in this country. What would be good news is to see that the "commonsense" energy plan that was promised by the majority party is brought to the floor.

I am tired of my families putting their hard-earned paychecks into their tanks every week, Madam Speaker. The American citizens need good news, and we need to bring energy legislation

to the floor now to help our hard-work-  
ing families.

#### COAL TO LIQUID AS AN ALTERNATIVE ENERGY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, according to the Energy Information Agency, the United States currently imports 60 percent of its oil, and that number is expected to rise to 75 percent in the coming decades. As a country, we need to reduce our dependency on foreign fuel sources and start implementing alternative energy sources that can be found here in the United States.

Imported fuels such as crude oil and natural gas are costing this country millions of dollars a year, accounting for about one-third of the U.S. trade deficit. At \$45 a barrel, liquid coal fuel is a desirable alternative to the \$120 or more barrel of oil. Not only does this innovative fuel cost less, but also coal is one of the most abundant resources in our country.

As Congress continues to explore the use of alternative energy sources, we need to look closely at the enormous benefits of coal-to-liquid technology.

#### PENCE DEMANDS ACTION ON HIGH GAS PRICES

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. The national average cost of gasoline at the pump today is \$3.98 a gallon. When I was home over the Memorial Day break, one Hoosier after another stopped and asked me the same question. They said, MIKE, what is it going to take? What is it going to take for Congress to take action to give the American people more access to American oil?

The reality is today that the Democrat majority thinks that we can tax our way to lower gasoline prices. A few weeks ago, they actually passed legislation suggesting we could actually sue our way to lower gasoline prices. But the American people know the only way to lessen our dependence on foreign oil is to lessen our dependence on foreign oil.

We must take action now to allow additional drilling in environmentally responsible ways on American soil off American shores so the American people can increase global supply, reduce the price of oil, and bring real relief to families and businesses and farmers at the pump.

#### ENVIRONMENTALISTS HAVE GONE BATTY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, out on the arid, dusty high plains of west Texas, where the land was once the home of thousands of oil derricks, the landscape is now dotted with windmills—the new turbine clean energy. Texas is the wind energy capital of North America, supplying power to over 1 million homes.

But now the environmental fear lobby wants to stop these turbines because they may pose a threat to bats and birds. They are the same radicals who have successfully prevented America from drilling for more crude oil at home, like in west Texas. These are the same batty people who have demanded we go to wind energy in the first place.

Now they are worried about the bats and the birds that fly at night may be running into the windmills. Of course, there is no evidence to support this bat mania claim. Anyway, we all learned in third grade bats have a radar-like ability to navigate at night in caves and open terrain. The National Academy of Sciences stated: Birds have more to fear from high buildings, power lines, and cats than they do from the blades of windmills.

We cannot allow the rich elites of the environmental fear lobby to destroy America's energy production. Otherwise, we will all end up going back living in the dark caves, with the bats.

And that's just the way it is.

#### WHY ISN'T AMERICA DOING MORE?

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Madam Speaker, back home in Texas I visited with families whose cost is so high that one woman in Bridge City told me she doesn't even go to Wednesday night church. She can't afford to drive to it. Just on Sunday. I talked to small businesses that now work, painters and plumbers and others, who now basically work for free because gas prices have eaten up all their profits. I visited this last week with our law enforcement agencies, who are no longer able to be proactive in the community. They are just responding to calls because they burned through much of their fuel budget for the year already.

In each case, every one of them asked me, Why isn't America doing more? Why isn't America taking more responsibility for our own energy needs? We import two-thirds of all we use. We are capable of doing more. In each case, they said, Look, take a message back to Congress. No more gimmicks. No more gimmicks. We need more American-made energy here in the United States to get our fuel prices down, to be less dependent on Middle East fuel, to have some say over the prices that our families and small businesses pay.

#### COMPREHENSIVE ENERGY STRATEGY

(Mr. BOUSTANY asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Madam Speaker, as oil prices continue to climb, increasing American energy production is critical to meeting this challenge. Yesterday, the Department of Energy announced a \$715,000 grant to my alma mater, the University of Louisiana at Lafayette, to develop more effective ways to drill for oil. Students and professors will work together, along with industry, to achieve higher energy yields from each drilling hole. Better exploration and drilling procedures and techniques are just two parts of a comprehensive energy strategy that we need to have because a magic bullet will not solve our energy challenges. It will not lower the price at the pump alone. We need a comprehensive strategy.

People of southwest Louisiana and around the country want to increase responsible energy production, they want to see increased refining capacity, they want to unleash American entrepreneurship and ingenuity to solve our energy problems, and they don't want any further delays because gas at the pump, as you can see, is just short of \$4 a gallon.

We have to stop the delay and have a comprehensive energy solution. I challenge the Democratic leadership to work with us and stop the delay. Let's get a solution to our energy problems.

#### RESULTS OF NOT DEVELOPING AMERICAN ENERGY

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. As America is becoming painfully aware, there has been a result of us not developing American energy. We have reports of police cars sitting idle because of the cost of gasoline; various assembly lines and automobile manufacturers closed down because of the fact that there's no demand for the type of vehicles that are being produced. We have a situation where parents have a hard time just putting enough gasoline in the tank to get the kids to school. And we have the AAA saying that the increase in motorists without gas has increased 15 percent.

Since Speaker PELOSI took office, gasoline prices have skyrocketed 71 percent. Now, I am an engineer. The good news is there's a solution to this. It's called American energy. We need to stop looking at the American energy as something that is an environmental hazard and rather look at it as an asset that we can develop.

The Democrats, year after year after year, 85 percent of the time, are voting against increasing supplies of American energy. We have to develop our own energy.

## AMERICAN-MADE OIL AND GAS: A HISTORY OF SUPPORT AND OPPOSITION

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. As you see, the theme this morning is to talk about gasoline prices, and as we look at the various solutions that are available to our country, it's interesting to note how votes happen in this House. It's rare that a particular position is supported or opposed 100 percent by either party. But let me walk you through a couple of solutions that have been voted on in this House over the last 14 years.

Drilling in ANWR; 91 percent of Republicans supported it, 86 percent of Democrats opposed it. Coal-to-liquids; 97 percent of Republicans supported it, 78 percent of Democrats opposed it. Oil shale exploration; 90 percent Republican support, 86 percent Democrat opposition. Drilling on the Outer Continental Shelf, 81 percent of Republicans support it, 83 percent of Democrats oppose it. Increased refinery capacity; Republicans support that by 97 percent, Democrats oppose it by 96 percent.

Madam Speaker, I ask my colleagues on the other side of the aisle to begin to look rationally at the solutions that will help address America's need for energy, gasoline and electricity as we move forward.

### A POLICY OF "NO" IS NOT WORKING

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, it's not working. The policy of "no" to producing America's resources is not working for the American people. Today, America will write a check for \$1 billion to buy enough energy to run our economy for one day. Let me repeat that. Today, America will write a check for \$1 billion to run our economy for one day. That means for the year, it takes \$365 billion to export to other countries that have said "yes" to developing their resources.

Think about what we could do with \$1 billion if we invested that in developing American resources; the jobs that it would create, the fact it would make America more independent and less dependent on those other countries.

The policy of "no" is not working. We need to say "yes" to producing more of America's resources; "yes" to drilling in areas where we have found abundant resources; "yes" to using a 250-year supply of coal; "yes" to building new nuclear power plants; "yes" to developing America's resources, reinvesting in America.

Madam Speaker, I ask you to bring legislation to the floor that will help

America build a stronger energy independence.

### DRILL NOW IN ANWR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. I just returned from the Middle East. I went with a bipartisan group to Saudi Arabia, to the United Arab Emirates and to Kazakhstan and talked to the folks who have oil about what we can do internationally to bring the price down, bring the supply up, do whatever it takes to give middle class Americans some relief at the gas pump. It was interesting the response that I got.

Number one, I can tell you without question the Middle East is happy with the current gas prices. We all know that they are enjoying the wealth which we are transferring over there. But the thing that they said to us, How dare you come to Saudi Arabia, how dare you come to the United Arab Emirates, how dare you come to Kazakhstan and ask us to reduce our prices when you won't even drill for oil yourself. You won't even build refineries. Yet you want us to do something. You can do it for yourself.

Think about this, ladies and gentlemen. ANWR, the Arctic National Wildlife Reserve, is the size of South Carolina. The proposed drilling area is 2,000 acres. That is smaller than the average airport. Yet, for some reason, we are afraid to drill there. That is absurd. We need to drill now.

### WE NEED AMERICAN ENERGY PRODUCTION

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute.)

Mr. MCCOTTER. Over the recess, I had the opportunity to meet with a manufacturing community in my district; talk to managers, talk to owners, talk to employees. The one thing they all agree on is the cost of American energy is adding to their fixed costs at the very time international pressure is forcing them to reduce the cost of their product. In short, they're facing the nightmare scenario of energy prices forcing them to lay off workers in the manufacturing sector or to, unfortunately, terminate their employment altogether.

What we need in the United States is American energy production, conservation, and free market innovation if we are to protect these jobs and help these workers. It is very cold comfort for the people of Michigan and the manufacturing workers of the United States to hear that some day a green collar job will come and take away your blue collar job. When you're putting them out of work today, the prospects for tomorrow look much more bleak than they do to some academic or to some politician who is engaging in rhetoric that

somehow the government will innovate us out of this effort.

We need American production to help protect manufacturing jobs and help provide prosperity for the American people.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

### AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 311) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 311

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 21, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

#### SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

#### SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

#### SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

#### SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code,

concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H. Con. Res. 311.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Concurrent Resolution 311 authorizes the use of the Capitol Grounds for the annual Soap Box Derby. As all Members are aware, this is an annual event held here on Capitol Hill. Activities planned for this event will be coordinated with the Office of the Architect of the Capitol and, like all events on Capitol Hill grounds, will be free and open to the public.

The 2008 Greater Washington Soap Box Derby will take place on Constitution Avenue between Delaware Avenue and Third Streets, Northwest, on June 22.

□ 1030

The Greater Washington Soap Box Derby has been held on the U.S. Capitol Grounds since 1991 and has attracted over 60 youth participants in each of those years.

In 2007, for the first time in the 66 year history of the D.C. Soap Box Derby, a local participant won the Masters title in the national competition in Akron, Ohio. The All-American Derby Youth Program is administered by the International Soap Box Derby, Incorporated, an Akron-based non-profit corporation. This is a family-oriented event and is supported by hundreds of parents and volunteers.

I urge support for the resolution.

I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 311, sponsored by the majority leader, Representative HOYER, authorizes the use of the Capitol Grounds for the 67th Annual Washington Soap Box Derby on June 22, just a couple of weeks away, this year. For many years, Majority Leader HOYER and Congress have supported this fun event, which allows children to show off their hard work and their creativity as they compete for trophies and the opportunity to race others in competition.

Boys and girls between the ages of 8 and 17 will race down Capitol Hill in

homemade cars, hopefully without injury. Winners in each of the three divisions go on to compete in the National Soap Box Derby in Akron, Ohio. Last year, the Soap Box Derby marked a historic event when racer Kacie Rader won both the District's race and the national title in her division.

I support this resolution, and I encourage my colleagues to do the same.

The authorization of the use of the Capitol Grounds is part of the managerial work that we do here in Congress. But the issues the American people want addressed are being ignored. While Americans struggle, particularly in my district, to put fuel in their cars, we authorize the use of the Capitol Grounds. Gas prices are soaring above \$4 in many parts of the country and this Congress must act. We must work to find a way to ease the burden of increasing fuel costs.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I am just real pleased, Madam Speaker, to be able to stand up and speak in favor of this, because this is a great example of conserving fuel for America. These cars don't run on gasoline or diesel. These kids are just going to let gravity take its course. I guess this trucker from Houston that I met with this last week who told me that he took a load from Houston to San Diego and got paid \$1,800 and his fuel costs were \$1,700, he probably wishes it was all downhill from Houston to San Diego so he wouldn't have to pay the kind of fuel costs that are being imposed upon the American public.

The American public is asking this House to address this issue. I don't think anybody who went home and talked to their constituents this last week could not have found out that people are frightened at the cost of fuel. Single parents are concerned that they can't get their children to school. They are concerned they are not able to get to do shopping. They are having to choose between food or fuel in families across our country. It is time to use American energy intelligently.

As we look at this great race, which I support, I am excited for these young people and I think it is really Americana at its best. But using America's resources wisely is also Americana at its best, and our citizens expect us to find and use the fuel that is available for them to bring these prices down.

I encourage my colleagues on the other side of the aisle to join us on this side of the aisle in trying to find new sources of fuel from all over this Nation, from Alaska to the Gulf of Mexico to offshore. It is important to America. It is important to our families.

I thank you for allowing me to express my opinion.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, today I rise as a proud sponsor of House Concurrent Resolution 311, legislation which will allow the Greater Washington Soap Box Derby Association to hold the 67th Annual Greater Washington Soap Box Derby on the grounds of the United States Capitol on June 22nd.

Soap Box Derby racing in our Nation's Capital has a long and rich tradition. In 1938, Norman Rocca beat out 223 other racers to win the Inaugural Greater Washington Soap Box Derby, which was held on New Hampshire Avenue. Over the years, thousands of the region's young people have participated in this great race.

Although the location has moved from the original site on New Hampshire Avenue to Capitol Hill, with stops on Massachusetts Avenue, Pennsylvania Avenue and Eastern Avenue along the way, the essence of the race has remained the same; homemade, gravity-powered cars, the spirit of competition, and the pure joy of racing. Community groups, police departments, fire departments and other sponsors sponsor children each year, children who may not otherwise be able to participate.

The Soap Box Derby is not simply a race, Madam Speaker; it is an enriching way to reach out to our youth and teach them the importance of community, responsibility, hard work and innovation.

The Soap Box Derby consists of dozens of drivers, both boys and girls, ranging in age from 8 to 17. These racers are divided into three divisions; stock, super stock and masters. The local winners of each division will automatically qualify to compete with racers from around the world in the 71st All-American Soap Box Derby in Akron, Ohio, on July 26th.

Madam Speaker, this event has been called "the greatest amateur racing event in the world." It is an excellent opportunity for contestants from the District of Columbia, Maryland and Virginia to learn basic building skills while gaining a real sense of accomplishment.

Further, I hope that this year's winner from the Greater Washington area will have the same success as one of last year's participants, Ms. Kacie Rader. Kacie's win in Washington was only the beginning. Not only is Kacie a constituent and a neighbor, she also is the 2007 All-American Soap Box Derby Masters Division champion.

I strongly encourage my colleagues to join with me and the other original cosponsors, Representatives FRANK WOLF, JIM MORAN, ELEANOR HOLMES NORTON and CHRIS VAN HOLLEN, in supporting this resolution.

Mr. KUHL of New York. Madam Speaker, I yield such time as he may

consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman from New York for yielding.

I think it is wonderful that we are talking about the Soap Box Derby. It is a good thing that it doesn't require any energy or any gasoline, because the gas prices in this country are higher than I think anybody would have expected in our lifetimes. It is about \$4 a gallon now, and people are asking me in my district, what are we going to do about this? What can we do about it?

Well, we should have done something about this a long time ago. The principal reason we are seeing these high gas prices is because we are far too dependent on foreign sources of energy. Why is that? Well, I know that as this one Member from Ohio can tell you, I voted 11 times in the last 14 years to open ANWR in Alaska for exploration and drilling. We think we have somewhere between 10 and 16 billion barrels of oil there. Unfortunately, we have handcuffed ourselves and put that off limits.

We also have the Outer Continental Shelf, where we have upwards of 86 billion barrels of oil and huge amounts of natural gas. If we had access to that natural gas, we wouldn't see the high heating prices for heating one's home in the wintertime.

But this is essentially the policy that this new majority here in Congress has put into effect. In reality, over the last decade, decade-and-a-half, even though they were in the minority in the time, they were able to block it over in the other body, in the Senate. So we had the votes here in the House to do it, but they didn't have the votes over there.

When you put huge amounts of energy like that off limits, it means we have to get that oil somewhere, so that means, unfortunately, we have to import it from OPEC nations, for example, who literally just keep the spigot turned down so that there isn't enough supply out there. Then when you have economies in India and China expanding and growing, it is a supply and demand issue. So the price goes up and continues to go up, because we are far too dependent on buying that oil from somewhere else. About two-thirds of our oil we buy elsewhere.

I know when the new Speaker of the House, Ms. PELOSI, took over here, a few months before the election she made the statement that the gas prices were outrageous. They made a big campaign issue about that. At that time they were \$2.30 a gallon. She said that was outrageous, and they had a plan to do something about that. Well, the plan that we have seen from this new majority here in the House of Representatives has resulted in it going from \$2.30 a gallon to about \$4.00 a gallon in less than 2 years.

So the problem is this new majority that talks about an energy policy, and they actually passed an energy bill recently, it was a no-energy bill, because

it didn't open up ANWR, it didn't open up the Outer Continental Shelf. It did nothing about making it possible for us to build oil refineries in this country.

We haven't built an oil refinery since 1976, over 30 years, making it virtually impossible to build an oil refinery. Therefore, even if we had enough crude in this country, we couldn't refine it quickly enough to be able to put it in our cars.

They have also been instrumental in pushing for these boutique fuels, where different States have different blends so the supply is very difficult to get around. That has driven the price up.

Also the liberals here in the House of Representatives over the years, and in this country, for that matter, their policy has been no new nuclear power plants. Now, France has 80 percent of their electricity produced by nuclear power plants. About 20 years ago, the liberals in this country were able to effectively shut down new nuclear power plants being built in this country. We have over 100 of them right now, but that means we haven't built any newer ones. China and India and other countries around the world are building them and relying more and more upon nuclear, but not the United States.

Many of us said what we are seeing now was where we were heading if we didn't change these policies. Unfortunately, this new majority here in the House of Representatives has gone just in the opposite direction from where they need to go. They have restricted us. They continue to restrict us from getting access to new energy which we have under our control in this country. They keep saying, let's just buy it from someplace else. Let's buy it from the OPEC countries. They will be nice to us. Well, they are not being nice to us. It is in their economic interests to continue to have this price continue to go up.

It is an absolute shame. It is a disgrace. It is unconscionable that this Congress consistently votes to make it harder and harder to be energy self-sufficient. That is where we need to go, not being more and more dependent upon foreign sources of energy. If we don't change it, the prices that we see right now, which are extremely high and are hurting an awful lot of people, will continue to go up.

Diesel is another problem. If you talk to any truckers right now, the price now is driving a lot of these people out of business. I was visiting with a fellow who is a farmer in my district last Friday who also has a side business. He had a truck. He pointed out it was behind one of his barns. He said, "I just park it now." It costs \$1,500 to fill up his tanks in that truck now. He just can't afford to do it.

□ 1045

And that is affecting every American, because everything that we buy, whether it is furniture, whether it is food goods, almost anything that we purchase in this country is transported

at some point or another over truck. That means those prices are going to continue to go up again. So I challenge this majority to change their policies, to take a good look at what they have been doing and the direction that we are heading and reverse that and allow us to become less dependent on foreign sources of energy. Let's bring these gas prices down before it cripples this country and cripples our economy.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentlewoman from Texas has 15½ minutes. The gentleman from New York has 10 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, at this time I yield 4 minutes to the gentleman from California, Representative DOOLITTLE.

Mr. DOOLITTLE. Madam Speaker, I have watched over the years on energy what has been happening in this country. Now we are in a big mess, with gasoline prices over \$4 a gallon. This didn't just happen by accident; the Democrats have been working to make this happen for the 18 years that I have been a Member of this House. Very interesting.

You know, ANWR exploration, House Republicans, 91 percent of us supported drilling in ANWR. Actually, both houses of Congress in 1995, I believe it was, passed legislation directing drilling in ANWR, and President Bill Clinton vetoed the bill. The Democrats opposed this bill. If we had passed that legislation, if President Clinton had signed it into law, we wouldn't be paying \$4 a gallon. And while 91 percent of House Republicans supported drilling in ANWR, 86 percent of House Democrats and President Clinton opposed it.

Converting coal to liquid, 97 percent of House Republicans voted to do that. Do you know that Wyoming is considered the Saudi Arabia of coal in the world? It is one of our greatest natural resources. 97 percent of Republicans voted for that policy to allow the conversion so that it could be used; 78 percent of House Democrats opposed it. It never became law.

Oil shale. We have got lots of oil locked up in shale in the Intermountain West; 90 percent of House Republicans supported oil shale exploration, 86 percent of House Democrats opposed it.

Is there a pattern that you are beginning to see here, Madam Speaker? The fact of the matter is, Republicans have supported every feasible possibility for new forms of energy and it seems like the Democrats, most of them, have opposed it.

I am a Californian. We ought to be drilling right now off the coast of California and Florida and every other place in this country where there are large oil reserves, and there are very large oil reserves in those two cases.

Eighty-one percent of House Republicans voted to do that; 83 percent of House Democrats opposed taking that action.

Increasing refinery capacity. We have heard that we haven't built a new refinery in this country for some 35 years. Ninety-seven percent of House Republicans voted to expand the amounts of refineries; 96 percent of House Democrats opposed it.

Madam Speaker, we didn't get here by accident. Democrats have been talking about energy and opposing effective new ways of developing energy. Republicans' talk has been consistent with our actions.

Now, not all Republicans voted the way I would have liked and not all Democrats voted against our position. But the fact of the matter is, you see these statistics, they have been in the 90th percentile, the high 80s; in one case it was 78 Democrats opposed, 78 percent for the coal to liquid. But everything else I have cited, they have been 83 percent or higher opposed to these policies.

It is no accident gas is \$4 a gallon. The policies we vote on do make a difference. Listen and look at the record. The Republicans for years have been trying to get more energy for this country. The Democrats have opposed it. We are reaping a bitter harvest of \$4 a gallon plus.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 5 minutes to the Congresswoman from California (Ms. WATSON).

Ms. WATSON. Madam Speaker, please let me set the record straight on congressional action on gas prices.

We now have a law, it is the farm bill, the historic investment in affordable biofuels, and beefed-up oversight on market manipulation. The President's veto was overridden on May 21 of this year. We also have the Renewable Energy and Job Act. It was passed on May 21 and there is a threat of a veto, but it was passed. Then, the Gas Price Relief for Consumers Act, holding OPEC and oil companies accountable for price fixing, and it passed on May 20, it is also under a veto threat.

Now we have a law, Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act. It was passed on May 13 and it had a pretty hefty vote to take it out of this House, it is now law. Let's set the record straight.

We also repealed subsidies to profit-rich big oil companies, and invest in renewable energy. It also is under veto threat. It passed here at the beginning of the year, February 27. We also have a law, Energy Independence Law with Market Manipulation Ban & New Vehicle Mileage Standards. It is now law. It passed the House last year on December 18, 2007.

We have another bill that is under a veto threat, a crackdown on gas price gouging. It passed the House on another pretty hefty vote that was bipartisan; it passed on May 23. And, Hold OPEC Accountable for Oil Price Fix-

ing, it passed on May 22 on a vote of 345-72, and it is under veto threat.

Now, Madam Speaker, you are going to hear that the Democrats aren't doing anything, but let me give you the exact votes on all of these bills.

The Republican leader, JOHN BOEHNER, voted "no" on OPEC price fixing, oil fixing. He voted "no" on price gouging. He voted "no" on renewable energy. He voted "no" on energy security.

ROY BLUNT voted "no" on OPEC price fixing, "no" on price gouging, and "no" on renewable energy.

ADAM PUTNAM voted "no" on price gouging and renewable energy.

THADDEUS MCCOTTER voted "no" on renewable energy and "no" on energy security.

And it goes on and on and on.

So to set the record straight, we are putting out sound bills to address the oil, shall I say, surge in price, because in my city of Los Angeles I was astounded when I got home to see that Diesel 2 sells in Los Angeles on the average for \$4.99.9. I am sure when I get back to Los Angeles in a week it will be \$5. The average price of gas in Los Angeles, in my district, and really throughout California, is \$4.12 a gallon.

Madam Speaker, we are proposing good and sound legislation to address the needs for energy and renewable energy sources in the United States of America so our constituencies can get back and forth to work and enjoy a better life, and so we need the help of the other party because this should not be an issue that is partisan. It is an issue for America.

Mr. KUHLMAN of New York. Madam Speaker, in closing, I would ask my colleagues to support this bill. It is a very meritorious bill. And while the legislative action of this Congress idles relative to energy legislation, certainly the kids of America should be able to carry on tradition. I support and applaud Leader HOYER for bringing this resolution to the floor.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I do have one additional request for time. I yield 3 minutes to Congresswoman KAPTUR from Ohio.

Ms. KAPTUR. I thank the gentlelady for yielding to me, and will place quite a bit of information in the RECORD on what Democrats are trying to do here in order to put America on an energy independent path. But it is pretty difficult when you have a Bush administration that vetoes everything that we try to do, or threatens it, and you have the kind of speeches that are occurring down here today.

We have got an oil man as the President of this country. His right-hand fellow over there from Wyoming, Mr. CHENEY, ran Halliburton, an oil servicing company. So you pretty well know what you have got sitting over there in the White House.

Since they became President and Vice President, this country is import-

ing 1 billion more barrels of oil every year, 1 billion barrels more under the Bush administration. This is not a recipe for energy independence in our country.

This week it was embarrassing to see Secretary Paulson over in Abu Dhabi asking them to, gee, you know, still believe in the dollar, and all of the investors over there made rich by these oil petro dollars, largely U.S. dollars, watching our Secretary give that set of remarks. Similarly, President Bush a couple of weeks ago went to Saudi Arabia and sort of drilled around in the Middle East to see if he could find any additional sources of supply, begging the oil barons.

You know, it wouldn't take that much for him to direct his limousine right up here to Congress, not the Middle East. We have got some rooms over here on this side; we could sit around and talk about what can we agree on in terms of energy independence, what can we agree on here in order to do together what we cannot do alone. Make America energy independent.

As the gentlelady from California said, the President even vetoed the farm bill where we put in a major new title dealing with biofuels. Rural America wants to help lift this country to energy independence.

We are trying to get additions to the Strategic Petroleum Reserve suspended for the moment in order to give some price relief to the American people. Gee, it would be great if President Bush would kind of help us out on that.

He hasn't supported any of our renewable energy bills down here on the floor. In fact, if you look at the energy bill that he produced up there, that big report in his first term, he doesn't even deal with renewables. When you have got an oil perspective at the head of the machine, the car doesn't go in the right direction.

And so it seems to me, look at the record. Look at what he has done and not done on these—The Renewable Energy and Job Creation Act, no support there. Trying to get OPEC and the big oil companies to have some accountability, he doesn't support us on that. Rather than the President taking trips over to the Middle East, he ought to just come right up Pennsylvania Avenue here to the Congress. Meet with the chairs of our committees who really do care about this, Mr. DINGELL, Mr. MARKEY, Speaker PELOSI. We have got a lot of people here willing to talk. But the President is sending the Secretary of the Treasury over to Abu Dhabi and he himself over to Saudi Arabia. What does that tell the American people? A billion more barrels a year imported every year since he became President.

We don't have a partner to deal with over there at the other end of Pennsylvania Avenue. And that is why the American people are changing the people being elected here. They know America needs change. They want real leadership. They know they are not getting it.

So I say to my colleagues on the other side of the aisle, it is time to deal. Get the President. Let's talk about something serious for the sake of the Republic.

Here's a list:

**DEMOCRATIC-LED CONGRESS TAKING ACTION  
TO BRING DOWN THE COST OF GAS  
PASSED THIS MONTH**

**Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act**—Congress has enacted legislation to suspend the fill of the Strategic Petroleum Reserve through the end of the year, as long as the price of crude oil remains above \$75 per barrel. This is a critical first step for hardworking families, businesses and the economy, which in the past has brought gas prices down. The President, who was previously opposed, suspended shipments and signed the bill because of overwhelming bipartisan support in Congress.

**Renewable Energy and Job Creation Act**—This legislation will extend and expand tax incentives for renewable energy, retain and create hundreds of thousands of green jobs, spur American innovation and business investment, and cut taxes for millions of Americans. These provisions are critical to creating and preserving hundreds of thousands of good-paying green collar American jobs. A recent study showed that allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries alone through the end of 2009.

**The OPEC and Big Oil companies accountability bill**—This bill will combat record gas prices by authorizing lawsuits against oil cartel members for oil price fixing, and creating an Antitrust Task Force to crack down on oil companies engaged in anticompetitive behavior or market manipulation. President Bush has threatened to veto this bill.

**RECENT ACTION**

**Energy Independence and Security Act in 2007**—Historic energy legislation with provisions to combat oil market manipulation, increase fuel efficiency to 35 miles per gallon in 2020—the first congressional increase in more than three decades, and promote the use of more affordable American biofuels. Signed into law on December 19, 2007. Under new requirements in the Energy Independence Law and pressure from Congress the FTC announced on May 1, 2008 it would investigate allegations of market manipulation that may have led to last year's record price spikes in gasoline prices.

Reduces our dependence on foreign oil—cutting our consumption of oil by 2.9 million gallons per year in 2030—more than what we currently import from all Persian Gulf countries combined.

Lowers energy costs for consumers with oil prices projected to decline from more than \$100 per barrel to \$57 per barrel in 2016 (in 2006 dollars) in part due to the new energy law.

The new fuel standard for cars and trucks will save American families \$700 to \$1,000 per year at the pump.

Reduces global warming emissions by 2030 by up to 24 percent of what the U.S. needs to do to help save the planet.

Building, appliance, and lighting efficiency standards will save consumers \$400 billion through 2030.

**Renewable Energy and Energy Conservation Tax Act**—This legislation would end unnecessary subsidies to Big Oil companies, invest in clean, renewable energy and energy efficiency, and help reduce global warming. The bill includes provisions that will generate hundreds of thousands of green jobs including an estimated 70,000 solar energy jobs,

more than 20,000 biodiesel jobs, and protect an additional 75,000 wind industry jobs. President Bush has threatened to veto this bill.

**Energy Price Gouging Prevention Act**—This bill will provide immediate relief to consumers by giving the Federal Trade Commission (FTC) the authority to investigate and punish those who artificially inflate the price of energy. It will ensure the federal government has the tools it needs to adequately respond to energy emergencies and prohibit price gouging—with a priority on refineries and big oil companies. President Bush has threatened to veto this bill.

**No Oil Producing and Exporting Cartels (NOPEC) Act**—Legislation to enable the Department of Justice to take legal action against foreign nations for participating in oil cartels that drive up oil prices globally and in the United States. President Bush has threatened to veto this bill.

**Energy Market Manipulation Prevention—The new Farm Bill increases Commodity Futures Trading Commission oversight authority to detect and prevent manipulation of energy prices.** President Bush has vetoed this bill.

□ 1100

Ms. EDDIE BERNICE JOHNSON of Texas. I would like to close, Madam Speaker, by simply saying that this resolution was a resolution to allow the International Soap Box Derby, an organization that's a nonprofit based in Akron, Ohio, to use the Capitol Grounds, and I fully support that.

I want to call attention to one thing. In January of 2001, the month that this current President took office, gas was \$1.47 a gallon. Today, the national average is \$3.81, and I just want that for the record, with all the other comments that have been made on this particular bill for the Soap Box Derby.

I urge the passage of the permission to allow the Soap Box Derby to use our Capitol Grounds.

Mr. OBERSTAR. Madam Speaker, I support House Concurrent Resolution 311, to authorize the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

I especially want to acknowledge the dedication of Mr. HOYER, the resolution's annual sponsor, who faithfully introduces this resolution to authorize use of the Capitol Grounds for such a worthwhile event.

This annual event encourages all boys and girls, ages 9 through 16, to construct and operate their own soap box vehicles. The event is supported by hundreds of volunteers, and parents.

It is an excellent opportunity for parents to have direct involvement in their children's activities. The derby's mission is to provide children with an activity that promotes technical and social skills that will serve them throughout their lives.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place.

I urge my colleagues to join me in agreeing to House Concurrent Resolution 311.

Mrs. EDDIE BERNICE JOHNSON of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms.

EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 311.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**AUTHORIZING THE USE OF THE  
CAPITOL GROUNDS FOR A CELEBRATION OF THE 100TH ANNIVERSARY OF ALPHA KAPPA ALPHA SORORITY**

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 335) authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 335

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF CAPITOL GROUNDS FOR 100TH ANNIVERSARY CELEBRATION OF ALPHA KAPPA ALPHA SORORITY, INCORPORATED.**

(a) IN GENERAL.—Alpha Kappa Alpha Sorority, Incorporated (in this resolution referred to as the "sponsor"), shall be permitted to sponsor a public event (in this resolution referred to as the "event") on the Capitol Grounds to celebrate the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

(b) DATE OF EVENT.—The event shall be held on July 17, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

**SEC. 2. TERMS AND CONDITIONS.**

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

- (1) free of admission charge and open to the public; and
- (2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 3. EVENT PREPARATIONS.**

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHLE) each will control 20 minutes.



The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include any extraneous materials on H. Con. Res. 335.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I might consume.

House Concurrent Resolution 335, introduced by my friend and sorority sister, Ms. DIANE WATSON from California, is a bill to authorize the use of the Capitol Grounds for the 100th anniversary of the Alpha Kappa Alpha Sorority, and this anniversary event is scheduled for July 17, 2008. The event coordinators will work with the office of the Architect of the Capitol and the Capitol Police Board regarding staging the event with all events on the Capitol Grounds, and will be free and open to the public.

This sorority was founded on the campus of Howard University 100 years ago. Ms. DIANE WATSON is a 50-year member. I'm a 35-year life member. And it was founded by nine visionary young women at the time, Ethel Hegeman Lyle, Anna Easter Brown, Beulah Burke, Lillie Burke, Marjorie Hill, Margaret Flagg Holmes, Lavinia Norman, Lucy Slowe and Marie Woolfolk Taylor. The Alpha Kappa Alpha Sorority is the oldest Greek-letter organization established for African American college-trained women.

The formation of the sorority during this moment in American history is significant because it helped jumpstart a movement of educated African American women who were resolute and determined to eliminate barriers for African Americans at a time when opportunities were limited for minorities.

These courageous young women, one generation removed from slavery, were the forebears of an entity that has progressively evolved into an organization of 200,000 plus members and 975 chapters in both the U.S. and abroad.

Today, membership in this organization represents a diverse constituency of women, from educators to heads of state, politicians, lawyers, medical professionals, media personalities, decision-makers of major corporations.

Built upon the principle of service, scholarship and sisterhood, Alpha Kappa Alpha Sorority extensively works to improve social and economic conditions through community partnerships and programs. These cornerstone values of the sorority will be on full display in the coming weeks as members, young and old, from across the globe come to our Nation's capital to honor the organization's 100th anniversary.

More than 20,000 members of the sorority will converge upon Washington, DC from July 11 until July 18. Members will participate in a variety of empowerment forums, lectures, workshops, community service activities centered on these principles throughout the length of the convention.

During this week-long celebration, members will reflect on 100 years of achievement, enjoy the unbreakable bonds of sisterhood, and look to the future as the organization prepares for the challenges of the next 100 years.

As a proud member of Alpha Kappa Alpha Sorority, I extend my congratulations and very best wishes to all of my sorors as they gather here in our Nation's Capital, birthplace of our sorority, to pay tribute to 100 years of service, scholarship and sisterhood.

Madam Speaker, I encourage all of my colleagues to support this resolution authorizing the use of Capitol Grounds for the celebration of the 100th anniversary of the Alpha Kappa Alpha Sorority, Incorporated.

I reserve the balance of my time.

Mr. KUHLMAN of New York. Madam Speaker, I yield myself such time as I might consume.

This resolution authorizes the use of the Capitol Grounds for the 100th anniversary celebration of Alpha Kappa Alpha Sorority. AKA, Alpha Kappa Alpha, was founded in 1908 on the campus of Howard University, right here in Washington, DC. The sorority performs various community service projects and encourages its members to contribute to the community, while pursuing academic excellence.

The centennial program on the Capitol Grounds will be just one part of the year-long celebration. The event will be free and open to the public.

Alpha Kappa Alpha will assume liability for accidents and will be responsible for event costs in accordance with the policies of the Architect of the Capitol and the Capitol Police.

While we debate this concurrent resolution, which is strictly a managerial responsibility of this Congress, people across the country are worrying about how they will afford their next trip to the gas station, and not about this particular celebration.

Since the Democrats took over Congress, the price of gasoline has increased more than a \$1.50 a gallon. It's unfortunate, but Democrats seem to ignore the law of supply and demand.

What you've heard here previously on the resolution before the House dealt with opening up the supply that's immediately available in this country, American energy supply. The current majority has done nothing to increase energy supplies, and then wonder why gas prices continue to soar. It is simply unbelievable that the Democrat majority refuses to debate the skyrocketing costs of fuel.

Madam Speaker, while I do support this resolution and request my colleagues to be likewise supportive, I would reserve the balance of my time at this time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 5 minutes to Representative DIANE WATSON of California.

Ms. WATSON. I want to thank the gentlewoman from Texas.

I rise in strong support of H. Con. Res. 335 which authorizes the use of the Capitol Grounds on Thursday, July 17, for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

In January of this year, the sorority began its year-long celebration of its 100-year anniversary. Founded in 1908 on the campus of Howard University in Washington, DC, Alpha Kappa Alpha Sorority, Incorporated is the first Greek-letter organization founded by African American college women.

Alpha Kappa Alpha is a sisterhood of women who have consciously chosen to improve the socioeconomic conditions in their city, in their State, in the Nation and in the world. Its history tells a story of changing patterns of human relations in America in the 20th Century. The small group who organized the sorority was just 1 generation removed from slavery.

Through the years, the sorority directed its efforts towards improving the quality of life for all mankind, while living our sorority's motto, "by culture and by merit."

I am so proud to count myself and EDDIE BERNICE JOHNSON as members and proud members of Alpha Kappa Alpha Sorority. Throughout the years, I have witnessed firsthand how the power, vision and commitment of our founders and members have inspired Alpha Kappa Alpha to endure and prosper through 10 decades.

I encourage my colleagues to support H. Con. Res. 335, which will ensure that a vital component of the 100th anniversary celebration will take place on these distinguished grounds of the United States Capitol.

I want you to know, our membership is very tuned in to the issues that we face domestically and we face internationally. And they would want to see all of us be able to benefit from the legislation that is passing both Chambers and going to the Governor to reduce the prices of oil, to address our infrastructure, to provide the right to health care for every American, to be sure that Americans can receive and realize the American dream to home ownership.

I am so proud to stand here in support of H. Con. Res. 335, to allow our membership to come in and get into this progressive atmosphere and to celebrate their 100th year of existence.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H. Con. Res. 335, authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated. I am pleased to support this resolution and recognize the contributions that the Alpha Kappa

Alpha Sorority has made to strengthening networks that cut across racial, geographical, political, and social barriers. This event is a fitting tribute to the organization and I congratulate the sorority on its 100th anniversary.

The commitment of Alpha Kappa Alpha members to public service is long and legendary. The sorority has evolved over its 100-year history from a college-based organization in support of young women in their intellectual and cultural development to an organization that dedicates itself to a variety of humanitarian programs.

These programs include the Mississippi Health Project, the Educational Advancement Foundation, and the IVY AKAdemy. The IVY AKAdemy program promotes early learning and mastery of basic reading skills, enhances the school experience of children and young people through hundreds of local programs around the country and in South Africa. For members of AKA, community service and sisterhood are life-long commitments. Many members of Alpha Kappa Alpha stay active in the organization for more than 50 years.

It is fitting that the Alpha Kappa Alpha Sorority celebrates its 100th anniversary here on Capitol Hill.

I urge my colleagues to join me in agreeing to H. Con. Res. 335.

Mr. CARSON of Indiana. Madam Speaker, I rise today in strong support of H. Con. Res. 335, a bill to authorize the use of the Capitol Grounds for the 100th anniversary celebration of Alpha Kappa Alpha Sorority, Incorporated.

Alpha Kappa Alpha Sorority was founded on January 15th, 1908 by nine visionary women at Howard University. As America's first Greek-letter sorority founded by and for African American women to improve life for all African Americans, Alpha Kappa Alpha is truly celebrating a long tradition of commitment to sisterhood and service.

Driven by these noble ideals, Alpha Kappa Alpha has evolved into one of the world's leading service organizations with 975 chapters and approximately 200,000 members worldwide. One of those members, in particular, is near and dear to my heart. Mariama Carson, my lovely wife shares in the unique bond that is found among the sisters of Alpha Kappa Alpha Sorority. I truly believe her dedication to service was fostered through her membership in Alpha Kappa Alpha, and has helped her development as an accomplished and successful teacher in Indianapolis. She, like many of her fellow sorors, chose Alpha Kappa Alpha as a means of self-growth through volunteer service.

Madam Speaker, AKA's have touched the stars of our universe through members like Dr. Mae Jemison and have brought conscience to this body through members like Congresswoman SHELIA JACKSON-LEE and Ms. Erika Barrera, Communications Director for Congressman BRUCE BRALEY. But their stories are not isolated cases.

Throughout its 100 years of history, Alpha Kappa Alpha is full of women who have emerged as leaders in their professions and communities. Through distinguished members like Liberian President Ellen Johnson-Sirleaf; actress Phylicia Rashad; and the 102-year-old Mrs. Hazel Hainsworth Young, one of the Sorority's most senior members, Alpha Kappa Alpha has and will continue to be an organization of focused and compassionate women committed to changing the world.

Madam Speaker, I am proud and honored to support this resolution; because I believe this sorority has and will continue to be an amazing organization that helps to better communities around the world. I hope all my colleagues will join me in granting Alpha Kappa Alpha the use of the Capitol Grounds and supporting their 100 year anniversary.

Mr. KUHLE of New York. I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I urge support of this resolution, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 335.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### JAMES M. & THOMAS W.L. ASHLEY CUSTOMS BUILDING AND UNITED STATES COURTHOUSE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3712) to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. & Thomas W.L. Ashley Customs Building and United States Courthouse," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3712

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

#### SECTION 1. DESIGNATION.

*The United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, shall be known and designated as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".*

#### SEC. 2. REFERENCES.

*Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3712 as amended is a bill to designate the Federal building located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

The late Congressman and Governor James M. Ashley and former Congressman Thomas W.L. Ashley served their Ohio constituents for over 30 years as Members of Congress and Governor. The Ashley family has served with distinction in public service for a span of almost 100 years in the state of Ohio.

James Monroe Ashley served five terms as a Republican Congressman from Ohio. Governor Ashley's best known Congressional achievement was as the primary sponsor of the resolution which is recognized as the antecedent of the thirteenth amendment which abolished slavery within the United States and its territories.

While in Congress, James Ashley also became the chair of the House Committee on Territories, leading the congressional effort to organize Nevada, Idaho, Arizona, Wyoming, and Montana.

As chair of the House Committee on Territories, he wrote the enabling act for Nebraska, Colorado, and Nevada on which he conditioned that a separate vote be held by these potential member States that would prevent them from establishing slavery without the consent and approval of Congress.

With this measure, Ashley, an avowed abolitionist, signaled that no new slave States would be admitted to the Union. After serving in Congress, James M. Ashley was appointed Governor of Montana in 1869 by President Ulysses S. Grant.

Thomas William Ludlow Ashley was the great-grandson of former Governor and Congressman James M. Ashley. Congressman Thomas Ashley served in the United States Army during the Second World War. He went on to graduate first from Yale University in 1948 and from the Ohio State University Law School in 1951.

Congressman Ashley later held several positions as a private lawyer and a member of the media. In 1954 Congressman Ashley was elected as a Democrat to Congress and went on to serve a total of 13 terms in Congress.

While in Congress, Congressman Ashley served as chairman of the Select Committee on Energy and the Committee on Merchant Marine and Fisheries.

Congressman Ashley also served as the assistant majority whip for the Democratic Party. Congressman Ashley's most prominent legislative success was PL 89-117 which directed the Federal Government to assist in the provision of housing for low and moderate income families.

This law was the precursor to the creation of the Department of Housing and Urban Development which was created later in that same Congress. After leaving Congress in 1981, Ashley went on to found a legal and consulting firm in Washington, DC. Congressman Thomas W.L. Ashley currently resides in the Washington, DC area.

James Monroe Ashley and Thomas William Ludlow Ashley will be remembered as distinguished public servants to the great State of Ohio.

The Ashley family served as leaders in both the Democratic and Republican Party in Ohio and each served their party well.

They will be respected as great Americans whose dedication to public service was passed down through the generations. As such, it is very appropriate that the United States Courthouse in Toledo, Ohio, be designated as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse".

I recognize the gentlelady from Ohio (Ms. KAPTUR) for as much time as she may consume.

Ms. KAPTUR. I rise today and ask my colleagues to join me in support of H.R. 3712, which seeks to name the Federal Courthouse Building located in Toledo Ohio, the James M. Ashley and Thomas W. Ludlow Ashley Customs Building and United States Courthouse.

□ 1115

This deserved recognition of two well-known lawmakers from the Ashley family, whose roots run deep in America and our community, pays tribute to the lives of late Congressman and Governor James M. Ashley who served here in the 19th century, as well as his great-grandson, former Congressman Thomas W. Ludlow Ashley, who served here during the 20th century.

These visionary Americans who lived in three different centuries advanced America's promise and the cause of social justice as they made immeasurable public service contributions to both define and direct the course of our Nation, one in the abolitionist fight to eliminate slavery in our Nation, and the other to bind up America's wounds in the civil rights era to help our Nation gain its idealistic foothold again.

Congressman James Ashley, who served in our U.S. House of Representatives from December 1859 to March 1869, was an active abolitionist credited with introducing the first bill for the 13th Amendment to our constitution to abolish the practice of slavery. He also drafted a bill to abolish slavery in Washington, DC. These extraordinarily brave actions in his era are illustrative of Ashley's courageous leadership. They reflect the Ashley family's place in history on the scales of justice and equality for all people.

During his tenure in Congress, James Ashley served as chairman of the Committee on Territories, and he was later appointed Governor of Montana. Congressman Thomas Ludlow Ashley, great-grandson of James Ashley from Lucas County, Toledo, Ohio, served a quarter century, 13 terms, from January 1955 to January 1981. During his tenure, he served as the chairman of the Select Committee on Energy where he was chosen by then-Speaker Thomas Tip O'Neill to prepare comprehensive legislative proposals across congressional committees to regain America's energy independence.

During that era of the 1970s, that landmark legislation, the Energy Conservation Act of 1976, and subsequent Carter administration energy independence proposals became America's first step on an arduous journey into a new energy age.

He also served as chairman of the Committee on Merchant Marines and Fisheries and as assistant majority whip for the Democrats in the House.

Lud was an outstanding leader in both community development and energy policy. As Chair of the Housing and Community Development Subcommittee for the Banking Committee, he, like his great-grandfather before him, championed social justice. He wrote and gained passage of the Demonstration City Act and the Housing and Community Development Act of 1974 and 1977 to rebuild America's cities and communities in the wake of the civil rights era.

Indeed, the very establishment of the Department of Housing and Urban Development during the Lyndon Johnson administration was made possible by Lud's effective and dogged congressional leadership. Housing for the less fortunate and more sustainable communities across our country were made possible through his unyielding and creative efforts. A banker's banker, he also gained passage of the Bank Merger Act of 1966, the Export Development Administration Act of 1969, the Export Expansion and Finance Act of 1971.

A World War II hero, Congressman Ashley also served in the U.S. Army prior to his service in the U.S. House. Subsequent to his career in Congress, Congressman Ashley founded a consulting firm in Washington, DC, and now resides in Traverse City, Michigan.

I would ask my colleagues to please join me in supporting this bill in honor of two centuries of a family's service to America by the Ashley family and their two outstanding sons whose commitment to America is historic. Ohio is proud to claim these two favorite sons, men of principle, as people who changed America for the better.

I thank my dear colleague from Texas, Congresswoman JOHNSON for yielding to me. I thank Congressman KUHL, and I thank the leadership here for allowing us from the proud Buckeye State of Ohio to place the Ashley family's name on our revered Federal courthouse in perpetuity.

Mr. KUHL of New York. I yield myself such time as I might consume.

I rise in support of the resolution offered by the gentlewoman from Ohio, Representative KAPTUR.

H.R. 3712 designates the Federal building and United States courthouse located in Toledo, Ohio as the "James M. Ashley and Thomas W. L. Ashley Customs Building and United States Courthouse."

James Mitchell Ashley was an Ohio congressman who served five terms in the United States Congress where he served for 8 years as the chairman on the Committee of Territories. Representative Ashley had a prominent role in the passage of the 13th amendment, which abolished slavery. Following his service in Congress, James Ashley served as the Governor of the Territory of Montana, as you have previously heard, and helped to construct

the Toledo, Ann Arbor and Northern Railroad.

His great grandson, Thomas William Ludlow Ashley, also served as a congressman from Ohio from 1955 to 1981, some 26 years. Representative Thomas Ashley served 13 terms in Congress, and was chairman of the Select Committee on Energy in the 95th Congress. Prior to his service, he served in the Pacific theater during World War II as a corporal in the United States Army.

This bill is a fitting tribute to their service and to their country. I support this measure, and urge my colleagues to do the same.

While this legislation will name a courthouse in Ohio, it is not on the issue or not on the minds of people across the country as they travel to work. They are more worried about the cost of filling up their gas tanks than they are the managerial actions of Congress' naming a building after some very honorable people. The American people are really feeling the pain at the pump, and this Congress has ignored their calls for help. It seems that, every night, the news media proclaims that the gas prices have hit another record high. As Congress idles and as prices soar, the problem is being ignored. This is something that Congress must act on immediately.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I would encourage my colleagues to support this resolution as it is a fine, honorable, memorable tribute to a wonderful family from Ohio.

Mr. OBERSTAR. Madam Speaker, I strongly support H.R. 3712, a bill to designate the U.S. courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. Ashley and Thomas W.L. Ashley United States Courthouse." This bill was introduced by the gentlewoman from Ohio, Ms. KAPTUR, to honor two members of the Ashley family, James M. Ashley and Thomas W.L. Ashley.

The Ashley family has a distinguished record in public service dating back to the mid 1800s. Various members of this family have served in the U.S. House of Representatives since 1858.

James Monroe Ashley, 1824–1896, served five terms as a Representative from Ohio. During the American Civil War, Congressman Ashley was the first Representative to call for an amendment to the United States Constitution to outlaw slavery. The amendment he sponsored served as the antecedent to the thirteenth amendment of the Constitution, which abolished slavery.

Thomas William Ludlow Ashley is the great-grandson of former Governor and Congressman, James M. Ashley. In 1954, Thomas William Ludlow Ashley was elected to Congress served a total of 13 terms in Congress. While in Congress, Representative "Lud" Ashley served as chairman of the Select Committee on Energy and the Committee on Merchant Marine and Fisheries. In 1977, Speaker Thomas P. "Tip" O'Neill established a Select Committee on Energy and appointed Congressman

Ashley to chair the Committee, which compiled energy legislation based on bills reported by several House committees in response to President Jimmy Carter's legislative proposal.

This bill is a fitting tribute to two distinguished public servants.

I urge my colleagues to join me in supporting the bill.

Mr. KUHLMAN of New York. I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move that we support this resolution for a very deserving family.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 3712, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the 'James M. Ashley and Thomas W.L. Ashley United States Courthouse'."

A motion to reconsider was laid on the table.

#### THOMAS JEFFERSON CENSUS BUREAU HEADQUARTERS BUILDING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5599) to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5599

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

#### SECTION 1. FINDINGS.

Congress finds that—

(1) Thomas Jefferson, as Secretary of State in 1790, supervised the first modern census in world history;

(2) the 1790 census was the first national census in the United States and the first periodic census in the modern nation-state era;

(3) Jefferson urged President Washington to veto the first apportionment bill presented by Congress on the grounds that it was unconstitutional, and Jefferson's own apportionment formula was adopted and used until 1840;

(4) Jefferson's mastery of numbers and statistical analysis helped alert the Nation to the importance of accuracy in the numbers used to describe the society and pointed to methods that later improved census taking;

(5) Jefferson offered population corrections to the European diplomatic community to more accurately convey the fast-growing United States population, which had been undercounted in previous census taking;

(6) Jefferson believed in the importance of territorial expansion and insisted on equal representation for the territories that were to join the Union as States;

(7) Jefferson supervised the first census in world history that gave to the people more

than it took from them, being designed less to extract taxes or raise a militia than to apportion political power to the people of the United States according to their numbers; and

(8) Jefferson's role in establishing a republic based on principles of representation underscores the historical significance of the United States census and the way the Government views and governs itself today.

#### SEC. 2. DESIGNATION.

The Federal building located at 4600 Silver Hill Road in Suitland, Maryland, shall be known and designated as the "Thomas Jefferson Census Bureau Headquarters Building".

#### SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 2 shall be deemed to be a reference to the "Thomas Jefferson Census Bureau Headquarters Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from New York (Mr. KUHLMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 5599.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, H.R. 5599 is a bill to designate the Federal building in Suitland, Maryland, as the Thomas Jefferson Census Bureau Headquarters Building. The bill has bipartisan support.

Although Thomas Jefferson is best remembered as the third President of the United States, as the author of the Declaration of Independence, he also is considered by some to be the first director of the U.S. census.

In 1790, while Secretary of State, Jefferson conducted the first national census. Although the practice of performing a census has been in practice for thousands of years, the U.S. census is considered to be the first modern periodic census. Several European countries followed suit shortly after in the early 19th century.

Today, the results of the census are used to determine the size of congressional districts, the allocation of seats allotted to each State in the U.S. House of Representatives, as a factor in the allocation of Federal resources, and perhaps most importantly as a research tool to track economic and population trends in the United States.

It is most fitting and proper that we support this designation and honor one of Jefferson's numerous contributions to our Nation's history. I support H.R. 5599.

I reserve the balance of my time.

Mr. KUHLMAN of New York. Madam Speaker, I yield myself such time as I may consume.

H.R. 5599 names the new Census Bureau headquarters building in Suitland, Maryland, as the Thomas Jefferson Census Bureau Headquarters Building.

As the first Secretary of State, Thomas Jefferson was a strong advocate of a national census, and he supervised the first census in 1790. Early population estimates misjudged the number of Americans in many areas, unfortunately, and it resulted in underrepresentation in many areas of this country in the first Congress. Under Jefferson's leadership, however, the census developed into a more useful and accurate process.

Thomas Jefferson's advocacy for a complete and accurate census laid the foundation for the Census Bureau we have today. He believed that an accurate census was essential to ensure that the government represented its people effectively. So it is fitting that the new census building bear his name, and I support the bill and urge its adoption and applaud my colleague, Representative MALONEY, on bringing it before the House for its adoption today.

But while we debate these matters, the issue persists, and that is the high cost of gasoline. And this Congress continues to ignore the rising cost of gasoline. American workers are struggling to fill up their tanks, and this Congress has done nothing to ease that burden. The Democratic majority has failed to provide the real leadership in addressing the high cost of fuel which requires an increased supply, American supply.

Thank you, Madam Speaker, for an opportunity to speak on this.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, I thank my colleague for yielding and for her leadership in this Congress, and I rise in strong support of my bill H.R. 5599, a bill to designate the Census Bureau headquarters Federal building for Founding Father Thomas Jefferson.

The Census Bureau has just been relocated to a modern state-of-the-art building in Suitland, Maryland. I want to thank Chairman OBERSTAR and Congresswoman HOLMES NORTON for their help in moving this bill forward.

I introduced this legislation along with colleagues that have been strong supporters of an accurate census—HOLMES NORTON, HOYER, DAVIS, TURNER, RUPPERSBERGER, HONDA, GONZALEZ, WYNN, COHEN, and CANNON—to honor Thomas Jefferson's contributions to the modern census and the Founding Fathers' vision of a truly representative government in which every American counts.

Jefferson's role in establishing a republic based on the principle of fair

representation emphasizes the historical significance of the American census and the way our government views and governs itself today. Jefferson's significant contributions to the early American census include his alerting the Nation to the importance of accuracy in census taking and his recognition of the need to fully represent newly acquired territories in the census.

Historically, census taking was a negative thing. It was used for raising taxes for the militia. Thomas Jefferson, as Secretary of State, oversaw the first census in history, which was positive, which gave the people more than it took away by empowering those counted with a voice in their government.

As we have heard in recent weeks, the 2010 census has some very serious challenges. Although much work remains to be done to ensure its successful implementation, naming this building for Thomas Jefferson underscores this Congress' commitment to getting it right and making sure that every citizen is counted.

□ 1130

A fair and accurate census, putting political power in the hands of the people, is a uniquely American invention. Let us honor our Founding Fathers' legacy by celebrating Thomas Jefferson, the father of the modern census.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 5599, a bill to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the "Thomas Jefferson Census Bureau Headquarters Building".

The United States census is a count of the Nation's population, conducted every 10 years. The results are used for various purposes, including allocation of congressional seats and impacting Government program funding for States and localities. The U.S. Census Bureau is responsible for conducting the census and serves "as the leading source of quality data about the Nation's people and economy," according to its mission.

The census is our Nation's longest continuous scientific project. In 1790, while Secretary of State, Thomas Jefferson conducted the first official count of the Nation's population. Census Day was August 2, 1790. The national census has several colonial predecessors with eight of the original 13 colonies having conducted their own census.

President Jefferson not only was one of our Founding Fathers and the third President of the United States, but he was also an early demographer.

Therefore, it is fitting and proper that we designate this Federal building as the "Thomas Jefferson Census Bureau Headquarters Building".

I urge my colleagues to join me in supporting H.R. 5599.

Mr. KUHLMAN. Madam Speaker, I yield back the balance of my time and encourage my colleagues to vote in support of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I move the passage of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 5599.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### HEALTH CENTERS RENEWAL ACT OF 2008

Mr. GENE GREEN of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1343) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1343

*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 "Health Centers Renewal Act of 2008".*

#### SEC. 2. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR HEALTH CENTERS PROGRAM.

*Section 330(r)(1) of the Public Health Service Act (42 U.S.C. 254b(r)(1)) is amended to read as follows:*

*"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated—*

*"(A) for fiscal year 2008, \$2,213,020,000;*

*"(B) for fiscal year 2009, \$2,451,394,400;*

*"(C) for fiscal year 2010, \$2,757,818,700;*

*"(D) for fiscal year 2011, \$3,116,335,131; and*

*"(E) for fiscal year 2012, \$3,537,040,374."*

#### SEC. 3. RECOGNITION OF HIGH POVERTY AREAS.

*(a) IN GENERAL.—Section 330(c) of the Public Health Service Act (42 U.S.C. 254b(c)) is amended by adding at the end the following new paragraph:*

*"(3) RECOGNITION OF HIGH POVERTY AREAS.—*

*"(A) IN GENERAL.—In making grants under this subsection, the Secretary may recognize the unique needs of high poverty areas.*

*"(B) HIGH POVERTY AREA DEFINED.—For purposes of subparagraph (A), the term 'high poverty area' means a catchment area which is established in a manner that is consistent with the factors in subsection (k)(3)(J), and the poverty rate of which is greater than the national average poverty rate as determined by the Bureau of the Census."*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to grants made on or after January 1, 2009.*

#### SEC. 4. LIABILITY PROTECTIONS FOR HEALTH CENTER VOLUNTEER PRACTITIONERS.

*(a) IN GENERAL.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended—*

*(1) in subsection (g)(1)(A)—*

*(A) in the first sentence, by striking "or employee" and inserting "employee, or (subject to subsection (k)(4)) volunteer practitioner"; and*

*(B) in the second sentence, by inserting "and subsection (k)(4)" after "subject to paragraph (5)"; and*

*(2) in each of subsections (g), (i), (j), (k), (l), and (m)—*

*(A) by striking the term "employee, or contractor" each place such term appears and inserting "employee, volunteer practitioner, or contractor";*

*(B) by striking the term "employee, and contractor" each place such term appears and inserting "employee, volunteer practitioner, and contractor";*

*(C) by striking the term "employee, or any contractor" each place such term appears and inserting "employee, volunteer practitioner, or contractor"; and*

*(D) by striking the term "employees, or contractors" each place such term appears and inserting "employees, volunteer practitioners, or contractors".*

*(b) APPLICABILITY; DEFINITION.—Section 224(k) of the Public Health Service Act (42 U.S.C. 233(k)) is amended by adding at the end the following paragraph:*

*"(4)(A) Subsections (g) through (m) apply with respect to volunteer practitioners beginning with the first fiscal year for which an appropriations Act provides that amounts in the fund under paragraph (2) are available with respect to such practitioners.*

*"(B) For purposes of subsections (g) through (m), the term 'volunteer practitioner' means a practitioner who, with respect to an entity described in subsection (g)(4), meets the following conditions:*

*"(i) In the State involved, the practitioner is a licensed physician, a licensed clinical psychologist, or other licensed or certified health care practitioner.*

*"(ii) At the request of such entity, the practitioner provides services to patients of the entity, at a site at which the entity operates or at a site designated by the entity. The weekly number of hours of services provided to the patients by the practitioner is not a factor with respect to meeting conditions under this subparagraph.*

*"(iii) The practitioner does not for the provision of such services receive any compensation from such patients, from the entity, or from third-party payors (including reimbursement under any insurance policy or health plan, or under any Federal or State health benefits program)."*

#### SEC. 5. LIABILITY PROTECTIONS FOR HEALTH CENTER PRACTITIONERS PROVIDING SERVICES IN EMERGENCY AREAS.

*Section 224(g) of the Public Health Service Act (42 U.S.C. 233(g)) is amended—*

*(1) in paragraph (1)(B)(ii), by striking "subparagraph (C)" and inserting "subparagraph (C) and paragraph (6)"; and*

*(2) by adding at the end the following paragraph:*

*"(6)(A) Subject to subparagraph (C), paragraph (1)(B)(ii) applies to health services provided to individuals who are not patients of the entity involved if, as determined under criteria issued by the Secretary, the following conditions are met:*

*"(i) The services are provided by a contractor, volunteer practitioner (as defined in subsection (k)(4)(B)), or employee of the entity who is a physician or other licensed or certified health care practitioner and who is otherwise deemed to be an employee for purposes of paragraph (1)(A) when providing services with respect to the entity.*

*"(ii) The services are provided in an emergency area (as defined in subparagraph (D)), with respect to a public health emergency or major disaster described in subparagraph (D), and during the period for which such emergency or disaster is determined or declared, respectively.*

*"(iii) The services of the contractor, volunteer practitioner, or employee (referred to in this paragraph as the 'out-of-area practitioner') are provided under an arrangement with—*

*"(I) an entity that is deemed to be an employee for purposes of paragraph (1)(A) and that serves the emergency area involved (referred to in this paragraph as an 'emergency-area entity'); or*

“(II) a Federal agency that has responsibilities regarding the provision of health services in such area during the emergency.

“(iv) The purposes of the arrangement are—

“(I) to coordinate, to the extent practicable, the provision of health services in the emergency area by the out-of-area practitioner with the provision of services by the emergency-area entity, or by the Federal agency, as the case may be;

“(II) to identify a location in the emergency area to which such practitioner should report for purposes of providing health services, and to identify an individual or individuals in the area to whom the practitioner should report for such purposes; and

“(III) to verify the identity of the practitioner and that the practitioner is licensed or certified by one or more of the States.

“(v) With respect to the licensure or certification of health care practitioners, the provision of services by the out-of-area practitioner in the emergency area is not a violation of the law of the State in which the area is located.

“(B) In issuing criteria under subparagraph (A), the Secretary shall take into account the need to rapidly enter into arrangements under such subparagraph in order to provide health services in emergency areas promptly after the emergency begins.

“(C) Subparagraph (A) applies with respect to an act or omission of an out-of-area practitioner only to the extent that the practitioner is not immune from liability for such act or omission under the Volunteer Protection Act of 1997.

“(D) For purposes of this paragraph, the term ‘emergency area’ means a geographic area for which—

“(i) the Secretary has made a determination under section 319 that a public health emergency exists; or

“(ii) a presidential declaration of major disaster has been issued under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”

**SEC. 6. DEMONSTRATION PROJECT FOR INTEGRATED HEALTH SYSTEMS TO EXPAND ACCESS TO PRIMARY AND PREVENTIVE SERVICES FOR THE MEDICALLY UNDERSERVED.**

Part D of title III of the Public Health Service Act (42 U.S.C. 259b et seq.) is amended by adding at the end the following new subpart:

**“Subpart XI—Demonstration Project for Integrated Health Systems to Expand Access to Primary and Preventive Services for the Medically Underserved**

**“SEC. 340H. DEMONSTRATION PROJECT FOR INTEGRATED HEALTH SYSTEMS TO EXPAND ACCESS TO PRIMARY AND PREVENTIVE CARE FOR THE MEDICALLY UNDERSERVED.**

“(a) ESTABLISHMENT OF DEMONSTRATION.—

“(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a demonstration project (hereafter in this section referred to as the ‘demonstration’) under which up to 30 qualifying integrated health systems receive grants for the costs of their operations to expand access to primary and preventive services for the medically underserved.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing grants to be made or used for the costs of specialty care or hospital care furnished by an integrated health system.

“(b) APPLICATION.—Any integrated health system desiring to participate in the demonstration shall submit an application in such manner, at such time, and containing such information as the Secretary may require.

“(c) CRITERIA FOR SELECTION.—In selecting integrated health systems to participate in the demonstration (hereafter in this section referred to as ‘participating integrated health systems’), the Secretary shall ensure representation of integrated health systems that are located in a variety of States (including the District of Colum-

bia and the territories and possessions of the United States) and locations within States, including rural areas, inner-city areas, and frontier areas.

“(d) DURATION.—Subject to the availability of appropriations, the demonstration shall be conducted (and operating grants be made to each participating integrated health system) for a period of 3 years.

“(e) REPORTS.—

“(1) IN GENERAL.—The Secretary shall submit to the appropriate committees of the Congress interim and final reports with respect to the demonstration, with an interim report being submitted not later than 3 months after the demonstration has been in operation for 24 months and a final report being submitted not later than 3 months after the close of the demonstration.

“(2) CONTENT.—Such reports shall evaluate the effectiveness of the demonstration in providing greater access to primary and preventive care for medically underserved populations, and how the coordinated approach offered by integrated health systems contributes to improved patient outcomes.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$25,000,000 for each of the fiscal years 2009, 2010, and 2011 to carry out this section.

“(2) CONSTRUCTION.—Nothing in this section shall be construed as requiring or authorizing a reduction in the amounts appropriated for grants to health centers under section 330 for the fiscal years referred to in paragraph (1).

“(g) DEFINITIONS.—For purposes of this section:

“(1) FRONTIER AREA.—The term ‘frontier area’ has the meaning given to such term in regulations promulgated pursuant to section 330I(r).

“(2) INTEGRATED HEALTH SYSTEM.—The term ‘integrated health system’ means a health system that—

“(A) has a demonstrated capacity and commitment to provide a full range of primary care, specialty care, and hospital care in both inpatient and outpatient settings; and

“(B) is organized to provide such care in a coordinated fashion.

“(3) QUALIFYING INTEGRATED HEALTH SYSTEM.—

“(A) IN GENERAL.—The term ‘qualifying integrated health system’ means a public or private nonprofit entity that is an integrated health system that meets the requirements of subparagraph (B) and serves a medically underserved population (either through the staff and supporting resources of the integrated health system or through contracts or cooperative arrangements) by providing—

“(i) required primary and preventive health and related services (as defined in paragraph (4)); and

“(ii) as may be appropriate for a population served by a particular integrated health system, integrative health services (as defined in paragraph (5)) that are necessary for the adequate support of the required primary and preventive health and related services and that improve care coordination.

“(B) OTHER REQUIREMENTS.—The requirements of this subparagraph are that the integrated health system—

“(i) will make the required primary and preventive health and related services of the integrated health system available and accessible in the service area of the integrated health system promptly, as appropriate, and in a manner which assures continuity;

“(ii) will demonstrate financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

“(iii) provides or will provide services to individuals who are eligible for medical assistance under title XIX of the Social Security Act or for assistance under title XXI of such Act;

“(iv) has prepared a schedule of fees or payments for the provision of its services consistent with locally prevailing rates or charges and designed to cover its reasonable costs of operation and has prepared a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient’s ability to pay;

“(v) will assure that no patient will be denied health care services due to an individual’s inability to pay for such services;

“(vi) will assure that any fees or payments required by the system for such services will be reduced or waived to enable the system to fulfill the assurance described in clause (v);

“(vii) provides assurances that any grant funds will be expended to supplement, and not supplant, the expenditures of the integrated health system for primary and preventive health services for the medically underserved; and

“(viii) submits to the Secretary such reports as the Secretary may require to determine compliance with this subparagraph.

“(C) TREATMENT OF CERTAIN ENTITIES.—The term ‘qualifying integrated health system’ may include a nurse-managed health clinic if such clinic meets the requirements of subparagraphs (A) and (B) (except those requirements that have been waived under paragraph (4)(B)).

“(4) REQUIRED PRIMARY AND PREVENTIVE HEALTH AND RELATED SERVICES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘required primary and preventive health and related services’ means basic health services consisting of—

“(i) health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians where appropriate, physician assistants, nurse practitioners, and nurse midwives;

“(ii) diagnostic laboratory services and radiologic services;

“(iii) preventive health services, including prenatal and perinatal care; appropriate cancer screening; well-child services; immunizations against vaccine-preventable diseases; screenings for elevated blood lead levels, communicable diseases, and cholesterol; pediatric eye, ear, and dental screenings to determine the need for vision and hearing correction and dental care; and voluntary family planning services;

“(iv) emergency medical services; and

“(v) pharmaceutical services, behavioral, mental health, and substance abuse services, preventive dental services, and recuperative care, as may be appropriate.

“(B) EXCEPTION.—In the case of an integrated health system serving a targeted population, the Secretary shall, upon a showing of good cause, waive the requirement that the integrated health system provide each required primary and preventive health and related service under this paragraph if the Secretary determines one or more such services are inappropriate or unnecessary for such population.

“(5) INTEGRATIVE HEALTH SERVICES.—The term ‘integrative health services’ means services that are not included as required primary and preventive health and related services and are associated with achieving the greater integration of a health care delivery system to improve patient care coordination so that the system either directly provides or ensures the provision of a broad range of culturally competent services. Integrative health services include but are not limited to the following:

“(A) Outreach activities.

“(B) Case management and patient navigation services.

“(C) Chronic care management.

“(D) Transportation to health care facilities.

“(E) Development of provider networks and other innovative models to engage local physicians and other providers to serve the medically underserved within a community.

“(F) Recruitment, training, and compensation of necessary personnel.

“(G) Acquisition of technology for the purpose of coordinating care.

“(H) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

“(I) Determination of eligibility for Federal, State, and local programs that provide, or financially support the provision of, medical, social, housing, educational, or other related services.

“(J) Development of prevention and disease management tools and processes.

“(K) Translation services.

“(L) Development and implementation of evaluation measures and processes to assess patient outcomes.

“(M) Integration of primary care and mental health services.

“(N) Carrying out other activities that may be appropriate to a community and that would increase access by the uninsured to health care, such as access initiatives for which private entities provide non-Federal contributions to supplement the Federal funds provided through the grants for the initiatives.

“(6) SPECIALTY CARE.—The term ‘specialty care’ means care that is provided through a referral and by a physician or nonphysician practitioner, such as surgical consultative services, radiology services requiring the immediate presence of a physician, audiology, optometric services, cardiology services, magnetic resonance imaging (MRI) services, computerized axial tomography (CAT) scans, nuclear medicine studies, and ambulatory surgical services.

“(7) NURSE-MANAGED HEALTH CLINIC.—The term ‘nurse-managed health clinic’ means a nurse-practice arrangement, managed by advanced practice nurses, that provides care for underserved and vulnerable populations and is associated with a school, college, or department of nursing or an independent nonprofit health or social services agency.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GENE GREEN of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H.R. 1343, the Health Centers Renewal Act of 2008.

The health centers program was first enacted 40 years ago. Today, health centers are located in 6,000 sites in all 50 States serving as the medical home and family physician to 17 million people nationally.

Over the years, the health centers program has gained tremendous support from Democrats, Republicans, the Congress and the President. We don't all agree on much, but there is no doubt that the health centers program has been a great success.

The overwhelming support for the health centers program may be attributed to the impact health centers have made on the health and well-being of

our country's most vulnerable populations.

Federally qualified health centers are local, nonprofit or public entity, community-owned health care provider serving low-income and medically underserved areas as designated by the Federal Government.

Health centers provide comprehensive primary and preventive health care, with services available to all community residents where they are located, regardless of the patients' ability to pay.

Community health centers have helped fill the medical void for low-income communities and uninsured individuals.

The health centers program's focus on primary and preventive care has garnered savings for our health care system because the health centers provide the uninsured and underserved with access to care they would usually receive at hospital emergency rooms.

By providing access to affordable primary care, health centers have also reduced the need for in-patient and specialty care in hospitals, because medical problems in health center patients are treated earlier, before they require in-patient hospital care.

Studies suggest that health centers save Medicaid approximately 30 percent in annual spending for health centers due to reduced specialty care referrals, fewer hospital admissions, and emergency room visits.

Forty percent of health center patients are uninsured, and 35 percent depend on Medicaid, making health centers a critical feature of our country's safety net and, for many individuals, their only source for health care services.

Unfortunately, the number of uninsured in our country is 47 million and has been steadily rising, and in turn, the need for health centers are increasing.

Our district in Texas and many other communities nationwide are desperately in need of more health centers. Houston has approximately 1 million uninsured but only 10 federally qualified health centers.

As the fourth largest city in the United States, Houston lags far behind the number of health centers located in our area when compared to Chicago, with over 80 community health centers and the third largest city in the country.

Houston is not alone in this need for more health centers. Studies show that 56 million Americans lack access to primary care or a health care home.

The Health Centers Renewal Act will reauthorize the health centers program, which would address the growing need for community health centers in not only my area but throughout the United States.

This legislation would authorize the increased funding necessary for our community to build on the success of the health centers program and develop additional health centers to meet our

tremendous need for affordable and quality health care.

This bill would allow health centers to serve approximately 23 million patients in the next 5 years.

I want to thank my colleague, Mr. PICKERING, who is the original cosponsor, along with the Energy and Commerce Committee and my subcommittee for their full support of this legislation.

I believe the bill is truly an investment in the future of health centers for the medically underserved communities throughout our country.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I rise today in support of H.R. 1343, the Health Centers Renewal Act. I have been a long time supporter of the community health centers program because health centers provide quality health care services to people and communities which might not otherwise have access to such care.

Last Congress, I sponsored a 5-year health centers reauthorization measure which passed the House by large margins. But unfortunately, we were unable to finalize the legislation and see it signed into law.

I would like to thank Mr. GREEN for his leadership on the legislation this year and for the willingness of our subcommittee chairman, Mr. PALLONE, and our full committee chairman, Mr. DINGELL, who worked in a bipartisan way to improve this reauthorization measure.

We made important reforms to the program to encourage the participation of volunteer physicians at health centers. It is my understanding that many physicians would be more willing to volunteer their time at a health center if they knew they would have liability protection from frivolous lawsuits. This bill provides that assurance through the Federal Tort Claims Act.

Through our work in the committee, we also addressed a situation which developed following Hurricanes Katrina and Rita where some health center employees were not able to carry their liability protection out of their home facility to go work on the gulf coast. We made a common-sense change to address this situation to ensure that health centers can meet their staffing needs during times of emergency. This amendment mirrored the legislation introduced by the late Representative Paul Gilmore, and I am glad that we can honor him by including this in this measure.

Community health centers are an important component of our health care safety net. While many communities across the country enjoy the benefits of having a health center, there are still many areas which could benefit from continued expansion of the program.

I would urge my colleagues to support this measure and give medically underserved communities across this country greater access to health care

providers at a local community health center.

Madam Speaker, I would reserve the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, we will reserve the balance of our time.

Mr. DEAL of Georgia. Madam Speaker, I'm pleased to yield to one of the members of our Health Subcommittee of Energy and Commerce and a gentleman whose language has been incorporated into this bill, Mr. TIM MURPHY, for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I thank Ranking Member DEAL and I thank Mr. GREEN for this very, very important bill, this Health Centers Renewal Act to provide some very, very important coverage for some of our most needy citizens.

You know, when people oftentimes will comment upon how many people in America don't have health care, who recognize that actually many of them are covered by programs such as Medicaid, they may or may not know it, or SCHIP or some choose not to have health insurance. But there are also those millions of Americans who simply are not low-income enough for Medicaid. They don't have children, so they're not covered by SCHIP. And they're not old enough for Medicare. Where do they go?

Well, community health centers provide the very health care that they need, give them health care home, give them peace of mind. It is a place where, for a low fee, they can have ongoing health care, know that they have a doctor who knows them, and dentist and psychologist and other ones who provide the vital care for them, and it keeps costs down. Keeps costs down tremendously.

I believe some 30 percent of people who go to community health centers do not have health care insurance, and of those who do attend, it maintains even lower costs for Medicaid patients. So it is savings at all levels.

But unfortunately, there are huge vacancies with community health centers. Those vacancies have to do with normal family physicians or psychiatrists or OB/GYNs, and that has led to backups. That has led to delays in appointments. And the question is, is there a way we can resolve that?

Well, here's something we discovered that was odd, and this bill corrects that. Strangely enough, if physicians want to volunteer at a free clinic, they can do so, and they're covered by the Federal Tort Claims Act. On the other hand, if they are paid medical staff at a free clinic, they're not covered under the Federal Tort Claims Act.

Reverse that for a community health center. If they're paid staff at a community health center, they're covered under the Federal Tort Claims Act, but if they want to volunteer, they are not.

I introduced a bill, H.R. 1626, the Family Healthcare Accessibility Act, a couple of years ago to correct that, and I am pleased that Mr. GREEN has put

this into this bill. That basically provides that physicians and other health professionals, nurse practitioners who want to volunteer are covered.

What does this mean? That means lower costs for clinics, and that means that physicians, for example, who may want to give some of their time each week or each month, a clinic will be there with welcome arms. It has not been something that's been allowed before, but it does provide lower health care costs. It is a way for physicians and other primary practitioners to be able to give back to the community. It is a way to lower health care costs.

In this Nation, where there are 760 primary care physician openings, 290 nurse practitioners openings and 310 dentist openings just a couple of years ago—and those numbers may have climbed—this provides a way that we can fulfill those needs at basically no cost.

I thank the chairman, I thank Ranking Member DEAL and everybody else who has been part of this bill in making this a working bill to help bring health care costs down, help bring health care to America's needy citizens and help bring a health care home for so many Americans.

Mr. GENE GREEN of Texas. Madam Speaker, we will continue to reserve. We have no other speakers.

Mr. DEAL of Georgia. I would yield 3 minutes to the gentleman from Nebraska (Mr. TERRY), a member of the committee who has also worked on this legislation.

Mr. TERRY. Thank you, and I, too, rise in support of our community health centers and the reauthorization.

We have two in my district in Omaha. We have the One World Health Center. It used to be known as the Chicano Awareness Center, but now it has kind of created a new name and new marketing in the sense that it really helps all of our community, and then in the north Omaha community we have the Charles Drew Center.

I frequent these facilities, meeting with their physicians who work there and their directors, and every time I have been impressed with the high quality of the health care that they provide for our communities. They are first-rate. Both of them are in brand new buildings that can rival any physicians' offices anywhere else in the metropolitan Omaha community.

And I think these health centers really are key in our try to provide universal health care or at least access for everybody so those that have minimal insurance or no insurance can show up at our community health centers and receive first-class medical care. And that is one of the major reasons why I stand in support.

Now, just quickly here, I feel compelled from listening to some of the testimony from a previous bill, we had a speaker that stood up and talked about how it was the White House or George Bush's fault that we have to import more oil during his administration.

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And of course that does appear to be our energy policy. But keep in mind that this House has voted, in the 10 years I've been here, at least I think eight or nine times to open up either offshore or Alaska oil, which has been shut down on every attempt. We've been able to pass it a handful of times; it has either been vetoed or blocked within the Senate.

So if you aren't allowed to use American supply of energy, of course the only alternative is to import more. I'm personally embarrassed that our administration is going to the Middle East and begging for them to increase production. What that shows, to me, is they're giving up on the fact that we should be using more of our own American resources. And we can do that. We should open up offshore. We should open Alaska. We should open up the oil shale in Colorado.

Now, what the public should know is, just in the last 6 months, back in November-December, this House voted to take the oil shale in Colorado and Wyoming off limits to oil companies to be able to extract oil from there. We made it so you cannot extract that oil.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEAL of Georgia. I yield the gentleman 1 additional minute.

Mr. TERRY. Just 2 weeks ago, this House voted to ban the military from using synthetic aviation fuel made from coal, also known as coal-to-liquid. So here's another alternative energy source that we could use to provide aviation fuel not only to the military, but to the civilian side, that would be stable, reliable, no cost fluctuations like you see because of the oil markets. But yet this House voted 2 weeks ago to say no to using that source for fuel. So of course if we're going to limit every source of energy in this country, you have no other place to go.

Last week, I rolled out a plan at home that showed if we allowed all of our resources to be used from the conservation from new vehicles and tax credits to help consumers purchase them, we open up offshore oil shale in Alaska, as well as the alternative, we can become energy independent.

Mr. GENE GREEN of Texas. Madam Speaker, as much as I would like to debate energy prices, hopefully we can deal with renewal of qualified health centers.

Madam Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 3 minutes to the gentelady from Texas (Ms. GRANGER).

Ms. GRANGER. Madam Speaker, I rise today in strong support of the Health Centers Renewal Act.

As important as this bill is to local communities, I believe the first thing we should be dealing with is gas prices and the devastating effect it's having on American families. Unfortunately, the majority refuses to deal with this issue.



Our Nation has over 1,000 community health centers which provide high-quality, affordable primary health care to more than 16 million Americans in over 6,000 communities nationwide.

I come from Fort Worth, Texas and was mayor there before I came to Congress. When I was mayor, we didn't have a community health center in Fort Worth. And I quickly realized the need for one because of the huge concentration of people we had who weren't able to access health care except for emergency centers.

When I came to Congress, I sat on the committee that funds health centers and worked to get a community health center in Fort Worth. We now have the Albert Galvan Health Clinic in Fort Worth, which serves a terrific need.

Parents who take their children to the center have developed a relationship with a primary care physician who can track families and their needs. They're also receiving good preventative care, which is taking away the need to visit an emergency room.

In Texas, community health centers are helping ease the burden tremendously on hospitals and local providers across the State, with 10 percent of low-income, uninsured Texans now relying on community health centers for their primary care. Texas health centers are caring for over 700,000 patients.

Nationally they're having a strong impact as well. A 2006 study by the National Association of Community Health Centers shows the number of patients treated by health centers increased by 46 percent between 1999 and 2004.

Overall, it's estimated community health centers care for over 17 million underserved people in rural and urban areas across the country. However, there is still a great need for more community health centers. Too many families have to drive long distances to reach a health center, and with gas prices at an all-time high, many families can't afford the drive to the doctor.

Thirty-six million people—one in eight Americans—don't have a doctor or regular source of care. If these 36 million Americans did have a regular source of care at a community health center, billions of dollars in health care costs could be saved from reduced ER visits.

There is evidence that people who get most of their primary care from a health center have 41 percent lower overall health care costs than the others who don't, saving Federal dollars of \$10 to \$17 billion in 2007 alone.

Health care centers are considered one of the most effective government programs in the country and have a solid record of keeping communities healthy and disease free.

The SPEAKER pro tempore. The time of the gentlewoman from Texas has expired.

Mr. DEAL of Georgia. I would yield the gentelady 1 additional minute.

Ms. GRANGER. Because community health care centers provide families

and the community with a health care safety net they can rely on and also ease the burden of our entire system, they're becoming increasingly important to meeting a national demand. Health care should be affordable, accessible and convenient so that individuals and families can access care when they're sick and get the care they need.

I urge my colleagues to support H.R. 1343.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 2 minutes to my colleague from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Madam Speaker, I'm a medical doctor. As a physician, I have been a medical director in a National Health Service Corps community health clinic. I have given away hundreds of thousands of dollars of my services to the poor over my 30-some-odd years' career of practicing medicine in rural southwest Georgia, as well as in northeast Georgia where I currently live.

Health care costs are issues that particularly poor people have a tremendous difficulty dealing with. And it certainly is a very important issue. We've got to solve the crisis we have in health care financing today. We don't have a health care quality problem, we have a health care financing problem. And a lot of this is due to an overregulation on the health care system, on doctors, hospitals, pharmaceutical companies, and other entities.

But an issue that actually affects poor people more than health care today is the tremendous cost of energy. Right now today, we're drilling for ice on the ground in Mars, and we can't even drill for oil in America. It's got to stop. We've got to bring down the cost of gasoline. And we can do that. We can do that by drilling offshore. We can do that by tapping into the oil sources we have throughout the west and in Alaska. And it's absolutely critical.

The cost of gasoline is hurting everyone. It's driving up the cost of groceries in the supermarket. It's driving up the cost of all goods and services, including health care. So if we're going to lower the cost of the health care, if we're going to lower the cost of food in the grocery store, we've got to lower the cost of gasoline by drilling now and streamlining the permitting process to get refineries so that they're producing more gasoline and we can bring the cost down. So I encourage my colleagues to push for drilling for oil now.

Mr. DEAL of Georgia. Madam Speaker, I believe the majority is ready to close, and I will close at this point if he has no other speakers.

I believe that the importance of community health centers has certainly been underscored in a bipartisan fashion by the discussion we've had here on this floor. I would remind us all that this is an initiative that President Bush inaugurated several years ago when his goal was to expand the number of community health centers across this country, ultimately so that every county in this country would be served

from one of these facilities. Certainly all of us recognize it is one of the better ways that we have available to us to be able to provide needed health care to communities that are underserved at the current time.

Once again, in closing, I would commend Mr. GREEN for his willingness to work in a bipartisan fashion on this reauthorization legislation. I believe that the amendments that were added to it before its reaching the floor today have considerably improved this bill. In particular, it now will allow physicians who are either retired or who want to volunteer a portion of their time to assist in one of these community health centers the ability to do so with some degree of limited liability protection. I think that will increase the number of physicians who are available in these facilities, and by doing that, it will increase the quality of care to those who are receiving services in community health centers.

With that, I would encourage passage of this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I rise to close. We have no other speakers.

First, to comment on my colleague from Georgia. Coming from Houston, Texas, I have some pipeline companies that would love to have that contract from Mars to Houston to bring oil if we discover it drilling through that ice there.

I appreciate, as a physician, your devotion to community-based health clinics, because that's what this bill is about, it's about reauthorizing. In fact, as we stand here today, Madam Speaker, we're actually expanding one in our district. Like I said earlier, we only have 10 in the Houston area, and our next largest city close to us has 80. So we have a job to do in Houston, in Texas—and my colleague from Fort Worth mentioned it—to expand community-based health centers. This bill will allow us to do that because it will go to the underserved community, areas in the country that really don't even have access to a community-based health center now and will have with this legislation, also with the additional authorization funds.

Of course we have to go back and ask the Appropriations Committee every year for additional funding that we authorize. But that's something that we do. This is very bipartisan support for community-based health centers. That's why I would hope that we would have almost unanimous support for this legislation.

Mr. DAVIS of Illinois. Madam Speaker, I enthusiastically rise today in support of H.R. 1343, The Health Centers Renewal Act of 2007. For over 40 years, community health centers have provided cost-effective, high-quality health care to poor and medically underserved people in the States, the District of Columbia, and the territories, including the working poor, the uninsured, and many high-risk and vulnerable populations. Community

Health Centers nationwide provide care to 1 of every 8 uninsured Americans, 1 of every 4 Americans in poverty, and 1 of every 9 rural Americans.

As a former president of the National Community Health Centers organization, I am honored to advocate for the expansion of this tremendously vital segment of our comprehensive healthcare system. By incorporating both H.R. 5544—The Patients and Public Health Partnership Act of 2008 and H.R. 870, which amends the Public Health Service Act to provide liability protections for practitioners of health centers who provide health services in emergency areas into this legislation; H.R. 1343 is now expanded to increase both insured coverage and access to critical resources for these invaluable medical professionals. This legislation empowers community health practitioners to serve on a larger scale and make an even greater positive impact particularly at a time when our health care delivery systems across the board are overburdened. I ask my colleagues to join me in support of H.R. 1343.

Mr. MCHUGH. Madam Speaker, I rise today in support of H.R. 1343, the Health Centers Renewal Act of 2007. I am proud to be a cosponsor of this legislation, which would reauthorize the community health centers program through fiscal year 2012.

Community health centers are an integral component of our Nation's health care infrastructure. Nationwide, more than 1,500 such centers provide high-quality, cost-effective primary health care to anyone seeking care. In New York State, health centers provide services to 1.1 million people who receive care at over 425 sites.

Of note, community health center fees are based on income and family size and services are provided regardless of insurance status or ability to pay. Forty-three percent of New York State health center patients are Medicaid beneficiaries and 28 percent are uninsured. Moreover, over 86 percent of New York State health center patients have incomes at or below 200 percent of the Federal poverty level, which in 2008 is \$42,400 for a family of four.

Access to health care is truly one of the most difficult challenges for Americans living in rural areas like northern and central New York. Community health centers have been a tremendous help in our efforts to improve access to health care. I am thankful that my constituents in New York State's 23rd Congressional District are served by four community health centers: Hudson Headwaters Health Network; Northern Oswego County Health Services; The Smith House; and the United Cerebral Palsy Association of the North Country.

I deeply appreciate the dedication and hard work of the staff at those health centers. Indeed, I am hesitant to imagine a scenario in which my constituents did not have the benefit of their excellent services. I also appreciate the efforts of the gentleman from Texas, Mr. GREEN, and the gentleman from Mississippi, Mr. PICKERING, to develop this measure and bring it to the House floor today; I look forward to its enactment.

Mr. GENE GREEN of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 1343, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

Mr. GENE GREEN of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5669) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5669

*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 "Poison Center Support, Enhancement, and Awareness Act of 2008".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Poison centers are the primary defense of the United States against injury and deaths from poisoning. Twenty-four hours a day, the general public as well as health care practitioners contact their local poison centers for help in diagnosing and treating victims of poisoning. In 2007, more than 4 million calls were managed by poison centers providing ready and direct access for all people of the United States, including many underserved populations in the United States, with vital emergency public health information and response.

(2) Poisoning is the second most common form of unintentional death in the United States. In any given year, there will be between 3 million and 5 million poison exposures. Sixty percent of these exposures will involve children under the age of 6 who are exposed to toxins in their home. Poisoning accounts for 285,000 hospitalizations, 1.2 million days of acute hospital care, and more than 26,000 fatalities in 2005.

(3) In 2008, the Harvard Injury Control Research Center reported that poisonings from accidents and unknown circumstances more than tripled in rate since 1990. In 2005, the last year for which data are available, 26,858 people died from accidental or unknown poisonings. This represents an increase of 20,000 since 1990 and an increase of 2,400 between 2004 and 2005. Fatalities from poisoning are increasing in the United States in near epidemic proportions. The funding of programs to reverse this trend is needed now more than ever.

(4) In 2004, The Institute of Medicine, of the National Academies recommended that the

"Congress should amend the current Poison Control Center Enhancement and Awareness Act Amendments of 2003 to provide sufficient funding to support the proposed Poison Prevention and Control System with its national network of poison centers. Support for the core activities at the current level of service is estimated to require more than \$100 million annually."

(5) Sustaining the funding structure and increasing accessibility to poison control centers will promote the utilization of poison control centers and reduce the inappropriate use of emergency medical services and other more costly health care services. The 2004 Institute of Medicine Report to Congress determined that for every \$1 invested in the Nation's poison centers \$7 of health care costs are saved. In 2005, direct Federal health care program savings totaled in excess of \$525 million as the result of poison center public health services.

(6) More than 30 percent of the cost savings and financial benefits of the Nation's network of poison centers are realized annually by Federal health care programs (estimated to be more than \$1 billion), yet Federal funding support (as demonstrated by the annual authorization of \$30.1 million in Public Law 108-194) comprises less than 11 percent of the annual network expenditures of poison centers.

(7) Real-time data collected from the Nation's certified poison centers can be an important source of information for the detection, monitoring, and response for contamination of the air, water, pharmaceutical, or food supply.

(8) In the event of a terrorist event, poison centers will be relied upon as a critical source for accurate medical information and public health emergency response concerning the treatment of patients who have had an exposure to a chemical, radiological, or biological agent.

#### SEC. 3. REAUTHORIZATION OF POISON CENTERS NATIONAL TOLL-FREE NUMBER.

Section 1271 of the Public Health Service Act (42 U.S.C. 300d-71) is amended to read as follows:

#### "SEC. 1271. MAINTENANCE OF THE NATIONAL TOLL-FREE NUMBER.

"(a) IN GENERAL.—The Secretary shall provide coordination and assistance to poison centers for the establishment of a nationwide toll-free phone number, and the maintenance of such number, to be used to access such centers.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$2,000,000 for each of the fiscal years 2000 through 2009 to carry out this section; and \$1,000,000 for each of the fiscal years 2010 through 2014 for the maintenance of the nationwide toll-free phone number under subsection (a)."

#### SEC. 4. REAUTHORIZATION OF NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CENTER UTILIZATION.

(a) IN GENERAL.—Section 1272 of the Public Health Service Act (42 U.S.C. 300d-72) is amended to read as follows:

#### "SEC. 1272. NATIONWIDE MEDIA CAMPAIGN TO PROMOTE POISON CENTER UTILIZATION.

"(a) IN GENERAL.—The Secretary shall carry out, and expand upon, a national media campaign to educate the public and health care providers about poison prevention and the availability of poison center resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 1271(a).

"(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with a nationally recognized organization in the field of poison

control for the development and implementation of a nationwide poison prevention and poison center awareness campaign, which may include the development and distribution of poison prevention and poison center awareness materials; television, radio, Internet, and newspaper public service announcements; and other means of public and professional awareness and education.

“(c) EVALUATION.—The Secretary shall—

“(1) establish baseline measures and benchmarks to quantitatively evaluate the impact of the nationwide media campaign carried out under this section; and

“(2) prepare and submit to the appropriate congressional committees an evaluation of the nationwide media campaign on an annual basis.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$600,000 for each of the fiscal years 2000 through 2005, such sums as may be necessary for each of the fiscal years 2006 through 2009, and \$1,500,000 for each of the fiscal years 2010 through 2014.”

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to contracts entered into on or after January 1, 2009.

**SEC. 5. REAUTHORIZATION OF THE POISON CENTER GRANT PROGRAM.**

(a) IN GENERAL.—Section 1273 of the Public Health Service Act (42 U.S.C. 300d-73) is amended to read as follows:

**“SEC. 1273. MAINTENANCE OF THE POISON CENTER GRANT PROGRAM.**

“(a) AUTHORIZATION OF GRANT PROGRAM.—The Secretary shall award grants to poison centers certified under subsection (c) (or granted a waiver under subsection (d)) and professional organizations in the field of poison control for the purposes of preventing, and providing treatment recommendations for, poisonings and complying with the operational requirements needed to sustain the certification of the center under subsection (c).

“(b) ADDITIONAL USES OF GRANT FUNDS.—In addition to the purposes described in subsection (a), a poison center or professional organization awarded a grant under such subsection may also use such grant for the following purposes:

“(1) To establish and evaluate best practices in the United States for poison prevention, poison center outreach, and emergency and preparedness programs.

“(2) To research, develop, implement, revise, and communicate standard patient management guidelines for commonly encountered toxic exposures.

“(3) To improve national toxic exposure surveillance by enhancing cooperative activities between poison centers in the United States and the Centers for Disease Control and Prevention.

“(4) To develop, support, and enhance technology and capabilities of professional organizations in the field of poison control to collect national poisoning, toxic occurrence, and related public health data.

“(5) To develop initiatives to foster the enhanced public health utilization of national poison data collected by organizations described in paragraph (4).

“(6) To support and expand the toxicologic expertise within poison centers.

“(7) To improve the capacity of poison centers to answer high volumes of calls and respond during times of national crisis or other public health emergencies.

“(c) CERTIFICATION.—Except as provided under subsection (d), the Secretary may make a grant to a poison center under subsection (a) only if—

“(1) the center has been certified by a professional organization in the field of poison

control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

“(2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

“(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a noncertified poison center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

“(2) RENEWAL.—The Secretary may renew a waiver under paragraph (1).

“(3) LIMITATION.—In no instance may the sum of the number of years for a waiver under paragraph (1) and a renewal under paragraph (2) exceed 5 years. The preceding sentence shall take effect as of the date of the enactment of the Poison Center Support, Enhancement, and Awareness Act of 2008.

“(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

“(f) MAINTENANCE OF EFFORT.—A poison center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) for each of the fiscal years 2000 through 2004, \$25,000,000;

“(2) for each of the fiscal years 2005 through 2009, \$27,500,000; and

“(3) for each of the fiscal years 2010 through 2014, \$35,000,000, of which \$1,500,000 shall be used to award grants for the purpose described in subsection (b)(4).”

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of the date of the enactment of this Act and shall apply to grants made on or after January 1, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5669, the Poison Control Center Enhancement and Awareness Act, a

bill that would provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people in the United States.

Unfortunately, poisoning is a significant problem, and according to Centers for Disease Control and Prevention ranks second only to motor vehicle crashes as a cause of unintentional injury or death. The economic cost of unintentional poisoning is considerable, as poisonings led to \$26 billion in medical expenses.

The bill before us today would reauthorize a poison center national toll free number, a national media campaign to promote the use of poison centers, and a grant program to provide assistance for poison prevention to ensure that unintentional poisonings do not lead to unintentional injuries or death.

I acknowledge my colleague, Congressman EDOLPHUS TOWNS, and urge my colleagues on both sides of the aisle to join me in support of this laudable legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the Speaker and Mr. GREEN and the committee for bringing this forward in such a timely manner.

This is an important act. This bill reflects a bipartisan effort, strengthened by the leadership of Mr. TOWNS, who provides the necessary funding for the poison control centers to continue their lifesaving work. I must say that in writing this bill, I enjoyed working with Mr. TOWNS and his staff and appreciate all of their help and cooperation.

The poison control center located in Omaha is the designated poison control center for Nebraska, Wyoming, and, amazingly, American Samoa and the Federated States of Micronesia. It is one of the oldest poison control centers in the United States, established in 1957. It's one of fifty-two poison control centers in the United States certified as a regional poison control center by the American Association of Poison Control Centers and operates 24 hours a day, 7 days a week with full information and treatment capabilities. The majority of funding is provided by the Nebraska Med Center, Creighton University Medical Center, and the University of Nebraska.

In 2007, 61 poison control centers located throughout the United States played a critical role in saving lives by responding to 4 million calls. Poison control centers are staffed by medical professionals 24 hours a day, 7 days a week. These professionals are trained with the knowledge needed to assess poison risk, advise treatment and/or triage patients, recommend a treatment, or refer them to appropriate medical facilities.

Poisoning is the second leading form of unintentional death in the United States, and an estimated 60 percent of those exposures are experienced by children under the age of 6. Calls received by poison control centers addressed chemical, biological, and nuclear exposure, as well as adverse reactions to pesticides, cleaning products, and other hazardous products.

This bill provides the funding needed to authorize the poison center national toll-free number, national media campaign, and the State grant program to provide assistance for poison prevention. This legislation not only saves lives but saves millions of dollars a year in preventable medical expenses. A report by the Institute of Medicine concludes that the Nation's poison control centers yielded \$7 in savings for every \$1 invested. In 2005 alone, poison control centers saved Federal health programs an estimated \$525 million.

I encourage my colleagues to examine this bill and join us in support of this bill and the lifesaving work of poison control centers across the country.

Mr. Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume to close.

As I mentioned in my first statement, my opening statement, this is a bipartisan effort. Once again, I want to thank Mr. TOWNS.

I have the floor statement of our ranking member, JOE BARTON, who is also in support of this bill, and I will read in significant part his statement.

He states: "As our primary defense against injury and death from poisoning, poison control centers are a vital part of our health care system in the United States. Few people realize poisoning is the second most common form of unintentional death in the United States. In 2005 there were over 26,000 deaths in the United States caused by the ingestion of poisons that resulted from approximately 5 million incidents of poison exposure. And without question, the number of deaths and debilitating injuries resulting from poisoning would be significantly higher if it weren't for the strong network of poison centers we already have, and with the passage of the legislation before us today, I am confident that we can make a great program even better."

And thanks to all of the efforts from the members of the Energy and Commerce Committee in making this a great bipartisan bill.

Mr. Speaker, with that I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my colleague, who is also a member of the Energy and Commerce Committee, not only on

this bill but on other health care bills that we're dealing with on a bipartisan basis.

This reauthorization of the poison center national toll-free number and the media campaign has been a proven success. And since all politics is local, and since you mentioned the University of Nebraska, I have to mention the University of Texas Medical Branch that serves as our poison control publicity and facility, and it's very successful. We just need to expand it because we still are having deaths from poisoning, and we need to make sure that toll-free number is utilized and that information is out there for our community.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today in strong support of H.R. 5669. The Poison control centers provide vital healthcare services to Americans of all incomes and keep costs from emergency procedures under control. Through their cost-saving programs, these centers benefit the general public, the government, health care providers, public health entities, and insurers.

In my district, Jay Schauben supervises a poison control center at Shans-Jacksonville hospital that treats a population of approximately six million. The Florida legislature created this center in 1989 to address overwhelming needs in the areas of exposure treatment and education, and Dr. Schauben's team has risen to the challenge and helped a countless number of my constituents. I would also like to thank Senator David Karnes, whose tireless support has been a great help in attaining funding for these important centers. Finally, I would like to thank Dr. Gerold Schiebler of the University of Florida. Dr. Schiebler has been active for decades in the campaign for affordable healthcare and widespread access to poison control services.

With our economy in recession, now is certainly no time to further limit access to the quality healthcare services, or to tie the hands of advocates like Dr. Schauben, Senator Karnes, and Dr. Schiebler. So, it is critically important that poison control centers are reauthorized, and that these centers receive full funding through Fiscal Year 2014.

A wide variety of Americans benefit from the services poison control centers provide every day. The general public benefits by receiving cost-free poisoning prevention guidelines, emergency medical advice, and follow-up calls about treatment. These services prevent trips to emergency rooms and keep already outrageous healthcare costs from rising even further.

I represent one of the poorest districts in the State of Florida, and I have seen first hand the challenges my constituents face in finding affordable healthcare. A study group consisting of medical and poison control experts has found that every dollar spent on poison centers saves seven dollars in healthcare costs.

Also, poison control centers provide educational programs aimed at prevention. These programs help educate many uninsured Americans about means of poison prevention, and keep healthcare costs in the U.S. down by avoiding emergency room procedures.

In addition to saving low- and middle-income Americans healthcare dollars, poison control centers provide 24-hour emergency and informational services via a Toll-Free Na-

tional Hotline. This hotline is a vital source of information for many of my constituents, and Americans across the country, who could not otherwise receive medical advice or attention. This hotline also provides essential follow-up calls regarding continuing care of poison exposures.

Without a national hotline, many individuals with known or suspected toxic exposures would seek significantly more costly and less accessible healthcare alternatives, such as an emergency room visit.

Simply, the benefits of these centers are widespread, but are especially helpful to those whose incomes prohibit access to private health care services. Failure to reauthorize these important centers would represent a tremendous disservice to Americans in all Congressional districts.

I urge my colleagues to support H.R. 5669.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 5669, the "Poison Center Support, Enhancement, and Awareness Act of 2008." I would like to thank my friend from New York, Mr. TOWNS, and, my friend from Nebraska, Mr. TERRY, for introducing this important legislation, and I want to thank Chairman DINGELL and Subcommittee Chairman PALLONE for working in a bipartisan manner as we moved this bill through the Energy and Commerce Committee.

As our primary defense against injury and death from poisoning, poison centers are a vital part of our healthcare system in the United States. Few people realize that poisoning is the second most common form of unintentional death in the United States. In 2005, there were over 26,000 deaths in the United States caused by the ingestion of poisons that resulted from approximately 5 million incidents of poison exposure. And without question, the number of deaths and debilitating injuries resulting from poisoning would be significantly higher if it weren't for the strong network of poison centers we already have, and with passage of the legislation before us today, I am confident that we can make a great program even better.

Again, I thank my colleagues for their efforts on this bipartisan bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H.R. 5669, the Poison Center Support, Enhancement, and Awareness Act of 2008, and I thank the bill's sponsor, Congressman TOWNS, for his leadership on this issue. I also want to thank Chairman PALLONE and Chairman DINGELL for working to bring this bill before us today.

The poison control centers program has proven to be a very successful program for communities across the country, by providing a national toll-free number for poison emergencies, a national media campaign to promote the use of poison centers, and a poison prevention grant program.

In my district alone, the Illinois Poison Center handled 7,021 cases last year. Statewide, 51 percent of the calls the Illinois Poison Center handled involved children under the age of 5. I just can't imagine what families would do without this tremendous resource. Surely, this legislation which will reauthorize this program through 2014 and increase its total authorization to \$37.5 million annually will be money well spent.

Not only do poison centers save lives, they save time and resources by cost avoidance for patients who are cared for in their homes as

opposed to visiting a hospital and by reducing lengths of stay for patients who are cared for by a poison control center prior to arriving at a hospital.

Again, I thank the bill's sponsor and our Chairmen for their work on this legislation, and I urge my colleagues to give H.R. 5669 their support.

Mr. GENE GREEN of Texas. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PAS-TOR). The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 5669.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GENE GREEN of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### LIBRARY OF CONGRESS SOUND RECORDING AND FILM PRESERVATION PROGRAMS REAUTHORIZATION ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5893

*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 "Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008".

#### SEC. 2. SOUND RECORDING PRESERVATION PROGRAMS.

(a) NATIONAL RECORDING PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 133 of the National Recording Preservation Act of 2000 (2 U.S.C. 1743) is amended by striking "for each of the first 7 fiscal years beginning on or after the date of the enactment of this Act" and inserting "for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the National Recording Preservation Act of 2000.

(2) CRITERIA FOR REMOVAL OF MEMBERS.—Section 122(d)(2) of such Act (2 U.S.C. 1722(d)(2)) is amended to read as follows:

"(2) REMOVAL OF MEMBERS.—The Librarian shall have the authority to remove any member of the Board if the member fails, after receiving proper notification, to attend (or send a designated alternate to attend) a regularly scheduled Board meeting, or if the

member is determined by the Librarian to have substantially failed to fulfill the member's responsibilities as a member of the Board."

(b) NATIONAL RECORDING PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 152411(a) of title 36, United States Code, is amended by striking "for each of the first 7 fiscal years beginning on or after the date of the enactment of this chapter" and inserting "for the first fiscal year beginning on or after the date of the enactment of this chapter and each succeeding fiscal year through fiscal year 2016".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the National Recording Preservation Act of 2000.

(2) PERMITTING BOARD MEMBERS TO SERVE MORE THAN 2 TERMS.—Section 152403(b)(4) of such title is amended by striking the second sentence.

(3) PERMITTING BOARD TO DETERMINE LOCATION OF PRINCIPAL OFFICE.—

(A) IN GENERAL.—Section 152406 of such title is amended by striking "District of Columbia." and inserting "District of Columbia or another place as determined by the Board of Directors."

(B) CONFORMING AMENDMENT.—Section 152405(b) of such title is amended by striking "District of Columbia," and inserting "jurisdiction in which the principal office of the corporation is located."

(4) CLARIFICATION OF LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Section 152411(b) of such title is amended to read as follows:

"(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986."

#### SEC. 3. FILM PRESERVATION PROGRAMS.

(a) NATIONAL FILM PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 112 of the National Film Preservation Act of 1996 (2 U.S.C. 179v) is amended by inserting after "the Librarian" the following: "for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2016".

(B) CONFORMING AMENDMENT.—Section 113 of such Act (2 U.S.C. 179w) is amended by striking the first sentence.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in the enactment of the National Film Preservation Act of 1996.

(2) EXPANDING AUTHORIZED USES OF SEAL.—Section 103(b) of such Act (2 U.S.C. 179m(b)) is amended by adding at the end the following: "The Librarian may authorize the use of the seal by the Library or by others for other limited purposes in order to promote in the National Film Registry when exhibiting, showing, or otherwise disseminating films in the Registry."

(3) UPDATING NAMES OF ORGANIZATIONS REPRESENTED ON BOARD.—Section 104(a)(1) of such Act (2 U.S.C. 179n(a)(1)) is amended—

(A) in subparagraph (E), by striking "Cinema" and inserting "Cinema and Media";

(B) in subparagraph (G), by striking "Department of Film and Television" and inserting "Department of Film, Television, and Digital Media";

(C) in subparagraph (H), by striking "Film and Television" and inserting "Cinema Studies"; and

(D) by amending subparagraph (L) to read as follows:

"(L) Screen Actors Guild."

(b) NATIONAL FILM PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—Section 151711(a) of title 36, United States Code, is amended to read as follows: by inserting after the first sentence the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed—

"(A) \$530,000 for each of the fiscal years 2005 through 2009;

"(B) \$750,000 for each of the fiscal years 2010 through 2011; and

"(C) \$1,000,000 for each of the fiscal years 2012 through 2016.

"(2) MATCHING.—The amounts authorized to be appropriated under this subsection are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments."

(2) REPATRIATION OF FILMS FROM FOREIGN ARCHIVES AS PURPOSE OF FOUNDATION.—Section 151702(1) of such title is amended by striking "United States;" and inserting "United States and the repatriation of American films from foreign archives;"

(3) EXTENSION OF DEADLINE FOR FILLING VACANCIES IN MEMBERSHIP OF BOARD OF DIRECTORS.—Section 151703(b)(5) of such title is amended by striking "60 days" and inserting "120 days".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

This bill reauthorizes the Sound Recording and Film Preservation Programs of the Library of Congress through the year 2016.

The National Film Preservation Board was created in 1988 to address the rapid deterioration of important films. The Film Preservation Board is responsible for identifying and preserving films they deem are "culturally, historically, or aesthetically significant." Along with the National Film Preservation Foundation, the Film Preservation Board ensures that all generations from all over the world will be able to view these remarkable films and experience their power and importance firsthand.

The National Recording Preservation Board was created by the National Recording Preservation Act of 2000. There are currently 225 entries in the National Recording Registry, and that number may only continue to grow. From music to historical speeches, the

Recording Preservation Board makes certain that future generations can experience these historically important and powerful sounds that helped shape decades.

It is necessary that we reauthorize the Recording and Film Boards to allow them to continue their vital mission. We will see to it that those who come after us will be able to listen to and witness those sounds and sights that are essential to our national heritage.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, June 4, 2008.

Hon. ROBERT A. BRADY,  
Chairman, Committee on House Administration,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY: This is to advise you that, as a result of your working with us to make appropriate revisions to provisions in H.R. 5893, the Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing further consideration of H.R. 5893 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON HOUSE ADMINISTRA-  
TION,  
Washington, DC, June 4, 2008.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 5893, a bill to reauthorize the sound recording and film preservation programs of the Library of Congress.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will place a copy of your letter and this response in the Congressional Record during consideration of H.R. 5893. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

ROBERT A. BRADY,  
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5893, which will reauthorize the Library of Congress's Sound Record and Film Preservation Program. It is an important bill, which will preserve the images and sounds of our Nation's history and make those pieces of the past more accessible to future generations.

The importance of this effort was illustrated just this weekend when Universal Studios in California had a mammoth fire in which some priceless films were lost, and all films, if they were recorded and in the Library of Congress, would not face this problem.

The National Film Preservation Board was formed in 1993 following a study that revealed that America's film heritage was at serious risk due to the degradation of acetate film stock at an alarming rate. Funding for preservation programs had fallen drastically since 1980, creating an urgent need for action. A national plan to protect our Nation's treasures on film was created in 1994 to address the growing need for preservation and to make films more available for education and public exhibition.

I must confess, Mr. Speaker, to some frustration that we have to come in and save the films that the film industry has not taken care of. Obviously they're making enough money when they pull down \$300 million in one weekend for certain films. I would think they would have the wherewithal to preserve their own films. Nevertheless, since they have not, the Congress has had to step in to do it.

In 1999 Congress created the Sound Recording Preservation Program modeled on the successful National Film Preservation Program. This new program would protect historic pieces of audio recordings from deterioration. These audio recordings are extremely important and should be preserved as well. Through the creation of this program, the Sound Recording Preservation Board was instructed to produce a report on the current state of sound recording archiving, preservation and restoration activities, encompassing standards for digital preservation and for access to preserved recordings. The program also includes research on current laws governing sound preservation and how the Library and other institutions can make collections more available to researchers digitally.

This bill will continue the good work started by the Sound Recording and Film Preservation Program staff and their respective boards. Historians, scholars, and citizens will benefit from increased access to these important works, and the items themselves will be preserved for many more generations to come under these programs.

I fully support this bill and thank Chairman BRADY for his efforts to bring this matter to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank Chairman BRADY for yielding, and I also want to commend him for the introduction of this legislation.

Mr. Speaker, I have always been a great fan of libraries, and, obviously, I'm a great fan of the Library of Congress. And I believe that having as much information and material as we can possibly have is of great benefit not only to the preservation of our history and culture but also a benefit to those who are seeking information, those who want to be educated in many of the different and various ways that education takes place. So I rise in strong support of this legislation.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, so I will attempt to conclude here.

I just want to recognize the good work that the board has done, the importance of the preservation of both visual and audio recordings, as Mr. DAVIS has just said. And it may be that 100, 150 years from now, someone will resurrect Pavarotti, Dizzy Gillespie, Ella Fitzgerald, some of the great musicians of our time, and say look what we have lost in our culture, and we may see a rejuvenation of those.

So I strongly support this bill and urge its passage.

Mr. CONYERS. Mr. Speaker, we cannot allow our cultural, historical or visually significant treasures to disappear into the fog of time. That is why I fully support both reauthorizations contained within H.R. 5893.

Our written traditions have libraries which archive and preserve them. The program we reauthorize today provides a mechanism for similar archiving for sound and visual arts, encouraging their preservation and accessibility for ourselves and for future generations despite rapid changes in visual and sound recording media.

H.R. 5893 would reauthorize the sound recording and film preservation programs of the Library of Congress and make a few small changes to improve the efficiency and effectiveness of the programs such as by encouraging more active participation by board members.

I am particularly interested in the progress of the Library of Congress on its study and report on sound recordings. In speaking with members of the artist community, it has become clear to me that art forms such as jazz are not being archived, preserved, and restored to the extent necessary to prevent the disappearance of some of the older recordings. This reauthorization will enable the Library of Congress to continue the study and report on ways the National Recording Preservation Board can better ensure the continued availability of seminal pieces of historical jazz and other forms of music.

This country, indeed the world, recently lost a music great, a pioneer who helped lead rhythm and blues into rock and roll, an artist of the highest esteem, "Bo Diddley." Through the continuation of these important archive programs, we can help make sure that Bo Diddley and others will be long remembered for their special contributions to our culture. Though we may mourn the passing of the musician, we need never mourn the loss of the music.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, as always, I would like to thank the ranking member, my friend from Michigan, for his cooperation, and I urge an "aye" vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5893, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1215

UNITED STATES CAPITOL POLICE  
ADMINISTRATIVE TECHNICAL  
CORRECTIONS ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5972) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5972

*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 "United States Capitol Police Administrative Technical Corrections Act of 2008".

**SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.**

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

"(a) CHIEF ADMINISTRATIVE OFFICER.—

"(1) ESTABLISHMENT.—There shall be within the Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

"(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the Capitol Police, after consultation with the Capitol Police Board.

"(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police."

(2) PERSONNEL OF OFFICE OF ADMINISTRATION.—Section 108(c)(1) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(c)(1)) is amended—

(A) by striking "The Chief Administrative Officer" and inserting "The Chief of the Capitol Police"; and

(B) by striking "but shall not" and all that follows and inserting a period.

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police"; and

(B) in subsection (b)(1), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police".

(4) REPEAL OF COMMITTEE APPROVAL FOR APPOINTMENTS, TERMINATIONS, AND PROMOTIONS.—Section 1018(e)(1)(B) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)(B)) is amended to read as follows:

"(B) SPECIAL RULES FOR CERTAIN ACTIONS.—

"(i) PRIOR NOTICE REQUIRED FOR APPOINTMENTS, TERMINATIONS, AND PROMOTIONS.—In carrying out the authority under this paragraph, the Chief of the Capitol Police may carry out any of the following actions only after providing notice to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate and receiving an acknowledgment from each such Committee that the Committee has received the notice:

"(I) The appointment or termination of any officer, member, or employee.

"(II) The promotion of any noncivilian officer, member, or employee to any rank higher than Private First Class or the promotion of any civilian employee to any position.

"(ii) APPROVAL REQUIRED FOR ESTABLISHMENT OF NEW POSITIONS, RECLASSIFICATION OF POSITIONS, AND REORGANIZATION PLANS.—The establishment by the Chief of the Capitol Police of any new position for officers, members, or employees of the Capitol Police, the reclassification by the Chief of any position for officers, members, or employees of the Capitol Police, and any reorganization plan for the Capitol Police shall be subject to the approval of the Committees referred to in clause (i)."

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking "the Capitol Police Board," and inserting "the United States Capitol Police."

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking "Capitol Police Board" each place it appears and inserting "United States Capitol Police"; and

(B) in subsection (a)(2), by striking "Capitol Police Board" and inserting "Chief of the United States Capitol Police".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—

(1) IN GENERAL.—Section 1018(a)(2) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(a)(2)) is amended to read as follows:

"(2) TRANSFER.—

"(A) IN GENERAL.—Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

"(B) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—In the case of the authority to waive a claim of the United States against a person arising out of an erroneous payment of any pay or allowances to an officer or employee of the Capitol Police—

"(i) the Chief of the Capitol Police shall exercise such authority in the same manner as the Secretary of the Senate under section 2 of the Act entitled 'An Act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch', approved July 25, 1974 (2 U.S.C. 130c);

"(ii) an application for a waiver of such a claim shall be investigated by the Chief Administrative Officer of the Capitol Police, who shall submit a written report of the investigation to the Chief; and

"(iii) an application for a waiver of such a claim in an amount aggregating more than \$1,500 may also be investigated by the Comptroller General, who shall submit a written report of the investigation to the Chief."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that nothing in the amendment may be construed to affect the validity of any waiver granted prior to the date of the enactment of this Act with respect to a claim of the United States against a person arising out of an erroneous payment of any pay or allowances to an officer or employee of the United States Capitol Police.

(d) MODIFICATION OF AUTHORITY TO MAKE ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161) is amended—

(A) by striking "fiscal year 2008 and each succeeding fiscal year" and inserting "each of the fiscal years 2008 through 2012"; and

(B) by inserting after "the Senate," the following: "the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate,".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2008.

(e) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking "prior notification to" and inserting the following: "prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and".

**SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.**

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (hereafter in this subsection referred to as the "General Counsel").

(2) APPOINTMENT.—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1)(B)(i) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C.

1907(e)(1)(B)(i) (as amended by section 2(a)(4)), without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) COMPENSATION.—The annual rate of pay for the General Counsel shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) CONFORMING AMENDMENT.—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) CONFORMING AMENDMENT TO LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking “the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police” and inserting “the General Counsel to the Chief of Police and the United States Capitol Police”.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

#### SEC. 4. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.

(a) NO LUMP SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.—

(1) IN GENERAL.—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—(A) Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is hereby repealed.

(B) The last full paragraph under the heading “Administrative Provisions” in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is hereby repealed.

(b) OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.—

(1) CRITERIA UNDER WHICH COMPENSATION PERMITTED.—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an “exempt individual” is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 359) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

(c) AUTHORITY TO SUSPEND EMPLOYEES FOR APPROPRIATE REASONS.—

(1) IN GENERAL.—Section 1018(e)(1)(A) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)(A)) is amended by inserting “suspend with or without pay,” after “hire.”

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—(A) Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is hereby repealed.

(B) The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345.), popularly known as the “Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876”, which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

#### SEC. 5. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.—

(1) HOUSE OFFICE BUILDINGS.—The item relating to “House of Representatives Office Building” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes”, approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking “other than officers and privates of the Capitol police” each place it appears and inserting “other than the United States Capitol Police”.

(2) SENATE OFFICE BUILDINGS.—The item relating to “Senate Office Building” in the

Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking “other than for officers and privates of the Capitol Police” each place it appears and inserting “other than for the United States Capitol Police”.

(d) CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.—

(1) REPEAL OF DUPLICATE PROVISIONS.—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) NO EFFECT ON OTHER ACT.—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110–178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under the heading “Capitol Police” in the Act of April 28, 1902 (ch. 594, 32 Stat. 124), and the provisions appearing in the first paragraph under the heading “Capitol Police” in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173, 57 Stat. 230), insofar as all of those provisions are related to the sentence “The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.”, which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, div. H, title I, 117 Stat. 368) is repealed, and the sentence “The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.”, which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking “, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?



There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to present the United States Capitol Police Administrative Technical Corrections Act of 2008. As its title suggests, H.R. 5972 is not intended to make substantive policy changes for the Capitol Police. It corrects drafting errors, modernizes outdated terms, and repeals redundant and inconsistent provisions already on the books.

My favorite correction is a long overdue repeal of the 1868 law requiring Capitol Police officers to buy their uniforms. Congress decided years ago to provide their uniforms, but has never repealed the 1868 law. Chief Phillip Morse requested most of these corrections, the committee found others, and we included several excellent suggestions offered by the gentleman from Michigan (Mr. EHLERS). Again, it was a pleasure to work with him and his staff, as always.

The bill has the support of Chief Morse and our House Sergeant-at-Arms, Wilson Livingood, and I urge an "aye" vote.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise today in support of H.R. 5972. While I would have preferred that we would have addressed these items in regular order, I am pleased that the proposed technical corrections in this bill will create a stronger operational framework for the Capitol Police. As often happens when language is tied to an appropriations bill in a hasty fashion, several requirements in the original legislation governing Capitol Police operations proved problematic under greater scrutiny and further use. This bill will bring clarity to the administration of the U.S. Capitol Police and will eliminate those provisions which are in conflict with one another or are antiquated and therefore unnecessary.

I would also point out that this illustrates the importance of the appropriations subcommittees to work together with the authorizing committees, because virtually all the problems that have arisen in the past in this area resulted from a lack of cooperation between the authorizing and appropriating committees.

The changes specified in this bill will also establish a transparent and decisive governance framework and create a clear reporting structure within the U.S. Capitol Police. The clarified language provides the Chief of the Capitol Police with explicit authority to perform all hiring and termination actions, which will assist the U.S. Capitol Police's legal staff in executing its duties regarding personnel matters.

This bill also clarifies that the Capitol Police must notify this committee, as well as the Senate Rules and Administration Committee, of substantive administrative and operational actions, such as notices of personnel actions or deployment of personnel outside of the

Capitol Police's jurisdiction. This language further strengthens this committee's function as an oversight body and allows us to address any such issues as they occur.

I thank Chairman BRADY for his work on this bill, which will, upon its passage, create a stronger law enforcement organization, and a safer, more secure Capitol complex.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I have no further speakers.

Mr. EHLERS. I have no further speakers. I will make some concluding comments.

First of all, Mr. Speaker, I want to thank my chairman, Mr. BRADY. He and I have worked very, very well together on a number of issues, and I believe that, if there were a competition, we would probably hold the prize among the committees of the House as to the best functioning committees who really try to get business done without a lot of partisanship. I commend my colleague for his great attitude on this.

One other comment I will make in regard to the Capitol Police. The one area we did not examine, which I think needs examination at some point, and I hope our committee will take it up at some point, the duties of the Capitol Police Board are not as clearly outlined as they might be. The composition, I believe, is lacking. We have a GAO report of a few years ago which pointed out some severe shortcomings in the operations and decision-making processes of the Capitol Police Board, and I think we would be well-served in this institution to re-examine that issue.

We have done so much in the past decade to modernize the police force; make them provide more ready responses to the trauma that we face today in this time of terrorism. I think we would be well-advised to look at the governing structure once again too, which to my knowledge, has not been examined for a long time.

With that, I will yield back the balance of my time.

Mr. BRADY of Pennsylvania. Again, I thank the gentleman from Michigan. He is right: it is a pleasure to work together. I look forward to working together with you in your interest on the Capitol Police Board. With that, I urge an "aye" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5972, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## NATIONAL NANOTECHNOLOGY INITIATIVE AMENDMENTS ACT OF 2008

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5940) to authorize activities for support of nanotechnology research and development, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5940

*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 "National Nanotechnology Initiative Amendments Act of 2008".*

### SEC. 2. NATIONAL NANOTECHNOLOGY PROGRAM AMENDMENTS.

*The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—*

*(1) by striking section 2(c)(4) and inserting the following new paragraph:*

*"(4) develop, within 12 months after the date of enactment of the National Nanotechnology Initiative Amendments Act of 2008, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b) that specifies near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, and the metrics to be used for assessing progress toward the objectives, and that describes—*

*"(A) how the Program will move results out of the laboratory and into applications for the benefit of society, including through cooperation and collaborations with nanotechnology research, development, and technology transition initiatives supported by the States;*

*"(B) how the Program will encourage and support interdisciplinary research and development in nanotechnology; and*

*"(C) proposed research in areas of national importance in accordance with the requirements of section 5 of the National Nanotechnology Initiative Amendments Act of 2008;"*

*(2) in section 2—*

*(A) in subsection (d)—*

*(i) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and*

*(ii) by inserting the following new paragraph before paragraph (2), as so redesignated by clause (i) of this subparagraph:*

*"(1) the Program budget, for the previous fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);"* and

*(B) by inserting at the end the following new subsection:*

*"(e) STANDARDS SETTING.—The agencies participating in the Program shall support the activities of committees involved in the development of standards for nanotechnology and may reimburse the travel costs of scientists and engineers who participate in activities of such committees;"*

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

*"(b) FUNDING.—(1) The operation of the National Nanotechnology Coordination Office shall be supported by funds from each agency participating in the Program. The portion of such Office's total budget provided by each agency for each fiscal year shall be in the same proportion as the agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 2(d)(1).*

“(2) The annual report under section 2(d) shall include—

“(A) a description of the funding required by the National Nanotechnology Coordination Office to perform the functions specified under subsection (a) for the next fiscal year by category of activity, including the funding required to carry out the requirements of section 2(b)(10)(D), subsection (d) of this section, and section 5;

“(B) a description of the funding required by such Office to perform the functions specified under subsection (a) for the current fiscal year by category of activity, including the funding required to carry out the requirements of subsection (d); and

“(C) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program.”;

(4) by inserting at the end of section 3 the following new subsection:

“(d) PUBLIC INFORMATION.—(1) The National Nanotechnology Coordination Office shall develop and maintain a database accessible by the public of projects funded under the Environmental, Health, and Safety, the Education and Societal Dimensions, and the Nanomanufacturing program component areas, or any successor program component areas, including a description of each project, its source of funding by agency, and its funding history. For the Environmental, Health, and Safety program component area, or any successor program component area, projects shall be grouped by major objective as defined by the research plan required under section 3(b) of the National Nanotechnology Initiative Amendments Act of 2008. For the Education and Societal Dimensions program component area, or any successor program component area, the projects shall be grouped in subcategories of—

“(A) education in formal settings;

“(B) education in informal settings;

“(C) public outreach; and

“(D) ethical, legal, and other societal issues.

“(2) The National Nanotechnology Coordination Office shall develop, maintain, and publicize information on nanotechnology facilities supported under the Program, and may include information on nanotechnology facilities supported by the States, that are accessible for use by individuals from academic institutions and from industry. The information shall include at a minimum the terms and conditions for the use of each facility, a description of the capabilities of the instruments and equipment available for use at the facility, and a description of the technical support available to assist users of the facility.”;

(5) in section 4(a)—

(A) by striking “or designate”;

(B) by inserting “as a distinct entity” after “Advisory Panel”; and

(C) by inserting at the end “The Advisory Panel shall form a subpanel with membership having specific qualifications tailored to enable it to carry out the requirements of subsection (c)(7).”;

(6) in section 4(b)—

(A) by striking “or designated” and “or designating”; and

(B) by adding at the end the following: “At least one member of the Advisory Panel shall be an individual employed by and representing a minority-serving institution.”;

(7) by amending section 5 to read as follows: “**SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.**

“(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial review of the Program. The Director shall ensure that the arrangement with the National Research Council is concluded in order to allow sufficient time for the reporting requirements of subsection (b)

to be satisfied. Each triennial review shall include an evaluation of the—

“(1) research priorities and technical content of the Program, including whether the allocation of funding among program component areas, as designated according to section 2(c)(2), is appropriate;

“(2) effectiveness of the Program’s management and coordination across agencies and disciplines, including an assessment of the effectiveness of the National Nanotechnology Coordination Office;

“(3) Program’s scientific and technological accomplishments and its success in transferring technology to the private sector; and

“(4) adequacy of the Program’s activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

“(b) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The National Research Council shall document the results of each triennial review carried out in accordance with subsection (a) in a report that includes any recommendations for ways to improve the Program’s management and coordination processes and for changes to the Program’s objectives, funding priorities, and technical content. Each report shall be submitted to the Director of the National Nanotechnology Coordination Office, who shall transmit it to the Advisory Panel, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives not later than September 30 of every third year, with the first report due September 30, 2009.

“(c) FUNDING.—Of the amounts provided in accordance with section 3(b)(1), the following amounts shall be available to carry out this section:

“(1) \$500,000 for fiscal year 2009.

“(2) \$500,000 for fiscal year 2010.

“(3) \$500,000 for fiscal year 2011.”; and

(8) in section 10—

(A) by amending paragraph (2) to read as follows:

“(2) NANOTECHNOLOGY.—The term ‘nanotechnology’ means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the nanoscale, aimed at creating materials, devices, and systems with fundamentally new properties or functions.”; and

(B) by adding at the end the following new paragraph:

“(7) NANOSCALE.—The term ‘nanoscale’ means one or more dimensions of between approximately 1 and 100 nanometers.”.

### SEC. 3. SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.

(a) COORDINATOR FOR SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.—The Director of the Office of Science and Technology Policy shall designate an associate director of the Office of Science and Technology Policy as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator shall be responsible for oversight of the coordination, planning, and budget prioritization of activities required by section 2(b)(10) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(10)). The Coordinator shall, with the assistance of appropriate senior officials of the agencies funding activities within the Environmental, Health, and Safety and the Education and Societal Dimensions program component areas of the Program, or any successor program component areas, ensure that the requirements of such section 2(b)(10) are satisfied. The responsibilities of the Coordinator shall include—

(1) ensuring that a research plan for the environmental, health, and safety research activities required under subsection (b) is developed, updated, and implemented and that the plan is responsive to the recommendations of the subpanel of the Advisory Panel established

under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this Act;

(2) encouraging and monitoring the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, including human health concerns, are addressed under the Program, including the implementation of the research plan described in subsection (b); and

(3) encouraging the agencies required to develop the research plan under subsection (b) to identify, assess, and implement suitable mechanisms for the establishment of public-private partnerships for support of environmental, health, and safety research.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Coordinator for Societal Dimensions of Nanotechnology shall convene and chair a panel comprised of representatives from the agencies funding research activities under the Environmental, Health, and Safety program component area of the Program, or any successor program component area, and from such other agencies as the Coordinator considers necessary to develop, periodically update, and coordinate the implementation of a research plan for this program component area. In developing and updating the plan, the panel convened by the Coordinator shall solicit and be responsive to recommendations and advice from—

(A) the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this Act; and

(B) the agencies responsible for environmental, health, and safety regulations associated with the production, use, and disposal of nanoscale materials and products.

(2) DEVELOPMENT OF STANDARDS.—The plan required under paragraph (1) shall include a description of how the Program will help to ensure the development of—

(A) standards related to nomenclature associated with engineered nanoscale materials;

(B) engineered nanoscale standard reference materials for environmental, health, and safety testing; and

(C) standards related to methods and procedures for detecting, measuring, monitoring, sampling, and testing engineered nanoscale materials for environmental, health, and safety impacts.

(3) COMPONENTS OF PLAN.—The plan required under paragraph (1) shall, with respect to activities described in paragraphs (1) and (2)—

(A) specify near-term research objectives and long-term research objectives;

(B) specify milestones associated with each near-term objective and the estimated time and resources required to reach each milestone;

(C) with respect to subparagraphs (A) and (B), describe the role of each agency carrying out or sponsoring research in order to meet the objectives specified under subparagraph (A) and to achieve the milestones specified under subparagraph (B);

(D) specify the funding allocated to each major objective of the plan and the source of funding by agency for the current fiscal year; and

(E) estimate the funding required for each major objective of the plan and the source of funding by agency for the following 3 fiscal years.

(4) TRANSMITTAL TO CONGRESS.—The plan required under paragraph (1) shall be submitted not later than 60 days after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(5) UPDATING AND APPENDING TO REPORT.—The plan required under paragraph (1) shall be updated annually and appended to the report

required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

(c) NANOTECHNOLOGY PARTNERSHIPS.—

(1) ESTABLISHMENT.—As part of the program authorized by section 9 of the National Science Foundation Authorization Act of 2002, the Director of the National Science Foundation shall provide 1 or more grants to establish partnerships as defined by subsection (a)(2) of that section, except that each such partnership shall include 1 or more businesses engaged in the production of nanoscale materials, products, or devices. Partnerships established in accordance with this subsection shall be designated as “Nanotechnology Education Partnerships”.

(2) PURPOSE.—Nanotechnology Education Partnerships shall be designed to recruit and help prepare secondary school students to pursue postsecondary level courses of instruction in nanotechnology. At a minimum, grants shall be used to support—

(A) professional development activities to enable secondary school teachers to use curricular materials incorporating nanotechnology and to inform teachers about career possibilities for students in nanotechnology;

(B) enrichment programs for students, including access to nanotechnology facilities and equipment at partner institutions, to increase their understanding of nanoscale science and technology and to inform them about career possibilities in nanotechnology as scientists, engineers, and technicians; and

(C) identification of appropriate nanotechnology educational materials and incorporation of nanotechnology into the curriculum for secondary school students at one or more organizations participating in a Partnership.

(3) SELECTION.—Grants under this subsection shall be awarded in accordance with subsection (b) of such section 9, except that paragraph (3)(B) of that subsection shall not apply.

(d) UNDERGRADUATE EDUCATION PROGRAMS.—

(1) ACTIVITIES SUPPORTED.—As part of the activities included under the Education and Societal Dimensions program component area, or any successor program component area, the Program shall support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education through a variety of interdisciplinary approaches. Activities supported may include—

(A) development of courses of instruction or modules to existing courses;

(B) faculty professional development; and

(C) acquisition of equipment and instrumentation suitable for undergraduate education and research in nanotechnology.

(2) COURSE, CURRICULUM, AND LABORATORY IMPROVEMENT AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Course, Curriculum, and Laboratory Improvement program—

(A) from amounts authorized under section 7002(b)(2)(B) of the America COMPETES Act, \$5,000,000 for fiscal year 2009; and

(B) from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, \$5,000,000 for fiscal year 2010.

(3) ADVANCED TECHNOLOGY EDUCATION AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Advanced Technology Education program—

(A) from amounts authorized under section 7002(b)(2)(B) of the America COMPETES Act, \$5,000,000 for fiscal year 2009; and

(B) from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, \$5,000,000 for fiscal year 2010.

(e) INTERAGENCY WORKING GROUP.—The National Science and Technology Council shall establish under the Nanoscale Science, Engineering, and Technology Subcommittee an Edu-

cation Working Group to coordinate, prioritize, and plan the educational activities supported under the Program.

(f) SOCIETAL DIMENSIONS IN NANOTECHNOLOGY EDUCATION ACTIVITIES.—Activities supported under the Education and Societal Dimensions program component area, or any successor program component area, that involve informal, precollege, or undergraduate nanotechnology education shall include education regarding the environmental, health and safety, and other societal aspects of nanotechnology.

(g) REMOTE ACCESS TO NANOTECHNOLOGY FACILITIES.—(1) Agencies supporting nanotechnology research facilities as part of the Program shall require the entities that operate such facilities to allow access via the Internet, and support the costs associated with the provision of such access, by secondary school students and teachers, to instruments and equipment within such facilities for educational purposes. The agencies may waive this requirement for cases when particular facilities would be inappropriate for educational purposes or the costs for providing such access would be prohibitive.

(2) The agencies identified in paragraph (1) shall require the entities that operate such nanotechnology research facilities to establish and publish procedures, guidelines, and conditions for the submission and approval of applications for the use of the facilities for the purpose identified in paragraph (1) and shall authorize personnel who operate the facilities to provide necessary technical support to students and teachers.

**SEC. 4. TECHNOLOGY TRANSFER.**

(a) PROTOTYPING.—

(1) ACCESS TO FACILITIES.—In accordance with section 2(b)(7) of 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(7)), the agencies supporting nanotechnology research facilities as part of the Program shall provide access to such facilities to companies for the purpose of assisting the companies in the development of prototypes of nanoscale products, devices, or processes (or products, devices, or processes enabled by nanotechnology) for determining proof of concept. The agencies shall publicize the availability of these facilities and encourage their use by companies as provided for in this section.

(2) PROCEDURES.—The agencies identified in paragraph (1)—

(A) shall establish and publish procedures, guidelines, and conditions for the submission and approval of applications for use of nanotechnology facilities;

(B) shall publish descriptions of the capabilities of facilities available for use under this subsection, including the availability of technical support; and

(C) may waive recovery, require full recovery, or require partial recovery of the costs associated with use of the facilities for projects under this subsection.

(3) SELECTION AND CRITERIA.—In cases when less than full cost recovery is required pursuant to paragraph (2)(C), projects provided access to nanotechnology facilities in accordance with this subsection shall be selected through a competitive, merit-based process, and the criteria for the selection of such projects shall include at a minimum—

(A) the readiness of the project for technology demonstration;

(B) evidence of a commitment by the applicant for further development of the project to full commercialization if the proof of concept is established by the prototype; and

(C) evidence of the potential for further funding from private sector sources following the successful demonstration of proof of concept.

The agencies may give special consideration in selecting projects to applications that are relevant to important national needs or requirements.

(b) USE OF EXISTING TECHNOLOGY TRANSFER PROGRAMS.—

(1) PARTICIPATING AGENCIES.—Each agency participating in the Program shall—

(A) encourage the submission of applications for support of nanotechnology related projects to the Small Business Innovation Research Program and the Small Business Technology Transfer Program administered by such agencies; and

(B) through the National Nanotechnology Coordination Office and within 6 months after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives—

(i) the plan described in section 2(c)(7) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(7)); and

(ii) a report specifying, if the agency administers a Small Business Innovation Research Program and a Small Business Technology Transfer Program—

(I) the number of proposals received for nanotechnology related projects during the current fiscal year and the previous 2 fiscal years;

(II) the number of such proposals funded in each year;

(III) the total number of nanotechnology related projects funded and the amount of funding provided for fiscal year 2003 through fiscal year 2007; and

(IV) a description of the projects identified in accordance with subclause (III) which received private sector funding beyond the period of phase II support.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Director of the National Institute of Standards and Technology in carrying out the requirements of section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) shall—

(A) in regard to subsection (d) of that section, encourage the submission of proposals for support of nanotechnology related projects; and

(B) in regard to subsection (g) of that section, include a description of how the requirement of subparagraph (A) of this paragraph is being met, the number of proposals for nanotechnology related projects received, the number of such proposals funded, the total number of such projects funded since the beginning of the Technology Innovation Program, and the outcomes of such funded projects in terms of the metrics developed in accordance with such subsection (g).

(3) TIP ADVISORY BOARD.—The TIP Advisory Board established under section 28(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)), in carrying out its responsibilities under subsection (k)(3), shall provide the Director of the National Institute of Standards and Technology with—

(A) advice on how to accomplish the requirement of paragraph (2)(A) of this subsection; and

(B) an assessment of the adequacy of the allocation of resources for nanotechnology related projects supported under the Technology Innovation Program.

(c) INDUSTRY LIAISON GROUPS.—An objective of the Program shall be to establish industry liaison groups for all industry sectors that would benefit from applications of nanotechnology. The Nanomanufacturing, Industry Liaison, and Innovation Working Group of the National Science and Technology Council shall actively pursue establishing such liaison groups.

(d) COORDINATION WITH STATE INITIATIVES.—Section 2(b)(5) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(5)) is amended to read as follows:

“(5) ensuring United States global leadership in the development and application of nanotechnology, including through coordination and leveraging Federal investments with nanotechnology research, development, and technology transition initiatives supported by the States;”.

**SEC. 5. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.**

(a) *IN GENERAL.*—The Program shall include support for nanotechnology research and development activities directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. The activities supported shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in such areas as nano-electronics, energy efficiency, health care, and water remediation and purification. The Advisory Panel shall make recommendations to the Program for candidate research and development areas for support under this section.

**(b) CHARACTERISTICS.**—

(1) *IN GENERAL.*—Research and development activities under this section shall—

(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

(B) involve collaborations among researchers in academic institutions and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities to industry for commercial development.

(2) *PROCEDURES.*—Determination of the requirements for applications under this subsection, review and selection of applications for support, and subsequent funding of projects shall be carried out by a collaboration of no fewer than 2 agencies participating in the Program. In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

(3) *INTERDISCIPLINARY RESEARCH CENTERS.*—Research and development activities under this section may be supported through interdisciplinary nanotechnology research centers, as authorized by section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)), that are organized to investigate basic research questions and carry out technology demonstration activities in areas such as those identified in subsection (a).

(c) *REPORT.*—Reports required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) shall include a description of research and development areas supported in accordance with this section, including the same budget information as is required for program component areas under paragraphs (1) and (2) of such section 2(d).

**SEC. 6. NANOMANUFACTURING RESEARCH.**

(a) *RESEARCH AREAS.*—The Nanomanufacturing program component area, or any successor program component area, shall include research on—

(1) development of instrumentation and tools required for the rapid characterization of nanoscale materials and for monitoring of nanoscale manufacturing processes; and

(2) approaches and techniques for scaling the synthesis of new nanoscale materials to achieve industrial-level production rates.

(b) *GREEN NANOTECHNOLOGY.*—Interdisciplinary research centers supported under the Program in accordance with section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)) that are focused on nanomanufacturing research and centers established under the authority of section 5(b)(3) of this Act shall include as part of the activities of such centers—

(1) research on methods and approaches to develop environmentally benign nanoscale products and nanoscale manufacturing processes, taking into consideration relevant findings and

results of research supported under the Environmental, Health, and Safety program component area, or any successor program component area;

(2) fostering the transfer of the results of such research to industry; and

(3) providing for the education of scientists and engineers through interdisciplinary studies in the principles and techniques for the design and development of environmentally benign nanoscale products and processes.

**(c) REVIEW OF NANOMANUFACTURING RESEARCH AND RESEARCH FACILITIES.**—

(1) *PUBLIC MEETING.*—Not later than 12 months after the date of enactment of this Act, the National Nanotechnology Coordination Office shall sponsor a public meeting, including representation from a wide range of industries engaged in nanoscale manufacturing, to—

(A) obtain the views of participants at the meeting on—

(i) the relevance and value of the research being carried out under the Nanomanufacturing program component area of the Program, or any successor program component area; and

(ii) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(I) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(II) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(B) receive any recommendations on ways to strengthen the research portfolio supported under the Nanomanufacturing program component area, or any successor program component area, and on improving the capabilities of nanotechnology research facilities supported under the Program.

Companies participating in industry liaison groups shall be invited to participate in the meeting. The Coordination Office shall prepare a report documenting the findings and recommendations resulting from the meeting.

(2) *ADVISORY PANEL REVIEW.*—The Advisory Panel shall review the Nanomanufacturing program component area of the Program, or any successor program component area, and the capabilities of nanotechnology research facilities supported under the Program to assess—

(A) whether the funding for the Nanomanufacturing program component area, or any successor program component area, is adequate and receiving appropriate priority within the overall resources available for the Program;

(B) the relevance of the research being supported to the identified needs and requirements of industry;

(C) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(i) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(ii) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(D) the level of funding that would be needed to support—

(i) the acquisition of instrumentation, equipment, and networking technology sufficient to provide the capabilities at nanotechnology research facilities described in subparagraph (C); and

(ii) the operation and maintenance of such facilities.

In carrying out its assessment, the Advisory Panel shall take into consideration the findings and recommendations from the report required under paragraph (1).

(3) *REPORT.*—Not later than 18 months after the date of enactment of this Act, the Advisory Panel shall submit to the Committee on Commerce, Science, and Transportation of the Sen-

ate and the Committee on Science and Technology of the House of Representatives a report on its assessment required under paragraph (2), along with any recommendations and a copy of the report prepared in accordance with paragraph (1).

**SEC. 7. DEFINITIONS.**

In this Act, terms that are defined in section 10 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7509) have the meaning given those terms in that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

**GENERAL LEAVE**

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H.R. 5940, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5940 is a bipartisan bill which myself and Ranking Member HALL jointly introduced, along with 23 additional Democratic and Republican members of the Science and Technology Committee. The committee believes this legislation will strengthen our Nation's competitiveness in the rapidly advancing field of nanotechnology.

I want to particularly thank my colleague, the gentleman from Texas, for working with me to craft this legislation. I also want to thank Dr. BAIRD, the Chair, and Dr. EHLERS, the ranking member, respectively, of the Research and Science Education Subcommittee, who were both instrumental in development of this bill.

Finally, I want to thank all the members of the Science and Technology Committee on both sides of the aisle for their contributions to this bill and for helping to move it expeditiously and unanimously through the committee. Certainly, I want to thank Jim Wilson, working with the minority and majority staff, in putting together this excellent piece of legislation.

The term "revolutionary technology" has become a cliché, but nanotechnology truly is revolutionary. We stand at the threshold of an age in which materials and devices can be fashioned atom by atom to satisfy specific design requirements. Nanotechnology-based applications are arising that were not even imagined a decade ago.

The range of potential applications of nanotechnology is broad and will have enormous consequences for electronics, energy transformation, storage materials, and medicine and health, to name just a few. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The Science and Technology Committee recognized the promise of nanotechnology early on, holding our first hearing a decade ago to review Federal activities in the field. The committee was substantially instrumental in development and enactment in 2003 of the 21st Century Nanotechnology Research and Development Act, which authorized the multi-agency National Nanotechnology Initiative, or the NNI, as it's called.

The 2003 statute put in place formal interagency planning, budgeting, and coordinating mechanisms for the NNI. It now receives funding from 13 agencies and has a budget of \$1.5 billion for fiscal year 2008. The NNI statute also provides for formal reviews of the content and management of programs by the National Academy of Sciences and by a designated advisory committee of nongovernmental experts. Their assessment of the NNI has been generally positive.

The NNI supports productive cooperative research efforts across a spectrum of disciplines and is establishing a network of national facilities for further support of nanotechnology research and development. H.R. 5940 is based on findings and recommendations from several hearings during the current Congress that examined various aspects of the NNI. It also reflects recommendations from the formal reviews of the NNI by the National Academy of Sciences and the NNI advisory panel. Finally, it incorporates many suggestions from various communities of interest that reviewed early versions of the bill.

H.R. 5940 does not substantially alter the NNI, but makes adjustments to some of the priorities of the programs and strengthens one of the core components, environmental and safety research.

Nanotechnology is advancing rapidly, and at least 600 products have entered commerce that contain nanoscale materials, including aerosols and cosmetics. It is important for the successful development of nanotechnology that potential downsides of nanotechnology be addressed from the beginning in a straight forward and open way.

We know too well that negative public perceptions about the safety of technology can have serious consequences for its acceptance and use. At present, the level of scientific understanding is sufficient to pin down what types of engineered nanomaterials may be dangerous, although early studies show some are potentially harmful.

One example is the recent finding that certain types of carbon nanotubes may mimic the effect of asbestos in causing cancer. More research is needed to determine what characteristics of nanoscale materials are most significant with regard to determining their effects on living organisms or on the environment.

Although the NNI from its beginning has included research to increase un-

derstanding of environmental and safety aspects of nanotechnology, it has not yet put in place a well-designed, adequately funded and an effectively executed research program in this area. The environmental and safety component of NNI must be improved by quickly developing a research plan and implementation strategy that specifies near-term and long-term goals, sets milestones and timeframes for meeting near-term goals, clarifies agencies' roles in implementing the plan, and allocates sufficient resources to accomplish those goals.

This is the first essential step for the development of nanotechnology to ensure that sound science guides the formation of regulatory rules and requirements. It will reduce the current uncertainty that inhibits commercial development of nanotechnology and will provide a sound basis for future rule-making.

H.R. 5940 addresses risk reduction research by requiring that the NNI agencies develop a plan for the environmental and safety research component of the program, as well as a roadmap to implementing it. This plan must include explicit near-term and long-term goals, specify the funding required to reach these goals, and identify the role of each participating agency.

The bill also assigns responsibility to a senior official at the Office of Science and Technology Policy at the White House to oversee this planning and implementation process and to ensure the agencies allocate the resources necessary to carry it out.

Finally, the bill requires accountability by establishing a publicly accessible database containing information on the content and funding for each environmental health and safety research project supported by the NNI.

Another key component of H.R. 5940 I want to highlight involves provisions to help capture the economic benefits of nanotechnology.

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Too often, the U.S. has led in the basic research on the frontiers of science and technology, but has failed to capitalize on commercial development flowing from these new discoveries.

The NNI has so far invested approximately \$7 billion over 7 years in basic research that is providing new tools for manipulation of matter at the nanoscale and is increasing our understanding of the behavior of engineered nanoscale materials and devices. Increased consideration should be given to ways to foster the transfer of new discoveries to commercial products and processes. To that end, H.R. 5940 includes provisions to encourage use of nanotechnology research facilities by companies for prototyping and proof of concept studies and it specifies steps for increasing the number of nanotechnology-related projects supported under the Small Business Innovation Research initiative and by the Tech-

nology Innovation Program, established under the COMPETES Act.

To increase the relevancy and value of NNI, the bill also authorizes large-scale, focused, multi-agency research and development initiatives in areas of national need. This approach will advance the development of promising research discoveries for demonstrating technical solutions in targeted areas, which will contribute to economic competitiveness and other social benefits. For example, such efforts could be organized around the development and replacement of silicone-based transistors, developing new nanotechnology-based devices for harvesting solar energy, and nanoscale sensors for detecting cancer.

Finally, I want to highlight some provisions of the bill that address another key issue, future STEM workforce needs. The Nation needs a full pipeline of talented engineers, scientists and technicians and a scientifically literate public able to exploit and understand this new science.

One provision of H.R. 5940 builds on the National Science Foundation's Math and Science Partnership Program to use nanotechnology education activities as a vehicle to raise the interest of secondary students in possible STEM careers. A key component of these new partnerships is involvement by the nanotechnology companies in offering hands-on learning opportunities at their facilities for students and teachers.

Another educational provision supports the development of undergraduate courses of study in nanotechnology fields. This will help prepare future technicians, scientists and engineers who will be needed to meet the demands of industry as nanotechnology commercialization continues to expand.

Mr. Speaker, nanotechnology will soon touch the lives of all Americans. It is already in our cell phones, cosmetics, paints and clothing. It will soon help to protect the lives of our police officers and military servicemen, and is showing promise in the treatment of cancer and promoting wound healing. There is no doubt that the potential of this technology is great. The bill before us today goes a long way toward ensuring that nanotechnology is developed in a safe and environmentally benign way, and that the Nation reaps the benefits of our research investment.

H.R. 5940 has the support of many business and professional associations, including the Semiconductor Industry Association, the NanoBusiness Alliance, the American Chemical Society, the American Physical Society, SEMI North America, the National Chemistry Council, the American Electronics Association, the Association of Science-Technology Centers, IEEE-USA, Materials Research Society, Semiconductor Research Corporation,

the National Science Teachers Association, American Psychological Association, the American Institute for Medical and Biological Engineering, Texas Instruments, IBM and Applied Materials, among just a few.

These organizations, like my colleagues on the Science and Technology Committee, recognize that H.R. 5940 will enhance America's efforts in nanotechnology research and development and will help bring its many benefits to the public.

Mr. Speaker, I commend this bipartisan legislation to my colleagues and urge their support for its passage in this House.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. HALL) will control the time.

There was no objection.

Mr. HALL of Texas. Mr. Speaker, I rise in support of H.R. 5940, the National Nanotechnology Initiative Amendments Act of 2008, and I yield myself such time as I may consume.

Mr. Speaker, I control time for what we call the opposition for the legislation here today, but I guess that is just a mere technicality, because I am pleased to join Chairman GORDON as well as an overwhelming majority of our committee members on both sides of the aisle as an original cosponsor of H.R. 5940, the National Nanotechnology Initiative Amendments Act of 2008.

The initiative was first named in the 2001 budget request and made a priority by President Bush. We codified it in 2003, and I was pleased to cosponsor that measure as well then. Now we have taken an already good statute and improved it just a bit, and streamlined some administrative issues to ensure that areas such as nanomanufacturing, education and environmental health and safety are adequately recognized.

It is mind-boggling to realize that the piece of paper that I am reading from is 100,000 nanometers thick. 100,000 nanometers. The fact that our scientists and engineers can create and manipulate matter on that small of a scale to be used in electronics, biomedical, pharmaceutical, cosmetic, energy, catalytic, and materials applications is amazing and the kind of research and technology that makes the United States the leader in this innovation. It is important that we continue to make this area of research a national priority.

Certainly, just as an example, look at how nanotechnology has been used to create clean, secure and affordable energy. With gas prices averaging \$4 a gallon, when was the last time we heard "affordable energy"?

Nanotechnology research is currently taking place to improve the performance or increase the efficiency of renewable energy systems, such as solar energy conversion, wind energy, biomass power for utility applications, hydrogen production and storage for transportation, including the develop-

ment of fuel cell technology, and geothermal energy. Nanofilms for windows are being developed for home use to promote energy efficiency. Nanotechnology is being used to improve batteries and create solid state lighting and low powered displays. The list and potential at this time are absolutely endless.

So I encourage my colleagues to support this measure. This has been a bipartisan effort from the beginning, and while we have made some changes to the program, I believe that, by and large, we continue to give the NNI and all the Federal agencies involved with this the flexibility that they absolutely need to do their work without being overly prescriptive.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, first let me concur with the remarks of my ranking member, Mr. HALL. This has been a good, bipartisan, collaborative effort, and I thank him and his staff for all their work.

I yield 4 minutes to the vice chairman of the Science and Technology Committee, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, today I rise in support of H.R. 5940, legislation reauthorizing the National Nanotechnology Initiative known as the NNI. I want to congratulate Chairman GORDON and Ranking Member HALL for their hard work in crafting this legislation. I also want to acknowledge all the members of the Science and Technology Committee on both sides of the aisle for their contributions to this bill and for helping to move it expeditiously and unanimously through the committee.

Nanotechnology, or the science and technology of building devices from single atoms and molecules, soon will impact nearly every sector of our economy. In just 6 years, the global market for nanoscale materials and products is expected to reach \$2.6 trillion and to be incorporated into 15 percent of global manufacturing output. I firmly believe that nanotech represents one of the most important, if not the most important, technological keys to improving our Nation's future economic growth and improving our way of life, from medical applications, to green nanoenergy, to nanoelectronics, which will be critical as we reach the limits of current materials.

The NNI has been effective in supporting productive, cooperative research efforts across a wide spectrum of disciplines. The initiative has established a network of state-of-the-art national facilities that are conducting groundbreaking work in nanoscale research and development. These centers have helped the U.S. maintain a strong presence in the development and expansion of nanotechnology, which has been vital to economic development and essential to the creation of innovative jobs, leading to a stronger and more competitive America. The committee stated in the bill's report lan-

guage the need to expand the current centers that we have as necessary to meet future research needs.

I am proud that my home State of Illinois is one of the leaders in nanotechnology research. Illinois boasts two national labs. It is home to numerous cutting-edge businesses and some of the Nation's preeminent research universities, such as my alma mater, Northwestern University, and the University of Illinois, which are conducting groundbreaking work in this field.

To keep the U.S. ahead of other nations, who are now making substantial investments in nanotech, this reauthorization makes three significant adjustments, as mentioned by the chairman.

First, it strengthens the planning and implementation of research on the environmental, health and safety aspects of nanotech. Not only is public safety paramount in its own right, but public confidence in these new technologies is also necessary for the success of nanotech industries.

Second, this bill requires the NNI to place increased emphasis on technology transfer; that is, moving basic research results out of the lab and into commercial products, materials and devices. From my own experiences in Illinois with our national labs and research universities, I understand that technology transfer is not simple, but it is critical to ensuring that R&D investments serve the public.

Third, H.R. 5940 creates a new nanotechnology education program to attract secondary school students to science and technology studies to help prepare the nanotech workforce of the future. As a former teacher, I understand the importance of education in promoting not only the success of individual Americans, but also promoting the success of American innovation such as nanotechnology.

Mr. Speaker, as nanotechnology moves from a multibillion to a multi-trillion-dollar industry, there is great promise in store, but it is critical that we do all we can to ensure that America leads the way in nanotech innovation. H.R. 5940 will keep the U.S. in a position to drive the development of nanotechnology and go a long way towards ensuring that America reaps the benefits of our research investment.

I urge my colleagues to support passage of H.R. 5940.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the previous Energy Subcommittee Chair.

Mrs. BIGGERT. I thank the ranking member, the gentleman from Texas, for yielding me the time.

Mr. Speaker, as an original cosponsor of H.R. 5940, I rise to express my continued support for the bill that we are considering here today.

Most Americans learn in grade school and high school that atoms are building blocks of nature. In the years since I was in school, incredible machines

have allowed us to even see every one of these atoms. But now, thanks to the National Nanotechnology Initiative, or NNI, we have developed and continue to develop the tools, equipment and expertise to manipulate those atoms and build new materials and new machines, one molecule at a time.

First established in 2001 and later authorized in statute in 2003, the NNI has by all accounts succeeded at coordinating nanotechnology research and development across many Federal agencies to the benefit of our national competitiveness. According to a recent review of the program by the President's Council of Advisers on Science and Technology, PCAST, the United States has been and remains the recognized leader in nanotechnology R&D. But the Council rightly pointed out that the European Union and China are gaining ground on us. That is why I am pleased that we are building on the success of NNI by passing H.R. 5940 today.

Thanks to the NNI, the U.S. has an extensive network of nanoscale science research centers. Five of those centers are operated and maintained by the Department of Energy's Office of Science. One of those DOE centers, the Center for Nanoscale Materials, is located in my district at Argonne National Laboratory.

In its first year of operation, Argonne's Center for Nanoscale Materials hosted over 100 scientists and engineers engaged in nanotech research from across the country and around the world, giving them access to the most powerful x-ray device in the Western Hemisphere at the Advanced Photon Source at Argonne.

□ 1245

As Americans face ever rising gasoline and energy prices, we are fortunate that Congress and the President had the foresight to invest in the DOE's nanoscience centers. Because of our Federal investment in years past, scientists and engineers are already hard at work manipulating atoms to create new, lighter, stronger materials for wind turbines, improved lubricants for gear boxes, and better wiring for generators, all of which will improve the efficiency of wind power. DOE scientists are also using nanotechnology to make more durable and efficient solar cells, catalysts for the direct conversion of light energy to hydrogen, new materials for lighter, more powerful, longer lasting batteries that will improve energy storage and bring the plug-in hybrid car to market more quickly. Thanks to nanotechnology, progress is being made on advanced energy technologies that will reduce our reliance on foreign oil and gas.

But to continue making progress, Congress must provide adequate funding for these critical facilities and research efforts. Unfortunately, because the fiscal year 2008 omnibus bill essentially flat funded the basic energy science program, the DOE had no

choice but to reduce the run time of scientific user facilities like the advanced photon source by 20 percent. Without a doubt, this will impact the work at the Center for Nanoscale Materials which relies on the APS.

I remain hopeful that the fiscal year 2008 supplemental working its way through Congress now will include additional funding for these important facilities and research efforts of the DOE. With that in mind, Mr. Speaker, I urge my colleagues to support the National Nanotechnology Initiative Amendments Act.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to the chairman of the Subcommittee on Technology Innovation, Mr. WU, from Oregon State.

The SPEAKER pro tempore. The Chair will advise the gentleman from Tennessee that he has only 5 minutes remaining.

Mr. GORDON of Tennessee. Then I yield 4 minutes to the gentleman from Oregon.

Mr. WU. I thank the gentleman and the chairman for his leadership on this issue and for the bipartisan manner in which this bill has come to the floor, and rise in strong support of the National Nanotechnology Initiative Amendments Act of 2008. It is very, very fitting that we are continuing efforts to support nanotechnology research and development given the economic and societal benefits that we are just beginning to realize.

Federally funded research and development has long served an important purpose in our economy, spurring the creation of new services, new products, and, most importantly, new jobs. The new products and technologies that are often the byproducts of basic research enhance our daily lives in many, many ways. It is estimated that the fruits of nanotechnology research will have a multi-trillion dollar impact on our economy within the next several years.

The bill before us today provides the seed corn for an industry that will be a crucial part of our future economic success and competitiveness. My home State of Oregon is a leader in nanotechnology. The Oregon Nanoscience and Microtechnologies Institute, ONAMI, is a public-private partnership that supports academic research and technology transfer of nanoscience. Research supported by ONAMI has already yielded companies that are developing a low-cost method of removing heavy metals to purify water, new manufacturing technologies, and a system to allow patients with kidney disease to undergo dialysis at home. Continued support of nanotechnology research allow these and other breakthrough technologies to come to market.

I want to cite a couple specific key provisions, including provisions relating to green nanotechnologies and those that encourage the commercialization of nanotechnology research.

Several institutions in the State of Oregon have been leaders in green

nanotechnology research. These funds will help these universities and others explore ways to create environmentally friendly or at least benign nanotechnology products. And this is very, very crucial to acceptance of nanotech.

In addition, there are provisions in this bill that encourage other Federal programs to support commercialization of nanotechnology research to help turn research insights into tangible useful results. Congress has already passed legislation to support programs that advance our innovation agenda, and it is fitting that nanotechnology would be funded by these programs. The relevant programs include the Technology Innovation Program, or TIP, which provides grants to companies and universities conducting high-risk, high reward research, and the Small Business Innovative Research and Small Business Technology Transfer programs, which provide funds to small high-tech firms conducting innovative research that is relevant to Federal agencies' missions and that may have significant commercialization potential.

Again, I want to commend Chairman GORDON and the ranking member for drafting a strong bipartisan bill, and urge my colleagues to support this legislation.

Mr. HALL of Texas. Mr. Speaker, I yield the gentleman from Georgia (Mr. GINGREY) 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise in strong support of H.R. 5940, the National Nanotechnology Initiative Amendments Act of 2008.

Nanotechnology represents the future of science and information technology. These scientific methods have already been responsible for a number of products that are used every day in our country, like car parts, cosmetics, and first aid dressings.

The future of nanotechnology holds a world of possibilities for a number of fields including health care, which, Mr. Speaker, is incredibly important to me as a physician member of this House.

The National Nanotechnology Initiative is a multi-agency Federal program aimed at accelerating the discovery, the development, and deployment of nanometer scale science, engineering, and technology. Since its implementation in 2003, NNI represents the Federal Government's commitment to harnessing and developing the world's most cutting edge technology to help keep our country competitive in a technologically based global economy. H.R. 5940 is a bill that builds on the successful aspects of the NNI by making some improvements and modifications while keeping much of the initiative intact. This legislation acknowledges and addresses the need for enhanced research and education in the field of nanotechnology, and it is in line with President Bush's American Competitiveness Initiative.

Mr. Speaker, I am very pleased that this legislation moved through the

Science and Technology Committee in a bipartisan manner so typical of our members. Unfortunately, that bipartisan spirit does not apply to the most important issue facing the American people today, and that is the price they are paying at the pump for gasoline.

Mr. Speaker, here we are 16 months after the vaunted promise of a commonsense plan to reduce energy prices by Speaker PELOSI, yet gas prices are now surpassing \$4 a gallon with no end in sight. At this point, I am not holding my breath for this commonsense plan Speaker PELOSI promised over 2 years ago. I only know the result of the plan, an increase of \$1.60 per gallon for regular gasoline. However, Mr. Speaker, I do hope that Democrats will begin working with Republicans much like they did on this bill, H.R. 5940, on our common sense plan for energy.

The Republican proposal, H.R. 3089, the No More Excuses Energy Act sponsored by my good friend Mr. THORBERRY of Texas, will allow us to explore domestic sources of energy and will reduce the amount that we all pay at the pump. It is time for the Democrats to get serious about reducing gas prices. I call on them to join the efforts of House Republicans. Let's enact real solutions that will provide relief for our taxpayers.

Mr. Speaker, in conclusion, I am very supportive of H.R. 5940 and the possibility that nanotechnology has for the future of science. I urge all my colleagues to support its passage.

Mr. GORDON of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 9½ minutes remaining.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS) 5 minutes.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I come in support of this legislation, and have come to learn that this nanotechnology has great opportunities to help us in the whole energy debate. I think nanotechnology can help in the solar powered cells. I understand that nanotechnology might be able to help taking light energy and turning it into hydrogen, which is important. It can be very important in addressing the long-lasting battery issue debate which will move us to plug-in hybrids sometime in the future, which we all realize is an important aspect of what we need to do to get to energy independence. And, green nanoenergy, which is important in this whole climate debate.

I also hope that nanotechnology can address some of the other pressing scientific needs: The issue of maybe reprocessing nuclear spent fuel. Maybe taking the carbon dioxide and splitting the carbon from the oxygen and addressing the climate change so we can

use fossil fuels in a process that is going to be helpful.

But we are still in the Buck Rogers era. We need to move in that direction. The question is, what are we going to do now? The question is, at this time, in this debate, what are we really going to do to immediately affect the high cost of energy on our constituents? I have been on this floor quite a bit, as we all know, debating this. I have heard my colleagues on the other side, and I am softening my rhetoric out of respect for my friends and I have actually changed some of my charts to address issues raised in the debate.

So what is the primary problem that we have today? The problem we have is the escalation of crude oil prices in this country, from \$23 when this administration came into the office, to \$58 when the new majority came into the House, to \$123 today.

Now I am not trying to be partisan, I am just trying to be factual. That is what has happened to the barrel of crude oil prices and what has happened to the cost of gasoline. Well, it has gone up similarly in this response. So the question is, how do we address this problem if we believe in economics 101 and supply and demand?

One way we could do it is opening the Outer Continental Shelf to oil and gas exploration. We have legislatively put off-limits through the appropriation process a prohibition, in some areas not to even do research to see if there is any natural gas or oil there, but we have said "no" to all these areas in red, that we are telling our public we do not want to look for oil and gas on the Outer Continental Shelf deep sea floor exploration 50 miles off the coast. We are saying "no."

Our debate is pretty simple. At a time of high costs of a barrel of crude oil, \$123.85 a barrel, how can we not? How can we not go and look for our own resources? What we want, what we are asking for is American-made energy, American-made energy to decrease our reliance on imported crude oil in places that are not stable, in the Middle East, in Venezuela, that are holding us captive. We know there are resources there.

Let me talk about another great opportunity that we have. In Illinois, the Illinois coal basin is basically the whole geography of the State of Illinois, and of course the chairman knows a lot and is very supportive of coal use in America. It also is Western Kentucky and the southwestern part of Indiana. We have as much coal in energy output as Saudi Arabia has oil just in the Illinois coal basin. So the question is, why aren't we using it to decrease our reliance on imported crude oil? Why aren't we using coal in turning it into liquid fuel? Look at the benefits we have of coal fields: American made energy. A coal field in America, American jobs mining that coal, American jobs to build the coal to liquid refinery.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL of Texas. I yield the gentleman 3 additional minutes.

Mr. SHIMKUS. I thank the gentleman.

American jobs to build the pipeline. American jobs to operate our aviation industry. In fact, this plane here is a fighter plane, because the United States Air Force is the number one purchaser of aviation fuel in the world.

□ 1300

For every dollar increase in a barrel of crude oil, you know what it costs our Air Force? \$60 million. That's \$60 million that doesn't go to training. That's \$60 million that doesn't go to equipping. That's \$60 million that doesn't help in meeting the budgetary demands.

Let me just finish on this point. Let's assume we access these and we have oil and gas. Or let's assume we're in ANWR and we're getting the oil and gas and we're getting the royalties. At today's prices, do you know how much money would come to the Federal Treasury at today's prices from ANWR? \$192 billion. Do you think that would help the nanotechnology budget? I think it would help extremely. Move us from a decrease in our reliance on imported crude oil, American-made energy, new science and technology, green power; and that's kind of what this debate is all about.

Mr. WU. Will the gentleman yield?

Mr. SHIMKUS. I would be happy to yield to my friend from Oregon.

Mr. WU. Just as my friend from Illinois has modified his presentation in light of current reality, I will not, unless necessary, reprise the reason for the difference between a \$60 barrel of oil and a \$120 barrel of oil, which is the war in Iraq, rank speculation by people who can't take delivery of the oil, and low, cheap currency doctrine by this administration that has imported inflation and increased oil prices.

Mr. SHIMKUS. Reclaiming my time. But all those issues that you addressed, if we had American-made energy, if we weren't relying on imported crude oil, you know, why does the cheap dollar affect our price? Because we're buying crude oil overseas. If we were producing our own crude oil in our country, the dollar wouldn't matter.

The speculators, you know the speculators. What are they betting? I love this debate. They are betting that we're going to do nothing.

You want to go after the speculators? Bring on more supply. They're betting that this barrel is going to go up, not go down.

Mr. WU. If the gentleman would yield.

Mr. SHIMKUS. I would be happy to.

Mr. WU. Speculators do bet on that. Bubbles also occur in markets now. A witness to the Foreign Affairs Committee said we have 4 percent of the proven oil reserves. And yet the Republican response is, drill that 4 percent; it will solve our problems. We have 4 percent of the world's oil reserves. Drill



the reserve and that will solve our problems. The numbers are the numbers.

Mr. SHIMKUS. Let me reclaim my time, and just go over, since 1994 and talk about this debate.

In ANWR, which Clinton vetoed in 1995, we would have that oil today. House Republicans support ANWR 91 percent of the time on votes. House Democrats 86 oppose. Clear difference.

Mr. HALL of Texas. Mr. Speaker, how much time do I have, if any?

The SPEAKER pro tempore. The gentleman has 1½ minutes.

Mr. HALL of Texas. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 45 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Drilling permits are up by two times in the last 5 years. But the price of gas is up by two times in the last 5 years. More permits do not bring lower prices. 10,000 more permits than wells since 2004. 92 million acres of onshore and offshore land currently under lease, but 67 million acres, over 70 percent, has not been developed by the oil and gas companies. They have a lot to work with. They're not doing it. 80 percent of the oil and gas still in the OCS is where there is no moratorium.

Now, I don't know why the gentleman, during the nanotechnology debate, nanotechnology which needs to be advanced by this country so we at least don't lose one more promising future technology, is bringing up this issue, unless he's talking about little tiny drill bits that would have less environmental impact.

Mr. HALL of Texas. Mr. Speaker, I yield to Mr. SHIMKUS, the gentleman from Illinois, 1 minute.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. I want to thank the chairman for the time. With a minute left, I may not be able to yield to you, David. I would be happy to most times.

This is the problem. \$23 to \$58 to \$123. You only address that by bringing on more supply. We have oil and gas in the Outer Continental Shelf, and we need to be there.

I've got margin oil wells. I've got oil all over the State of Illinois. Do you know why we don't drill on every acre? Because you're not going to find oil on every acre.

Why are leases not put out? Because there may not be oil there. In fact, on the Outer Continental Shelf on the Atlantic coast we won't even inventory it. Last Congress we said no to inventory what we might have on the Eastern Seaboard.

All I want to do is bring down crude oil prices. The only way you do it is bringing on more supply. It's clear from the votes over the past 12 years, Republicans want to bring on more supply. Democrats, the vast majority of them, do not. All we're asking is that we have some that want to do that.

Mr. GORDON of Tennessee. I reserve my time if the gentleman from Texas has any time left that he wants to conclude.

The SPEAKER pro tempore. The gentleman from Texas has half a minute.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, once again I want to thank the majority and minority members of the Science and Technology Committee for working together on this collaborative good effort.

To my friend, my passionate friend from Illinois, let me say, just as he knows that you can't turn an oil tanker around on a dime, the fact of the matter is that we can't overturn the 4 or 8 years previous nearsighted policy on a dime either. But rather than point fingers and trying to be a partisan debate here, we can work together and make some changes.

This nanotechnology bill is one more effort in helping to provide American technology for domestic production of energies of all sorts, the energies of the future, the jobs that come with that.

Mr. HONDA. Madam Speaker, I rise today in support of H.R. 5940, the National Nanotechnology Initiative Amendments Act.

I commend Chairman BART GORDON and the other members of the Science and Technology Committee, on which I am proud to have once served, for the hard work and thoughtful consideration that went into this bill. I am pleased that this bill includes numerous provisions that I originally proposed in my own legislation, the Nanotechnology Advancement and New Opportunities, NANO, Act, H.R. 3235.

Nanotechnology has the potential to create entirely new industries and radically transform the basis of competition in other fields, and I am proud of my work with former Science Committee Chairman Sherwood Boehlert on the Nanotechnology Research and Development Act of 2003 to foster research in this area.

But one of the things policymakers have heard from experts is that while the United States is a leader in nanotechnology research, our foreign competitors are focusing more resources and effort on the commercialization of those research results than we are.

Both H.R. 5940 and my own bill would focus America's nanotechnology research and development programs on areas of national need such as energy, health care, and the environment, and have provisions to help assist in the commercialization of nanotechnology.

In recent months, there has been much discussion about potential health and safety risks associated with nanotechnology. Uncertainty is one of the major obstacles to the commercialization of nanotechnology—uncertainty about what the risks might be and uncertainty about how the Federal Government might regulate nanotechnology in the future. Both my bill and H.R. 5940 require the development of a nanotechnology research plan that will ensure the development and responsible stewardship of nanotechnology.

Other important areas that are addressed by both H.R. 5940 and H.R. 3235 include: the development of curriculum tools to help improve

nanotechnology education; the establishment of educational partnerships to help prepare students to pursue postsecondary education in nanotechnology; support for the development of environmentally beneficial nanotechnology; and the development of advanced tools for simulation and characterization to enable rapid prediction, characterization and monitoring for nanoscale manufacturing.

I am also pleased that H.R. 5940 will require that the NNI Advisory Panel must be a stand-alone advisory committee. This is a concept, I originally proposed in 2002 in the Nanoscience and Nanotechnology Advisory Board Act, H.R. 5669 in the 107th Congress.

I would like to thank the members of the Blue Ribbon Task Force on Nanotechnology, BRTFN, a panel of California nanotechnology experts with backgrounds in established industry, startup companies, consulting groups, nonprofits, academia, government, medical research, and venture capital that I convened with then-California State Controller Steve Westly during 2005, for the important recommendations included in its report, Thinking Big About Thinking Small, many of which are reflected in the bill we are considering today. I would also like to thank Scott Hubbard, who was the director of the NASA Ames Research Center at that time and who served as working chair of the BRTFN, and all of the staff at Ames whose hard work made the task force run so well and helped produce a great report. The report is available on my website at [http://honda.house.gov/issues/links/btrfn\\_report\\_final.pdf](http://honda.house.gov/issues/links/btrfn_report_final.pdf).

Again, I congratulate the Science and Technology Committee and Chairman GORDON for their work on this bill and thank them for incorporating so many of the provisions from my bill into H.R. 5940, and I urge my colleagues to support this important legislation to reauthorize the Nation's nanotechnology research and development program.

Mr. GORDON of Tennessee. Mr. Speaker, I yield back the balance of my time, and suggest we pass this very good bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5940, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SENSE OF CONGRESS REGARDING SCIENCE EDUCATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 366) expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 366

Whereas the economic competitiveness of the Nation depends on strong science, mathematics, and technology capabilities throughout the workforce;

Whereas the need for improvement in education is acute in the areas of science, mathematics, and technology;

Whereas our national competitiveness strategy must include the goals of—

(1) ensuring that all young persons achieve a level of technological literacy adequate to prepare them for the demands of a scientific and technologically oriented society; and

(2) fulfilling the need for a deep pool of talented American leaders in science and technological research and development;

Whereas numerous research reports indicate the Nation is not achieving these goals;

Whereas the most recent United States National Assessment of Educational Progress reveals that a majority of those 17 years of age are poorly equipped for informed citizenship and productive performance in the workplace;

Whereas by 2016, 35.4 percent of our workforce will be comprised of minority workers, and 46.6 percent will be women; and

Whereas women and minorities continue to be underserved by and underrepresented in science and mathematics: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—*

(1) this Nation should dedicate its resources to the development of a broad pool of citizens who are functionally literate in science, mathematics, and technology;

(2) a national science education policy in the coming decade should address the crucial need areas of—

(A) substantially increasing science scholarships and providing adequate financial resources to permit students from underrepresented populations to study science, mathematics, and technology; and

(B) actively involving National Science Foundation involvement in curriculum development with strong emphasis on reinforcing science and mathematics concepts at each grade level; and

(3) this national challenge can be met through strong leadership from the White House Office of Science and Technology Policy; other Federal, State, and local governments; and with long-term commitments from the civic, business, and engineering communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on House Concurrent Resolution 366 now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 366, expressing the sense of Congress that increasing American capabilities in science, math and technology education should be a national priority. Our Nation's youth are key to our Nation's future prosperity.

And I have schools in my district that are ranking very high; 1, 2, 3 and 4. They've been 1 and 2 and now they're 2 and 4. That's called the Townview Gifted and Talented school, ranked second in the Nation; was considered the best public school last year in the nation. And the Science and Engineer Magnet was ranked fourth this year, and it was number 2 last year by Newsweek magazine.

Townview's School of Talented and Gifted was always ranked among the best high schools in America, and this year, by the U.S. News and World Report.

In support from the high tech industry such as Texas Instruments in Dallas, as well as other local generous investors which have been critical to setting up the schools for the students' success. Unfortunately, few schools demonstrate the educational excellence of Townview, not even any more in Dallas. Congress must incentivize investments at the local level to help improve the quality of public education.

The UTeach Program, which started in Texas and headquartered at the University of Texas in Austin, is a terrific education program that places engaged, highly trained teachers in the classroom. These educators, in turn, inspire their students. Young people are learning that math and science are fun. They're learning that these subjects are important, and that they can lead to fulfilling and profitable careers.

UTeach is funded partially by generous investments from the private sector which needs these people for future employment. So we consider it an investment for them.

UTeach has tracked the success of its educational model, and it is transforming the quality of math and science education in schools that it touches. Demonstrated methods of success must be supported and expanded, and this is critical for our Nation.

Tomorrow's high-tech jobs will require a skilled workforce. Today's students are not being adequately prepared for these jobs, and it is my fear that businesses will increasingly look toward China, Taiwan, Japan and India for their workforce needs. Those nations are investing a greater percentage of their gross national product on the education of scientists, mathematicians and engineers. They're producing a large workforce of bright, young, talented individuals who work for less money than our citizens will. American companies are already hiring them. And the only solution is to produce a

better prepared work force. The root of that preparation is education. And it is too serious and too important not to give the utmost attention.

Mr. Speaker, I wish that every school could get the support and perform as well as Townview does. But my resolution expresses a sense of Congress that we must make education a much higher national priority.

A couple of years ago there was a publication by the National Academies of Science and Medicine and the National Science Foundation entitled the Rising Tide Before the Gathering Storm. Well, the gathering storm of international competition is already here, and so we must reform our public education policies, provide greater challenges to our students and give young people the tools and opportunities that they need to succeed. Our economy in this country depends on this; and we start with well-prepared teachers.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. HALL of Texas. Mr. Speaker, I rise today in support of House Concurrent Resolution 366. This resolution expresses the sense of Congress that increasing American capabilities in science and mathematics and technology education should be a national priority, and I couldn't agree more. I gladly support the gentlelady from Texas's resolution.

The Science Committee recognized a few years ago that this Nation needed to make American capabilities in STEM education a priority. Our current chairman, Mr. GORDON, along with then-Chairman Sherry Boehlert requested the report that was to become the "Rising Above the Gathering Storm" report to which we have so often referred in this Congress. As a result of this report, the President came out with his American Competitive Initiative; and this Congress passed, and the President signed, the America COMPETES Act, which specifically addresses the concerns raised in this resolution.

In COMPETES, we're dedicating resources to create a broad pool of citizens who are literate in STEM subjects and we are increasing science scholarships and providing financial resources to attract underrepresented populations to STEM fields. Likewise, NSF is funding tremendous STEM education curriculum work in all grades, and OSTP and other Federal agencies, like the Department of Education, are providing strong leadership as appropriate at the Federal level.

A few weeks ago, I held a hearing in Texarkana, Texas at the Martha and Josh Morriss Mathematics and Engineering Elementary School, a 100 percent locally funded public school that focuses on inspiring our young children to excel in math and science at an early age and hopefully keep them interested all the way through college.

This school is a prime example of the kind of leadership and commitment necessary at the local level and included input from several groups, businesses, the academic community, and parents.

However, there is always room for improvement, and we should strive to do more. In fact, it's imperative that we do more if we're to remain the world leader in innovation and technology.

I urge my colleagues to support the resolution introduced by my good friend, Ms. JOHNSON.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I now yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise today in support of this resolution and commend my colleague, EDDIE BERNICE JOHNSON, for introducing it and the chairman of the Science Committee for bringing it forward.

This resolution expresses the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority. And I must say, I hope Members on the other side of this aisle will avoid distracting us with red herrings across the trail and debating other diverting matters such as drilling and digging in the United States and stick to this topic which is of critical importance.

Since first coming to Congress almost a decade ago, I stressed the need for a new major national effort to improve science, mathematics, and technology education. I'm a product of the science revolution in the United States that occurred following the launch of Sputnik in 1957. And today, as this resolution notes, we must recommit ourselves to creating a new generation of scientists, engineers, and mathematicians, and just as important, indeed more important, we need to build a general public that is literate and comfortable with science, math, technology.

I would ask at this point to include in the RECORD a copy of a recent op-ed essay entitled "Put a Little Science in Your Life" by Brian Greene, professor of physics at Columbia and author of *The Elegant Universe*. He discusses the importance of science in everyone's lives, not just scientists.

[From the New York Times, June 1, 2008]

PUT A LITTLE SCIENCE IN YOUR LIFE

(By Brian Greene)

A couple of years ago I received a letter from an American soldier in Iraq. The letter began by saying that, as we've all become painfully aware, serving on the front lines is physically exhausting and emotionally debilitating. But the reason for his writing was to tell me that in that hostile and lonely environment, a book I'd written had become a kind of lifeline. As the book is about science—one that traces physicists' search for nature's deepest laws—the soldier's letter might strike you as, well, odd.

But it's not. Rather, it speaks to the powerful role science can play in giving life con-

text and meaning. At the same time, the soldier's letter emphasized something I've increasingly come to believe: our educational system fails to teach science in a way that allows students to integrate it into their lives.

Allow me a moment to explain.

When we consider the ubiquity of cellphones, iPods, personal computers and the Internet, it's easy to see how science (and the technology to which it leads) is woven into the fabric of our day-to-day activities. When we benefit from CT scanners, M.R.I. devices, pacemakers and arterial stents, we can immediately appreciate how science affects the quality of our lives. When we assess the state of the world, and identify looming challenges like climate change, global pandemics, security threats and diminishing resources, we don't hesitate in turning to science to gauge the problems and find solutions.

And when we look at the wealth of opportunities hovering on the horizon—stem cells, genomic sequencing, personalized medicine, longevity research, nanoscience, brain-machine interface, quantum computers, space technology—we realize how crucial it is to cultivate a general public that can engage with scientific issues; there's simply no other way that as a society we will be prepared to make informed decisions on a range of issues that will shape the future.

These are the standard—and enormously important—reasons many would give in explaining why science matters.

But here's the thing. The reason science really matters runs deeper still. Science is a way of life. Science is a perspective. Science is the process that takes us from confusion to understanding in a manner that's precise, predictive and reliable—a transformation, for those lucky enough to experience it, that is empowering and emotional. To be able to think through and grasp explanations—for everything from why the sky is blue to how life formed on earth—not because they are declared dogma but rather because they reveal patterns confirmed by experiment and observation, is one of the most precious of human experiences.

As a practicing scientist, I know this from my own work and study. But I also know that you don't have to be a scientist for science to be transformative. I've seen children's eyes light up as I've told them about black holes and the Big Bang. I've spoken with high school dropouts who've stumbled on popular science books about the human genome project, and then returned to school with newfound purpose. And in that letter from Iraq, the soldier told me how learning about relativity and quantum physics in the dusty and dangerous environs of greater Baghdad kept him going because it revealed a deeper reality of which we're all a part.

It's striking that science is still widely viewed as merely a subject one studies in the classroom or an isolated body of largely esoteric knowledge that sometimes shows up in the "real" world in the form of technological or medical advances. In reality, science is a language of hope and inspiration, providing discoveries that fire the imagination and instill a sense of connection to our lives and our world.

If science isn't your strong suit—and for many it's not—this side of science is something you may have rarely if ever experienced. I've spoken with so many people over the years whose encounters with science in school left them thinking of it as cold, distant and intimidating. They happily use the innovations that science makes possible, but feel that the science itself is just not relevant to their lives. What a shame.

Like a life without music, art or literature, a life without science is bereft of

something that gives experience a rich and otherwise inaccessible dimension.

It's one thing to go outside on a crisp, clear night and marvel at a sky full of stars. It's another to marvel not only at the spectacle but to recognize that those stars are the result of exceedingly ordered conditions 13.7 billion years ago at the moment of the Big Bang. It's another still to understand how those stars act as nuclear furnaces that supply the universe with carbon, oxygen and nitrogen, the raw material of life as we know it.

And it's yet another level of experience to realize that those stars account for less than 4 percent of what's out there—the rest being of an unknown composition, so-called dark matter and energy, which researchers are now vigorously trying to divine.

As every parent knows, children begin life as uninhibited, unabashed explorers of the unknown. From the time we can walk and talk, we want to know what things are and how they work—we begin life as little scientists. But most of us quickly lose our intrinsic scientific passion. And it's a profound loss.

A great many studies have focused on this problem, identifying important opportunities for improving science education. Recommendations have ranged from increasing the level of training for science teachers to curriculum reforms.

But most of these studies (and their suggestions) avoid an overarching systemic issue: in teaching our students, we continually fail to activate rich opportunities for revealing the breathtaking vistas opened up by science, and instead focus on the need to gain competency with science's underlying technical details.

In fact, many students I've spoken to have little sense of the big questions those technical details collectively try to answer: Where did the universe come from? How did life originate? How does the brain give rise to consciousness? Like a music curriculum that requires its students to practice scales while rarely if ever inspiring them by playing the great masterpieces, this way of teaching science squanders the chance to make students sit up in their chairs and say, "Wow, that's science?"

In physics, just to give a sense of the raw material that's available to be leveraged, the most revolutionary of advances have happened in the last 100 years—special relativity, general relativity, quantum mechanics—a symphony of discoveries that changed our conception of reality. More recently, the last 10 years have witnessed an upheaval in our understanding of the universe's composition, yielding a wholly new prediction for what the cosmos will be like in the far future.

These are paradigm-shaking developments. But rare is the high school class, and rarer still is the middle school class, in which these breakthroughs are introduced. It's much the same story in classes for biology, chemistry and mathematics.

At the root of this pedagogical approach is a firm belief in the vertical nature of science: you must master A before moving on to B. When A happened a few hundred years ago, it's a long climb to the modern era. Certainly, when it comes to teaching the technicalities—solving this equation, balancing that reaction, grasping the discrete parts of the cell—the verticality of science is unassailable.

But science is so much more than its technical details. And with careful attention to presentation, cutting-edge insights and discoveries can be clearly and faithfully communicated to students independent of those details; in fact, those insights and discoveries are precisely the ones that can drive a

young student to want to learn the details. We rob science education of life when we focus solely on results and seek to train students to solve problems and recite facts without a commensurate emphasis on transporting them out beyond the stars.

Science is the greatest of all adventure stories, one that's been unfolding for thousands of years as we have sought to understand ourselves and our surroundings. Science needs to be taught to the young and communicated to the mature in a manner that captures this drama. We must embark on a cultural shift that places science in its rightful place alongside music, art and literature as an indispensable part of what makes life worth living.

It's the birthright of every child, it's a necessity for every adult, to look out on the world, as the soldier in Iraq did, and see that the wonder of the cosmos transcends everything that divides us.

There is no denying that America is losing ground and global competitiveness to countries that are making the necessary investments in education and research and development. We owe our current economic strength, our current national security, our current quality of life, to the investments of past generations.

However, the Federal Government has failed to fund adequately research, development, and innovation. Investment in these areas ensures that American people will continue to benefit from opportunities of the rapidly growing global economy and its inherent foundations.

In August of 2007, this body passed into law, as my colleague from Texas pointed out, a comprehensive competitiveness package, the America COMPETES Act, which was based on disturbing findings of the National Academies' report, "Rising Above the Gathering Storm," that our Nation is severely underinvesting in engineering and the physical sciences.

Unfortunately, the fiscal year 2008 budget fell short of the required goal. Without taking a bold, different approach in this year's appropriation cycle, Congress will be delivering a blow to our future economic security and competitiveness.

I thank gentlelady for introducing this legislation. I hope we pay heed.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS) 5 minutes.

Mr. SHIMKUS. I apologize to my friend from New Jersey because, if we are not talking about the number one issue in America on the floor of the House, then what are we here for? Science and technology is critical to decrease our reliance on imported crude oil. Science and technology will bring us to a new era where we don't have to rely on the energy supplies of the past. So I concur, and I support this resolution, and I'm glad people are debating it.

But you know what the people in America are debating. You know it. Everybody was home during the last 10 days. They're talking about this, and this is what we ought to be doing. You mentioned in your discussion that we

don't have the funds. Well, if we went into ANWR, which is the size of the State of South Carolina and had a drilling path that formed the size of Dulles Airport or a football field and put a postage stamp on that, we've got the revenues. Just with the royalties from ANWR we could fund science and technology. In fact, we're going to have a resources bill on the floor that's going to address at least the pay-for, which was a method to address Mr. DEFAZIO's issue on leases.

Mr. HOLT. Will the gentleman yield?  
Mr. SHIMKUS. Yes, I will.

So we're willing to talk about this, but golly, if we're not talking about energy and the price of gasoline at the pump, then what are we doing?

Mr. HOLT. Will the gentleman yield?  
Mr. SHIMKUS. I would be happy to yield.

Mr. HOLT. Quite simply, the reason gasoline prices are so high today—of course there is international speculation—is there's demand from other countries; there's the falling value of the dollar. Principally, it is because, in past decades, we failed to wean ourselves from fossil fuels. We have failed to make the investment in research and development that would make that possible. You're talking about drilling in Alaska.

Mr. SHIMKUS. If the gentleman would yield.

Mr. HOLT. If I may continue.

Mr. SHIMKUS. Yes, you may. I'm just going to debate.

If we had the resources from the royalties on oil and gas exploration in the outer continental shelf or if we had the resources from the royalties from ANWR, we would have the money to be able to segue into a national debate on solar, on wind, on biotechnology, on the nanotechnology. There is a whole pot of money out there. A lot of people in America think that we have no fossil fuels, no energy resources left in this country. So this is the problem. I mean you kind of identified it, but when a barrel of crude oil is \$23 in January 2001 and in January 2006 it goes up double and now it's up double again, that's the problem.

We have to have a long-term and a short-term strategy. Our debate is the science and technology. That's a long-term debate. But what do we do about easing the cost of the high food prices, which is in direct correlation to energy costs? We're talking about schools. What is the number one problem in schools today? Diesel prices for school buses has doubled. Energy costs for heating and cooling are doubling. That goes to the local taxpayer. So we ought to be talking about this.

Mr. HOLT. If the gentleman would yield.

Mr. SHIMKUS. I yield to my friend.

Mr. HOLT. It's the wrong argument. We are here to talk about the future that we will get from investment in research and development.

Mr. SHIMKUS. Reclaiming my time, we want to talk about the future, but

what our constituents are talking about is the present. There has been more than \$1.68 increase in gasoline prices. How can we even send our kids to the university if energy costs have doubled? We should have both debates, and we should not be afraid to talk about how to get out of this problem.

Mr. HOLT. If the gentleman will yield.

Mr. SHIMKUS. I would be happy to yield.

Mr. HOLT. We will not get out of this problem by doing more of the same that we have been doing.

Mr. SHIMKUS. Reclaiming my time, you all want to do no exploration, no gas, no coal, no nuclear, which brings costs up. We're saying let's bring on more supply. Let's mitigate the cost. Let's plan for the future. We are talking about now. We are not talking about 30, 40 years from now. We need to talk about that debate. Your committee is a great committee to talk about the future, but we have got \$123 a barrel of crude oil today. No nanotechnology, no recognizing science and education is going to bring that cost down.

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I yield 3 minutes to Mr. LIPINSKI from Illinois.

Mr. LIPINSKI. Mr. Speaker, I rise today in support of the resolution that we are right now talking about on the floor, and I want to commend my colleague from Texas for introducing this legislation. My constituents certainly understand that we need to both look at problems that are facing us right now, today, and also we need to plan for the future or else we wind up in situations like we're facing today.

As vice chairman of the House Science and Technology Committee, as well as a former college professor and engineer and husband of a credentialed actuary, I became aware of the need to invest in STEM education for young Americans. Providing high-quality jobs for hardworking Americans must be our top priority. In order to accomplish that, we must be proactive.

The necessary first step is an improved STEM education in schools because an educated workforce is the foundation for economic strength. For generations, science and engineering have been the base of America's economic growth. We were leaders in the industrial revolution, and we initiated the Internet age. Today, these fields continue to have great potential for growing our economy and employing more Americans.

Between 1983 and 2004, the percentage of the U.S. workforce in science and engineering occupations almost doubled. Ground-breaking discoveries in innovative technologies are continually creating new industries and opportunities. Nanotechnology, which we just discussed in the reauthorization of the NNI, is just one of the many exciting industries that are revolutionizing the international economy.

However, if we are not careful, America will be left behind in future technological revolutions. This fact was highlighted nationally when the National Academy of Sciences released its "Rising Above the Gathering Storm" report which emphasized the need for the government to improve science, technology, engineering, and math for STEM education. In the 110th Congress, we confronted this challenge head on by enacting the America COMPETES Act. But additional measures to improve our global standing are still needed.

The resolution before us today will assist the United States in dedicating its resources to the STEM field and in promoting science education policy by educating a broad pool of Americans in these critically important fields. These areas are vital to America's economic competitiveness, and this resolution will help to ensure a vital future for next generation of Americans.

Mr. Speaker, we have challenges ahead of us, but the American people have always succeeded in conquering their greatest challenges. With this resolution, we will get that and ensure that all American students receive the skills and knowledge required for success in the 21st century workforce.

I urge my colleagues to support this important resolution to plan for the future and plan for a brighter future for America. This resolution helps us to do that.

□ 1330

Mr. HALL of Texas. Mr. Speaker, I yield myself as much time as I may use, subject to the amount of time I have left. Could you tell me how much time I have?

The SPEAKER pro tempore. The gentleman has 12½ minutes.

Mr. HALL of Texas. I thank the Speaker.

The gentleman from New Jersey keeps talking about doing away with fossil fuels. You know, that's just almost laughable. You do away with fossil fuels today, a year from today, 2 years from today, 5 years from today, 10 years from today, turn these lights out, cut out your air conditioners, forget about driving up to anywhere to get gasoline or oil, forget about building the roads, heating and cooling, just shut her all down, forget about it, and forget about that 40 percent we get from a Nation that doesn't trust us, Saudi Arabia, that's all fossil fuels. We have no control over them.

Sure, we ought to have technology to address fossil fuels to make it cleaner, but we're whistling Dixie if we think we're going to do away and do without fossil fuels.

It's easy to condemn and not trust the oil and gas people, but without them, we wouldn't have the lights we're using right today. We wouldn't have the gasoline that's in our cars, the money that it takes to build asphalt roads, and I could go on down the list forever.

Where do you think 40 percent of that comes from? Saudi Arabia. Another 20 percent from other Arab Nations just like Saudi Arabia that don't trust us and we don't trust them. That's what it's all about. We can't do without fossil fuels. That's foolishness.

Mr. Speaker, I think it's high-time that we realize that we have to work together and seek technology to lessen the effect of carbons and be sensible about it, be reasonable about it, but we can't just shut this off and condemn those that are producing, the men and women in the oil industry that are producing the lights that we share today and cleaning the air that we have today.

We need to keep looking for technology to make it better and cleaner, but it's foolish to talk about doing away with it.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like the gentleman from Oregon (Mr. DEFAZIO) to have as much time as he may consume to speak on this issue.

Mr. DEFAZIO. I thank the gentlelady for her generous grant of time.

There might be some small grounds for agreement here. I did hear both the gentleman from Illinois and the gentleman from New Jersey, and particularly the gentleman from Illinois, in talking in support of the legislation that's actually before us, which does not pertain to gas and oil prices or supply in any way, saying we needed and he supported the idea of research, investment, and education, and moving toward new technologies.

The gentleman from New Jersey talked about a transition from a petroleum-based economy. I think there's some grounds, small grounds, for agreement there.

But I guess, and I think most American people would agree with that, they know we can't, you know, drill big and burn our way out of this problem. We've got to cut our dependence to OPEC and other foreign sources of oil, and we've got to mitigate the damage on our economy.

But then that's where the disagreement starts because mitigating the damage to consumers today means taking some tough votes in this House of Representatives. One tough one was May 20 of last year, rollcall 332. Now, that seemed a no-brainer to me, but it was really tough on the Republican side, and the gentleman from Illinois voted against it.

It was to have the Justice Department, United States Justice Department, investigate collusion by the OPEC Nations to unnecessarily constrain supply and drive up the price for American consumers. That was a tough vote for the gentleman from Illinois. He voted "no." He didn't think the Justice Department should investigate. I also have a bill saying the President should file a complaint against the OPEC countries in the WTO.

You know, the Bush administration, in fact, is now investigating collusion

by OPEC. They still haven't filed a complaint in the WTO. So the Bush administration is taking a step that the gentleman from Illinois opposed, investigating collusion which is gouging consumers. We need a new energy future, but we don't need to allow our consumers to be price gouged on the way there.

Mr. WU raised another issue which the gentleman just brushed off, which is the whole issue that credible analysts say, because of the Enron loophole—remember, Ken Boy? He might be dead but his memory lives on, and about 50 cents a gallon for the American people. Ken Boy Lay of Enron, one of the President's best buddies, got a special loophole from this Republican Congress deregulating derivatives in energy trading so that they could speculate. Well, he's dead, Enron's bankrupt, but the speculation is rampant.

And experts tell us probably 50 cents on every gallon, 50 cents on every gallon today, you want to give immediate relief, reregulate the commodities market. You're not regulating the price of gas. You're just saying you can't have derivatives and you can't have Morgan Stanley holding more futures contracts and more fuel than ExxonMobil. Just reregulate the market. They can't self-deal. Just reregulate the market. Just bring some regular trading back to that market that existed before 2000. You could save tomorrow 50 cents a gallon.

Now, you can talk about ANWR, and he talked about it with great certainty. I've been sitting in on debates for 20 years over ANWR. One well was drilled. What was there we don't know. It was proprietary. There are estimates from a little bit to a lot of oil. But he knows exactly how much is there, interesting, and how much revenue it would bring, even more interesting, since right now oil from Alaska can and is being exported from the United States of America. I guess he's worried about the Chinese energy problem because that's most likely where any additional supply from Alaska would go until we develop more refinery capacity, which the industry refuses to do. And there are ways to drive them to make that investment, but the gentleman doesn't support that legislation either, which I've introduced.

So we're hearing a lot of bloviating and talk on that side of the aisle because Republicans are running scared because their coffers have been filled by this industry for years and they were put into power and Bush was put into the White House and DICK CHENEY was put into the Vice President's mansion by this industry. And this industry is kind of unpopular right now.

So they want to pretend they want to do something 10, 15, 20 years out. Let's even bring it a little closer in. The gentleman again talked about ANWR. Well, right just a little way away from ANWR, guess what, there's something Bill Clinton leased called the Naval Petroleum Reserve. We know there's oil

under that. Bill Clinton leased it. Bill Clinton's been gone seven-and-a-half years. How time flies.

How many producing wells are there in the Naval Petroleum Reserve drilled by American companies who have leased that reserve? None, not one, not a single one.

So, if the need is to get more production going in Alaska, how about they drill the wells in the Naval Petroleum Reserve where we know there's oil as opposed to pretending there might be oil in ANWR, and we could drill way over there, and it's also a lot further from the existing pipeline and other shipping capabilities.

So there's a heck of a lot of stuff, as I said earlier in my 45-second response—I regret I didn't have time at that point to yield to the gentleman. He's not here now. I would have given him at least 30 seconds—to develop out there, but the industry isn't developing it. Ten thousand permits that haven't been actuated, and they start talking about Illinois.

These Federal leases aren't in Illinois. I'm not aware of any Federal leases in Illinois for oil exploration. These are off the coast where 80 percent of the supply is accessible through existing leases. The industry just hasn't seen fit to develop it. Why not? Because it's working really well for them right now. Record prices. They don't really care about supply. They sure as heck don't want more supply to bring down the price.

Plain and simple, they're extorting the American people. They're extorting through collusion with OPEC. They're extorting through speculation in the energy markets, and they're extorting by withholding their drilling from leases they already have while pretending they need more. Plain and simple, it's a scam.

And I'm really disappointed that the gentleman is going to oppose my bill later when he talks about all the revenue that could be realized, when right now royalty-free oil is flowing out of the gulf because of a bureaucratic error, and he doesn't want to fix that problem because he thinks the oil companies need the money more than my counties and schools, and we'll hear more about that later.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from Utah (Mr. BISHOP) 3 minutes.

Mr. BISHOP of Utah. I appreciate the comments that have been made so far. I'm reminded by President Reagan, who once said there you go again, and some of those statements can apply here.

But one statement was they aren't accurate, but what we are talking about here in this part of the discussion deals with how real people are impacted in their daily lives.

We no longer are talking about energy consumption as an ethereal process or whether it meets different needs, kind of a policy concept. We're talking about how people, real people, bake

their food, heat their homes, and how they keep their jobs.

For every dollar that there is an increase in oil prices and gasoline prices, it simply means that jobs are lost, that revenue does not flow here. Social Security programs are diminished, and the overall quality of life is diminished. We're talking about real people and how real people are impacted.

For every dollar a poor person or a middle-income person has to spend on increased energy consumption, that's a dollar they cannot spend on luxuries like tuna casserole. This is what we're talking about. If you're extremely rich, you can try and buy your way out of it like an old medieval duke buying indulgences from the Catholic church. But for middle-income people and poor people, we are talking about how they live their lives, and we're talking about a country that has more energy potential locked up than other Nations have in their entire countries.

That's the concept that is here, and yet we always come back to picky little reasons why we can't develop the source, renew that source or build on that particular source as well.

We can't develop in ANWR because even though the Carter administration set this particular piece of property aside for energy development because it offends somebody. We can't have windmills off the coast of Massachusetts; it doesn't look right. We can't drill off the coast of Florida because it might offend the tourists someday.

We all have picky little reasons on why we can't do it, and the net product is we harm our own people because we don't have a policy that provides a positive reinforced policy, a strong program that will encourage conservation but also encourage production of every source of resources that we have at our disposal.

It has to happen and it has to happen now because we're dealing with real people.

We're also dealing with the security of this country. Early on this floor, they talked about an element of section 526 that was passed in the energy bill which simply had the proposal of cutting out the needs of our military in their advancement for alternative synthetic fuels. That's one of the things we're looking at. Five years ago, it cost us \$2 billion a year for petroleum for our military. Today, we're talking about \$12 billion a year. We cannot do that any longer. Those are the issues we have to have.

We have to realize that what we're talking about is real people.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HALL of Texas. I yield the gentleman another 30 seconds.

Mr. BISHOP of Utah. Who we are hurting are real people, and those people who are in the middle income and those people who are on the edges of our society and those people on fixed incomes, which is about 45 million Americans, those are the ones who get hurt first.

And the more we talk about the philosophy, what should or should not be done, and the later we decide to take as our policy statement that we will become energy secure and energy independent and we will develop all the resources we have at our disposal to become energy independent, that's when we actually decide to try and help people.

I thank the Speaker for his indulgences.

Ms. EDDIE BERNICE JOHNSON of Texas. We reserve the balance.

Mr. HALL of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 7 minutes.

Mr. HALL of Texas. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCHENRY) 3 minutes.

Mr. MCHENRY. I rise today to agree with the resolution, but the real substance of the debate on the House floor today should be about gas prices. That is the substance of what we should be talking about as a people because I know my constituents are talking about it. They commute to work each day and pay and pay and pay high gas prices every day. And it is because this Congress hasn't acted.

Now, certainly the resolution calling for more math and science students, that's well and good, but what we should be talking about right now is how we're going to become energy independent as Americans, how we use American resources, whether it's natural gas, petroleum products, energy research, how are we going to invest in those things now.

This Congress, this Democrat leadership has failed to act, and I think that's irresponsible.

□ 1345

You know, one answer that they say is conservation. That's what some on the other side of the aisle say is the answer. And, you know, conservation is a sign of personal virtue, but we cannot conserve our way to energy independence, American energy independence.

So what do we do? Well, I believe we have to use our technology and our innovation here in the United States to become energy independent. We have vast resources, whether it's oil shale in the Rocky Mountain west, whether it's tar sands in our neighboring Canada, in order to harvest oil out of those areas. We must do it, though. The American people are paying close to \$4 at the pumps, and that's unacceptable. And I think, beyond that, when it comes to energy, we need an American solution, an America that relies on its own ingenuity and innovation, not beholden to the Saudi royal family.

I call on this Congress to act, to streamline the regulation process so we can get new refineries online, to open up new areas of exploration. That's what we should be doing, not simply debating this resolution, but working on real, substantive issues the American people need and desire.

My constituents in western North Carolina demand action when it comes to lowering gas prices. And this Congress can do something about it, but we have to open up new areas of exploration, we have to increase refining capacity, and we have to invest in renewable energy sources that are clean, efficient, and American solutions that make us self-reliant.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentlewoman has 3 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. I would like to yield 2½ minutes to Mr. DEFAZIO to respond to the last presenter.

Mr. DEFAZIO. There are 36.9 billion reasons why we aren't doing more to protect consumers today, why we haven't filed the complaints against OPEC, why the Republicans voted against investigating collusion by OPEC, why the Republicans created loopholes in energy trading so that Enron could get rich—well, they went bankrupt, actually, but others can speculate in the market, driving up gas 50 cents a gallon today. And they don't want to close that loophole because their rich buddies benefit from it, just like their rich buddies in the oil industry benefit from the lack of supply.

But I was shocked to hear the gentleman talk about needing to loosen up regulations in order to get more refinery capacity. A few years ago, George Bush offered to let any oil company that wanted to build a new refinery build it on a closed military base and waive all the environmental laws. How many takers did he get? Big goose egg, zero, none.

What did the head of Exxon Mobil say just 2 weeks ago? We're not interested in building refineries; we're doing just fine the way things are. They are restraining, and they have restrained over the last decade, refinery capacity in collusion to drive up the price. It's yet another excuse to drive up the price.

So they don't want to build refineries and give relief to the American consumers. They don't want us to take on the collusion of OPEC because they're making money off of it. They don't want us to stop the speculation in the commodities market because Big Oil and big Wall Street are making money off it.

And then they want to shift to this fatuous debate about ANWR. They know exactly how much oil is there, unlike anybody else in the world except the one company that drilled the one proprietary well 25 years ago, they're the only people who know if there is or isn't anything there. But we do know underneath the former National Petroleum Reserve, set aside by a much more far-sighted administration 70 years ago, there is a sea of oil underneath the National Petroleum Reserve. And Bill Clinton leased that to the oil industry because they were

carping about the need for new places to go and drill for oil. Bill Clinton has been gone 7½ years. How many producing wells are there in the Naval Petroleum Reserve? Goose egg, zero, same as the number of new refineries, goose egg, zero, because they're making huge profits the way it is. Why should they give relief to the American consumers because relief means lower extortionate profits for them. They have no intention of giving relief to the American people. This is a red herring.

Mr. HALL of Texas. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank the gentleman for yielding. And I appreciate the opportunity to respond to my colleague and his utter fabrication about the history.

Now, talk about rewriting history here; instead of complaining about the problem, we're offering solutions. And I'm proud that I'm part of the solution. And that solution is to hold the oil companies accountable. That's right, the gentleman is right about that. But I think we have to go a step further. We have to make sure that refineries can get online. The reason why they won't build new refineries is that regulation that this Congress supports, the trial lawyers as well, and the extreme environmental community that fund the left, and my colleagues on the left, they're all about shutting down new refinery capacity.

Beyond that, my colleague that just spoke is not for any exploration in this country whatsoever. And the American people know this, Mr. Speaker. The American people know that we need more supply of energy, and that will bring prices lower, not this rewriting of history that my colleague just issued.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 20 seconds to the gentleman to respond, Mr. DEFAZIO.

Mr. DEFAZIO. I thank the gentlelady.

First off, it was the head of ExxonMobil, the most profitable industry in the history of the world, who said he has no intention of building a refinery. He didn't mention regulations or bureaucracy. He said they're doing just fine the way it is, why would they build another refinery? And other CEOs of oil companies have said the same thing.

It's not bureaucracy or regulation. They didn't take Bush up on his loophole to put it on closed military bases. So that's not the issue. Don't try that stuff.

Mr. HALL of Texas. Mr. Speaker, I yield myself the balance of the time.

The gentleman from Oregon is a very good speaker and knowledgeable. He's been here a long, long time. He said there are a thousand reasons why we're out of energy and why we're in the situation we're in. I will say maybe there's two less. You just take these two, though, out of that thousand, I don't know how many he has left. But

when we talk about who's furnishing fossil fuels, and who's furnishing nuclear energy, who's furnishing clean coal, who's furnishing solar. And no one has objected to this or no one has said it's not so, 91 percent of the House Republicans have historically voted to increase the production of American-made oil and gas, while 86 percent of the House Democrats have historically voted against increasing the production of American-made oil and gas. I don't know where the other thousand are, but that's the major reason we're where we are today.

They don't want to drill here. They won't let us drill off the coast of Florida. They don't want to drill up in ANWR. Let me tell you something, we better be drilling on American soil or we're going to have to send our American boys to take some energy away from someone. And that would be an absolute crime when we have plenty right here at home. It's a shame we don't use our own.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to say that what we're really discussing is the House Concurrent Resolution 366, making science and math and technology education a priority. And I now would like to ask my colleagues to support and pass this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 366.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution on the House of the following title.

H. Con. Res. 309. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2162. An act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2967. An act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

RECOGNIZING OUTSTANDING  
WOMEN SCIENTISTS, TECH-  
NOLOGISTS, ENGINEERS, AND  
MATHEMATICIANS ON MOTHER'S  
DAY, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1180) recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother's Day, 2008, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1180

Whereas women have been vitally important to the fields of science, technology, engineering, and mathematics and have transformed the world and enhanced and improved the quality of life around the globe;

Whereas the contributions of women are central to progress and to the development of knowledge in many areas, including chemistry, physics, biology, geology, engineering, mathematics, and astronomy, and these contributions boost economic growth, create new jobs, and improve our knowledge and standard of living;

Whereas there is a need to congratulate these women, educate the public about the important role of women in society, and recognize the contributions of women to the scientific, technological, engineering, and mathematical communities;

Whereas it is important to emphasize the extensive variety of careers available in the world of science, technology, engineering, and mathematics and to honor the tremendous women that have contributed and will contribute to the advancement of knowledge in these disciplines;

Whereas in order to ensure our Nation's global competitiveness, our schools must continue to cultivate female scientists, technologists, engineers, and mathematicians from every background and neighborhood in our society to create the innovations of tomorrow that will keep our Nation strong;

Whereas a disproportionately low number of female students are pursuing careers in science, technology, engineering, and mathematics, and it is crucial that we focus attention on increasing the participation of women; and

Whereas there is a need to encourage industry, government, and academia to reach and educate millions of children on the important contributions women have made to science, technology, engineering, and mathematics: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the important contributions of women to science, technology, engineering, mathematics, and the health of many industries that have created new jobs, boosted economic growth, and improved the Nation's competitiveness and standard of living;

(2) recognizes the need to increase the number of women participating in science, technology, engineering, and mathematics;

(3) supports the role of women in science, technology, engineering, and mathematics; and

(4) encourages the people of the United States to give appropriate recognition to women scientists, technologists, engineers, and mathematicians who have made important contributions to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on House Resolution 1180, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1180, recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world.

In its 2007 Beyond Bias and Barriers report, the National Academy stated that in order to maintain its scientific and engineering leadership and increasing economic and educational globalization the United States must aggressively pursue the innovative capacity of all of its people, men and women.

While women have made substantial progress in some fields, such as the life sciences, they continue to be significantly underrepresented in other STEM fields such as engineering and computer science. The attrition rate remains higher for women than for men at all steps along the STEM pipeline. In fact, studies have shown that girls as young as middle school age are being turned away from many STEM fields.

There is no evidence that the gender gap is caused by a lack of female talent or potential. In fact, the top three winners in the highly prestigious 2007 Siemens Competition in Math, Science and Technology and the first prize in the 2008 Intel Talent Search all went to young high school women.

We are failing our young girls and women, and neither our colleges and universities nor our industries can afford such a loss of precious human capital in science and engineering. We can't make it with just 50 percent of the Nation's brain power.

I applaud the gentleman from Washington for introducing this resolution. It is fitting to recognize the efforts and contributions of outstanding women scientists and engineers and mathematicians in the United States and around the world, and I ask my colleagues to support House Resolution 1180.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

According to the National Science Foundation, a recent study of fourth graders showed that 66 percent of the girls and 68 percent of boys reported that they liked science. But something else starts happening in the elementary school. NSF found that by the eighth grade, boys are twice as interested in STEM careers as girls are. The female attrition continues through high school, college, and even the workforce.

Women with STEM higher education degrees are twice as likely to leave a scientific or engineering job as men with comparable STEM degrees. Despite the fact that women earn half of the bachelors degrees in science and engineering, they continue to be significantly underrepresented at the faculty level in almost all the S&E fields, constituting 28 percent in 2003 of doctoral science and engineering faculty in 4-year colleges and universities and only 18 percent of full professors.

The Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development was established by Congress on October 14, 1988 through legislation developed and sponsored by Congresswoman Connie Morella, Republican from Maryland. The mandate of the Commission is to research and recommend ways to improve the recruitment, the retention, and the representation of women, underrepresented minorities, and persons with disabilities in science, engineering, and technology education and employment.

In addition to the Commission, the NSF Research on Gender in Science and Engineering program has worked since 1993 to broaden the participation of girls and women in science, technology, engineering and mathematics (STEM) education fields.

One of the things research has discovered is that the more positive images you present of women in these fields in school, the more likely girls will want to enter into these fields later on in life.

So the resolution before us today honors the contribution of women in the fields of science, technology, engineering and mathematics, both in the United States and around the world. It also allows us to thank women for the contribution that they have made to these fields, women such as Madelaine Barnothey, the first woman in Hungary to receive a Ph.D. specializing in physics; or Rosalind Franklin, who received her degree in chemistry in 1951 from Cambridge University and was instrumental in putting together a detailed description of DNA; or Sophia Germain, an outstanding mathematician who developed the modern theory of elasticity, without which modern construction would be absolutely impossible.

Women have been pioneers in the field of science, technology, engineering and mathematics for centuries.

□ 1400

We owe it to girls growing up today to recognize these accomplishments,



accomplishments such as those of Maria Telkes, who was a physicist and pioneer in solar energy and designed and built a solar house in the 1930s; or those of Admiral Grace Murray Hopper, who was buried at Arlington Cemetery in January, 1992, and was one of the very first software engineers who helped both the military, private sector, and academia develop the foundations of modern digital computing.

We just can't discuss important women in history without recognizing the outstanding contributions of Marie Curie, a physicist and chemist, who is one of the only people to ever receive two Nobel prizes in different fields and the only woman to have won two Nobel prizes. Her Nobel prizes were awarded for her work on radioactivity and the discovery of the elements of polonium and radium.

I urge my colleagues to join me in support of the resolution before us today.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank Mr. HALL for supporting this legislation and thank the gentleman who sponsored it. And I'm very pleased, Mr. Speaker, that he mentioned Ms. Connie Morella, whom I worked with from the time I arrived until she left on this very subject. And I hope that we are gaining more and more support to encourage our young women to stay involved in these STEM programs and recognize our achievers so that they can know that they are great examples.

I urge my colleagues to support this resolution.

Mr. REICHERT. Mr. Speaker, I am the proud sponsor of House Resolution 1180, which recognizes the important contributions of women to science, technology, engineering, mathematics, and the health of many industries that have created new jobs, boosted economic growth, and improved our Nation's competitiveness.

Congress must continue to educate the public about the important role of women in society and recognize the key accomplishments of women in scientific fields. Furthermore, we must encourage more young women to pursue careers in science and technology fields by adequately funding STEM education in our schools.

Much is being done in the Pacific Northwest to achieve these goals. Seattle's Pacific Science Center remains an educational force in our region and continues to inspire students' interest in science. Similarly, the Museum of Flight recognizes the success of female aviation pioneers and helps young women discover career possibilities in the world of aerospace.

I am pleased that the Science and Technology Committee quickly brought this measure to the floor in a bipartisan manner, and I urge all of my colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms.

EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1180, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world."

A motion to reconsider was laid on the table.

#### PUBLIC LAND COMMUNITIES TRANSITION ACT OF 2008

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3058) to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3058

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Land Communities Transition Act of 2008".

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Transitional payments States and counties previously entitled to payments under Secure Rural Schools and Community Self-Determination Act of 2000.
- Sec. 3. Special requirements regarding transition payments to certain States.
- Sec. 4. Conservation of resources fees.
- Sec. 5. Sense of Congress on distribution of secure rural schools transition payments to eligible counties.

#### SEC. 2. TRANSITIONAL PAYMENTS STATES AND COUNTIES PREVIOUSLY ENTITLED TO PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) TRANSITIONAL PAYMENTS.—Chapter 69 of title 31, United States Code, is amended by adding at the end the following new section:

##### "§ 6908. Secure rural schools transition payments

“(a) DEFINITIONS.—In this section:

“(1) ADJUSTED SHARE.—The term ‘adjusted share’ means the number equal to the quotient obtained by dividing—

“(A) the number equal to the quotient obtained by dividing—

“(i) the base share for the eligible county; by

“(ii) the income adjustment for the eligible county; by

“(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

“(2) BASE SHARE.—The term ‘base share’ means the number equal to the average of—

“(A) the quotient obtained by dividing—

“(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

“(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

“(B) the quotient obtained by dividing—

“(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

“(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

“(3) COUNTY PAYMENT.—The term ‘county payment’ means the payment for an eligible county calculated under subsection (c).

“(4) ELIGIBLE COUNTY.—The term ‘eligible county’ means any county that—

“(A) contains Federal land (as defined in paragraph (7)); and

“(B) elects to receive a share of the State payment or the county payment under subsection (f).

“(5) ELIGIBILITY PERIOD.—The term ‘eligibility period’ means fiscal year 1986 through fiscal year 1999.

“(6) ELIGIBLE STATE.—The term ‘eligible State’ means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

“(7) FEDERAL LAND.—The term ‘Federal land’ means—

“(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

“(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

“(8) 50-PERCENT ADJUSTED SHARE.—The term ‘50-percent adjusted share’ means the number equal to the quotient obtained by dividing—

“(A) the number equal to the quotient obtained by dividing—

“(i) the 50-percent base share for the eligible county; by

“(ii) the income adjustment for the eligible county; by

“(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

“(9) 50-PERCENT BASE SHARE.—The term ‘50-percent base share’ means the number equal to the average of—

“(A) the quotient obtained by dividing—

“(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

“(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

“(B) the quotient obtained by dividing—

“(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

“(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

“(10) 50-PERCENT PAYMENT.—The term ‘50-percent payment’ means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

“(11) FULL FUNDING AMOUNT.—The term ‘full funding amount’ means—

“(A) \$520,000,000 for fiscal year 2008; and  
“(B) for fiscal years 2009, 2010, and 2011, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

“(12) INCOME ADJUSTMENT.—The term ‘income adjustment’ means the square of the quotient obtained by dividing—

“(A) the per capita personal income for each eligible county; by

“(B) the median per capita personal income of all eligible counties.

“(13) PER CAPITA PERSONAL INCOME.—The term ‘per capita personal income’ means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

“(14) SAFETY NET PAYMENTS.—The term ‘safety net payments’ means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

“(15) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

“(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

“(16) STATE PAYMENT.—The term ‘State payment’ means the payment for an eligible State calculated under subsection (b)

“(17) 25-PERCENT PAYMENT.—The term ‘25-percent payment’ means the payment to States required by the sixth paragraph under the heading of ‘forest service’ in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“(b) CALCULATION OF STATE PAYMENT AMOUNT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

“(1) the adjusted share for each eligible county within the eligible State; by

“(2) the full funding amount for the fiscal year.

“(c) CALCULATION OF COUNTY PAYMENT AMOUNT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

“(1) the 50-percent adjusted share for the eligible county; by

“(2) the full funding amount for the fiscal year.

“(d) PAYMENT AMOUNTS FOR ELIGIBLE STATES.—The Secretary of the Treasury shall pay to each eligible State an amount equal to the sum of the amounts elected under subsection (f) by each county within the eligible State for—

“(1) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

“(2) the share of the State payment of the eligible county.

“(e) PAYMENT AMOUNTS FOR ELIGIBLE COUNTIES.—The Secretary of the Treasury shall pay to each eligible county an amount equal to the amount elected under subsection (f) by the county for—

“(1) if the county is eligible for the 50-percent payment, the 50-percent payment; or

“(2) the county payment for the eligible county.

“(f) ELECTION TO RECEIVE PAYMENT AMOUNT.—

“(1) ELECTION; SUBMISSION OF RESULTS.—

“(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008, and thereafter in accordance with paragraph (2)(A), and transmitted to the Secretary concerned by the Governor of each eligible State.

“(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

“(2) DURATION OF ELECTION.—

“(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

“(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

“(g) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

“(1) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land;

“(2) for fiscal year 2008, any funds appropriated to carry out this section; and

“(3) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

“(h) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

“(1) DISTRIBUTION METHOD.—A State that receives a payment under this section shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

“(A) the Act of May 23, 1908 (16 U.S.C. 500); and

“(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“(2) EXPENDITURE PURPOSES.—Subject to paragraph (3), payments received by a State under this section and distributed to counties in accordance with paragraph (1), and payments received directly by an eligible county under this section, shall be expended in the same manner in which 25-percent payments or 50-percent payments, as applicable, are required to be expended.

“(3) RESERVATION OF PORTION OF PAYMENTS.—Each eligible county receiving a payment under this section or a portion of a State’s payment under this section shall reserve not less than 15 percent of the amount

received for expenditure in accordance with titles II and III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393).

“(i) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 69 of title 31, United States Code, is amended by adding at the end the following new item:

“6908. Secure rural schools transition payments.”

(c) EXTENSION OF TITLES II AND III OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—

(1) EXTENSION.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended—

(A) in sections 203(a), 204(e)(3)(B)(vi), 207(a), 208, and 303 by striking “2007” and inserting “2011”;

(B) in sections 208 and 303, by striking “2008” and inserting “2012”.

(2) DEFINITION OF PARTICIPATING COUNTY.—The Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in section 201(1), by inserting before the period the following: “or that is required to reserve funds under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008”; and

(B) in section 301(1), by inserting before the period the following: “or that is required to reserve funds under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008”.

(3) DEFINITION OF PROJECT FUNDS.—The Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in section 201(2), by inserting before the period the following: “or reserves under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008 for expenditure in accordance with this title”; and

(B) in section 301(2), by inserting before the period the following: “or reserves under section 6908(h)(3) of title 31, United States Code, or section 3(e) of the Public Land Communities Transition Act of 2008 for expenditure in accordance with this title”.

### SEC. 3. SPECIAL REQUIREMENTS REGARDING TRANSITION PAYMENTS TO CERTAIN STATES.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AMOUNT.—The term “adjusted amount” means, with respect to a covered State—

(A) for fiscal year 2008—

(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), as in effect on September 29, 2006, for the eligible counties in the covered State that have elected under section 6908 of title 31, United States Code, as added by section 2 of this Act, to receive a share of the State payment for fiscal year 2008; and

(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393), as in effect on September 29, 2006, for the eligible counties in the State of Oregon that have elected under section 6908 of title 31, United States Code, as added by section 2 of this Act, to receive the county payment for fiscal year 2008;

(B) for fiscal year 2009, 90 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under such section 102(a)(2) for the

eligible counties in the covered State that have elected under such section 6908 to receive a share of the State payment for fiscal year 2009; and

(i) the sum of the amounts paid for fiscal year 2006 under such section 103(a)(2) for the eligible counties in the State of Oregon that have elected under such section 6908 to receive the county payment for fiscal year 2009;

(C) for fiscal year 2010, 81 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under section such 102(a)(2) for the eligible counties in the covered State that have elected under such section 6908 to receive a share of the State payment for fiscal year 2010; and

(ii) the sum of the amounts paid for fiscal year 2006 under such section 103(a)(2) for the eligible counties in the State of Oregon that have elected under such section 6908 to receive the county payment for fiscal year 2010; and

(D) for fiscal year 2011, 73 percent of—

(i) the sum of the amounts paid for fiscal year 2006 under such section 102(a)(2) for the eligible counties in the covered State that have elected under such section 6908 to receive a share of the State payment for fiscal year 2011; and

(ii) the sum of the amounts paid for fiscal year 2006 under such section 103(a)(2) for the eligible counties in the State of Oregon that have elected under such section 6908 to receive the county payment for fiscal year 2011.

(2) COVERED STATE.—The term “covered State” means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

(3) ELIGIBLE COUNTY.—The term “eligible county” has the meaning given that term in section 6908 of title 31, United States Code, as added by section 2 of this Act.

(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2011, in lieu of the payment amounts that otherwise would have been made under section 6908 of title 31, United States Code, as added by section 2 of this Act, the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

(c) DISTRIBUTION OF ADJUSTED AMOUNT.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in a covered State (other than California) for each of fiscal years 2008 through 2011 be in the same proportion that the payments were distributed to the eligible counties in that State in fiscal year 2006.

(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), as in effect on September 29, 2006, were distributed to the eligible counties for fiscal year 2006:

(1) Payments to the State of California under subsection (b).

(2) The shares of the eligible counties of the State payment for California under section 6908 of title 31, United States Code, as added by section 2 of this Act, for fiscal year 2011.

(e) TREATMENT OF PAYMENTS.—Any payment made under subsection (b) shall be considered to be a payment made under section 6908 of title 31, United States Code, as added by section 2 of this Act, except that each eligible county receiving a payment under such subsection or a portion of such payment under subsection (c) or (d) shall reserve not

less than 15 percent of the amount received for expenditure in accordance with titles II and III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), as required by subsection (h)(3) of such section 6908.

#### SEC. 4. CONSERVATION OF RESOURCES FEES.

(a) ESTABLISHMENT OF FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish—

(A) a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico; and

(B) a conservation of resources fee for non-producing Federal oil and gas leases in the Gulf of Mexico.

(2) PRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(A)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at \$9 per barrel for oil and \$1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds \$34.73 per barrel for oil and \$4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) NONPRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(B)—

(A) subject to subparagraph (C), shall apply to leases that are nonproducing leases;

(B) shall be set at \$3.75 per acre per year in 2005 dollars; and

(C) shall apply on and after October 1, 2006.

(4) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(b) COVERED LEASE DEFINED.—In this section the term “covered lease” means a lease for oil or gas production in the Gulf of Mexico that is—

(1) in existence on the date of enactment of this Act;

(2) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(3) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(c) ROYALTY SUSPENSION PROVISIONS.—The Secretary of the Interior shall agree to a request by any lessee to amend any lease issued for Central and Western Gulf of Mexico tracts during the period of January 1, 1998, through December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions, or amend existing price thresholds, in the amount of \$34.73 per barrel (2005 dollars) for oil and for natural gas of \$4.34 per million Btu (2005 dollars).

#### SEC. 5. SENSE OF CONGRESS ON DISTRIBUTION OF SECURE RURAL SCHOOLS TRANSITION PAYMENTS TO ELIGIBLE COUNTIES.

It is the sense of Congress that amounts made available by a State to an eligible county under section 6908 of title 31, United States Code, as added by section 2 of this Act, or under section 3 of this Act to support public schools in that county should be in addition to, and not in lieu of, general funds of the State made available to support public schools in that county, and that the State should not adjust education funding allocations to reflect the receipt of amounts under such section 6908 or section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

This is incredibly important legislation, and I hope it doesn't devolve into the partisan debate that's been going on earlier today to point the fingers of blame on the current high cost of gasoline at the pump.

This is about another crisis the American people are experiencing, not as widespread as the cost of fuel, but the impact will be even heavier on more than 600 counties in 42 States and hundreds of school districts across America. This is the issue of whether or not we should continue to compensate these counties for the fact that they have very high ownership of Federal lands and Federal forests. Federal forest policy has changed, and their revenues have diminished dramatically, and many of them have no alternative, under their State constitution or other laws, to go out and replace those funds, particularly in the short term.

It's expensive. It would cost \$1.9 billion over 4 years. But being sensitive to the fact that many of us on this side of the aisle feel that the policies of recent years have put the country on the verge of bankruptcy, we pay for it. In fact, with the value of what we have in here as a so-called offset in Washington speak, the way we pay for it, with fees on offshore oil leases that were inadvertently omitted by the Clinton administration, would raise \$3.3 billion. That means we pay for rural schools and counties. That's 7,000 teachers. That's hundreds of deputy sheriffs, hundreds of corrections officers, many roadworkers, other critical public safety folks, public health, all across 42 States in America and 600 counties. We pay for that with this bill. In fact, we would help reduce the deficit, which is something we're handing off to our kids and we do need to deal with, by \$1.4 billion.

Now, some will object to the offset, that the oil companies shouldn't be required to pay a fee even though they got this royalty relief without a cap inadvertently, by mistake, by a previous administration. I really hope that they don't take the debate down that path. That does not do the counties, the schools, the teachers, the police, the deputies, and the others justice.

Let's focus on the issue at hand. They have an alternative to fund this. I have been trying desperately for more than a year. It's been quite some time since this bill came out of committee, and Mr. WALDEN and I joined in a bipartisan way earlier this year in a letter on January 18 to the majority asking that this bill be brought up. And then Mr. WALDEN on May 1 came to the floor with Mr. BLUNT and asked that

the bill be brought up. In fact, he sent out a press release saying it's been 44 legislative days and over 3 months, that it's a strongly bipartisan bill. I hope it stays bipartisan. To extend county payments has been ready for a vote on the House floor. I simply do not understand why the Democratic leadership has not scheduled a vote.

Well, the Democratic leadership has now scheduled a vote. And I hope that we can get back to the bipartisanship. I hope we can get back to the focus of this debate. Let's pass this bill and move it over to the Senate. If you don't like the way it's paid for, if you want to protect the royalty relief for the oil and gas industry, then vote "present," send the bill to the Senate, and see if they can come up with, as they claim, a better way to pay for it.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

This is, to be honest, a very sad day on this bill today on the floor. As an educator, I simply understand the need for secure rural schools funding. As a westerner and someone who served for a long time in the State legislature, I understand what payment in lieu of taxes, or PILT, means to western counties.

Unfortunately, though, this bill that is before us today did not get here through regular order. This is not the same bill we discussed in committee nor is it the same bill that I and some others cosponsored. It appears almost as if political games are now being played in an effort to pass this particular bill, which breaks new ground. The precedent has always been, in dealing with secure rural schools and PILT, that we have dealt in a bipartisan manner in an effort to find legal and politically feasible solutions to pay for secure rural schools and payment in lieu of taxes. We have always addressed these two issues in a bipartisan manner, always, until now. H.R. 3058, this version of it, has broken that covenant.

When a version of this numbered bill was passed in the Resources Committee, two promises were made to the Republicans who cosponsored it, Mr. WALDEN and me and others. The first promise was that PILT would not be decoupled from secure rural schools. I cannot stress enough the importance of PILT funding being coupled with secure rural schools, as was promised. Even the majority leader in the Senate has said this is the key to the success of this piece of legislation. And yet this promise was broken.

Second, the offset using the 1998/1999 lease moneys was supposed to be taken out by the time this came to the floor. This set of money, which has already been spent three times on three different bills, not the same pot of money, the exact same dollars which have been spent, is not going to be a solution to this. The gentleman from Oregon suggested last night that there might be

constitutional concerns and we should not listen to those. I have some sympathy for that approach, but the fact of the matter is his speech last night was to the wrong audience. It should be to the lower courts, who have already ruled that this pot of money is not accessible to us.

In 2006 we passed the Deep Ocean Energy Resources Act. Using these fees for that was justifiable. Using it in this bill is not justifiable. Those fees for the Deep Ocean Energy Resources Act was to fund programs and projects related to conservation of OCS-related resources. It was to increase America's energy supply and encourage domestic energy development on the Outer Continental Shelf. Because we are no longer using that and have now taken them to a different level, it will be a breach of the oil and gas leases and designed to punish energy companies and discourage much-needed domestic oil and gas production. This bill sends now a message to every energy company in America that Congress will not respect lease contracts and will result in less oil, less gas production, which I certainly hope is not the objective of the Democratic Party.

We need to have a different way of paying for this bill that does not include an energy price-increasing bankrupt offset. We need a genuine offset that will pay for both PILT and secure rural schools without making America's energy more expensive, less available. And to be honest, if the court upholds their ruling that they already had, if the other courts do, there won't be any money for secure rural schools in this project anyway.

Now, I know there will be people who will tell us this is merely a bogus placeholder. We don't really mean to use this money as the bill progresses through, which simply shows that perhaps PAYGO is nothing more than an accounting game or scam as we're looking at it, and that all we need to do is give a blank check over to the Senate, pass it along, and they will fill in some reasonable way of funding this particular bill. We will abdicate our responsibility of coming up with legal, legitimate, responsible legislation because somewhere down the line, someone else will do it.

If the Senate, indeed, has a secret magical formula for funding this bill, why wasn't it in the farm bill? Why wasn't it in the extension of the Rural Schools Act? Why did the Senate not put it in a bill and send it over here? Or why did the sponsor not negotiate with the Senate to insert it in this bill so we could discuss it in the House?

The promise was before this bill to the floor there would be a legitimate source for an offset. It is not there. Instead, we seem to be playing a game of political gotcha, which is so sad because there was a compromise that could have funded this bill and done it in a legally effective way. It was presented by the National Education Association on behalf of schools. It was sup-

ported by the consortium of counties. It was supported by energy producers that would have fully funded PILT, fully funded the secure rural schools, expanded energy options. It would have given States control over sand and gravel for beach replenishment, over the viewshed, States control over their offshore renewable energies, would have funded energy and minerals higher education program, and be done with real money, not the funny money in this particular bill. It is language that is similar to a bipartisan bill passed in the 109th Congress which was supported by Mr. DEFAZIO and 39 other Democrats in a bipartisan way.

The question that we have to ask ourselves today is why are we confronted on suspension with a bill that has a phony PAYGO offset, money that we know is not there? Why are we presented with a suspension bill that has already been rejected by the Senate, that has already been rejected by the administration? Why instead did we not agree to go with the compromise approach, which would have had real offsets and provided real solutions to fully fund our schools, to fully fund PILT, and not to have to take it out of the hide of anyone who stops at a gas pump this weekend? Now, that's what we should have done, and we didn't do it. And that's why this is a very, very sad day on a bill that was not discussed in committee.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. DEFAZIO. It's not phony, it's just painful. Schools, teachers, cops, Big Oil. It's a tough choice for some people. Not for me. I'd be happy to stick with this, all the way through sending it to the President. But some on that side of the aisle, particularly in the Senate, don't want to do that. If the money has not been spent because the Republicans in the Senate have rejected it to pay for other valuable things, this is a valuable thing to pay for.

With that, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding and also thank you for your great work on this bill, Mr. DEFAZIO, and thank you especially for paying for the bill.

Mr. Speaker and Members, county governments don't receive property tax for lands owned and controlled by the Federal Government. However, they are obligated to provide services in those areas. The Secure Rural Schools and Community Self-Determination Act was created to compensate local governments for the tax exempt status of the public lands within their county. If we fail to reauthorize this important program, teachers will be laid off, kids will be short-changed on their education, and county roads will go unmaintained.

In my district, over 1.2 million acres are controlled by the Federal Government. The National Forest Service

land in my district is twice the size of the State of Rhode Island, and every acre, every acre is exempt from property tax. In one of my counties, 40 percent of the roads are within the National Forest. So that county is responsible for maintaining the roads that run through the very property that is exempt from the taxes that pay for our roads.

It's unconscionable for the Federal Government to walk away from this obligation to rural local governments. Rural counties have no other options. We have made a commitment on this issue. Now let's live up to our word.

Mr. BISHOP of Utah. As we now talk about a bill that a commitment was made but does not exist anymore, I yield 1½ minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, counties and schools in my district need a lifeline. They don't need partisanship. They don't need a talking point. They need leadership, which will result in an actual law being passed to help them.

Secure rural schools has rested on hard work by grassroots supporters and bipartisan efforts in Congress. So why are we moving a bill that divides our coalition by removing PILT and tying secure rural schools to a controversial offset that we know will fail in the Senate?

This bill does nothing to help our counties and schools because it has no chance of becoming law. Yesterday, there was an effort to rescue this legislation with a compromise that would extend a lifeline to rural counties and every American through new domestic oil production and lower gas prices. That proposal was rejected because we were told the majority will not allow consideration of any bill that increases domestic oil supplies.

America and our counties and schools deserve better. I urge a "no" vote.

Mr. DEFAZIO. I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. I rise in strong support of H.R. 3058, and I want to thank my good friend and colleague, Mr. DEFAZIO, for his hard work and tireless work on this issue.

Almost exactly 100 years ago, Congress passed a law creating a partnership with rural counties with a high percentage of Federal land, and Congress realized that because the Federal lands were off-limits to the counties for development and they would never contribute to the tax base, that these counties should be compensated for permanent loss of any tax revenues. The law allowed a percentage of the revenue produced from Federal land resources to be returned to the county. Counties were then able to use these funds for public safety, public schools, and public roads.

Over the years, because of changes in Federal forest policy, the revenue for Federal lands has decreased and Federal lands are still off limits for development, and this leads many counties

in the American West with dramatic decreases in the tax base.

In 2000, we passed the Secure Rural Schools and Community Self-Determination Act in order to provide a stable base of funding to the affected counties. But that act has not been reauthorized and the Federal payments are scheduled to end June 30. This is a very, very serious issue in Oregon and across the American West, where counties have already, in preparation for this date, in preparation for future budgets, begun to issue pink slips. They have issued pink slips to police, firefighters, teachers, and other essential personnel. It is not an exaggeration to say that Oregonians may have their lives endangered because of these cuts, if they take place.

The bill that my good friend and colleague from Oregon (Mr. DEFAZIO) has submitted would provide an extension of payments through fiscal 2011 to counties that previously received these payments. And to maintain fiscal responsibility, the bill is fully paid for with offsets, and it reduces payments to counties by 15 percent each year, asking all to make sacrifices.

Mr. DEFAZIO. Can I inquire as to the time remaining, please.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Oregon has 12 minutes remaining. The gentleman from Utah has 12½ minutes remaining.

Mr. BISHOP of Utah. I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, this program needs to be reauthorized. I represent northeastern California, which is one of the top recipients of money under this Secure Rural Schools and Community Self-Determination Act, which expired a couple of years ago. Just to give you an example, Plumas County School District in my district receives roughly 20 percent of their annual operating budget from these funds. Without this money, the county is prepared to lay off 9 out of the 16 administrators; 47 teachers out of a total of 150; close all school libraries; possibly close some or all cafeterias; and cut transportation services. Another county adjoining Plumas that I represent is Sierra. They would need to lay off nearly 40 percent of their teachers and administrators.

Today's bill will not become law and therefore does nothing to support our rural counties. We cannot continue to go from year to year without this being resolved. In California, if you don't have the funding assured, layoff notices are sent off by March 15 of the year. For the second year in a row, those layoff notices have already gone out. We lose valuable teachers that do not come back once the funding has been restored.

This debate should be about schools and public infrastructure, not used as fodder to drive an anti-oil agenda. This process that we are using is deplorable. We were told that PILT would be included, but it was stripped out of the

bill on its way to the floor. We were told there would be an acceptable offset, not one that has been rejected on three previous occasions by the U.S. Senate. But there is none.

We are also considering this bill under suspension of the bills, denying the minority a right to offer an alternative and preventing any Member from offering alternative offsets. A compromise has been offered and rejected.

For this reason, I would urge defeat of the bill.

## GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. With that, I would yield 1½ minutes to the gentleman from Washington State (Mr. BAIRD).

Mr. BAIRD. I rise in strong support of H.R. 3058, the Public Land Communities Transition Act, and I commend my dear friend, PETER DEFAZIO. I have rarely seen a Member of Congress work so diligently on behalf of his constituents. He also works on behalf of my constituents because in southwest Washington, we are one of the 10 most forested districts in the entire country. So much of the land in my district is under control of the Forest Service. Counties like Lewis, Skamania, and Cowlitz rely on Secure Rural Schools money to keep public safety working.

My friends, we have to work to pass this bill. It is urgent, as many speakers have said. It is a bit ironic, however, to criticize the bill and say the criticism is because this bill will not become law, and then vote against it. Things don't become law around here when people vote against them. Things become law when people vote for them.

Because of that, I would encourage my colleagues to vote for this bill. Without this bill, 600 counties across the country that are home to millions of Americans would be left behind. Without this program, millions of rural communities would face steep job losses, breakdowns in services and infrastructure, and deep cuts to school budgets. Without this funding, almost 7,000 teachers and other educational staff will be laid off across the country. They are facing termination as we speak.

Delay should not be an option. Passage should be our remedy. I urge passage of this fine bill.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to the ranking member of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to H.R. 3058, the Public Land Communities Transition Act of 2008. Mr. Speaker, this bill had the opportunity to provide rural schools with

the much-needed funding that allows them to keep their doors open and serve sparsely-populated areas. Unfortunately, the majority decided to offset this bill with provisions that will increase the cost of gas to the American public. Already paying \$4 a gallon at the pumps, Americans should not be forced to bear further increases, especially those living in rural areas that, on average, already drive greater distances.

The fee increases on oil and gas leases would place further confines on domestic energy production at a time when we need to be expanding production and building our Nation's energy independence.

This provision was included in the farm bill that was brought to the House floor a year ago, and was one of several tax increasing provisions that drew criticism from House Members, as well as the Senate and the White House. It would be disingenuous to sing praises of this bill when the cost of providing support to rural schools would be borne by the very rural constituents we are trying to help.

There is a proposed compromise that was introduced in the 109th Congress and enjoyed broad bipartisan support. It would solve the problems created by the oil and gas lease provisions in H.R. 3058 by increasing domestic energy exploration and production, thereby helping to reduce the gas prices for the American consumer. At the same time, this alternative would provide the necessary funding for rural school districts. That alternative would be something I could stand behind but, unfortunately, that is not the bill we are considering today.

I urge my colleagues to vote "no." I urge them to vote against the policy that will raise gas prices for Americans when they have the opportunity to do it right and create increased domestic energy production and solve this problem for our rural schools.

Mr. DEFAZIO. At this point I would yield 1½ minutes to the gentlelady from Oregon (Ms. HOOLEY) whose district is impacted.

Ms. HOOLEY. I would like to thank my colleague, Mr. DEFAZIO, for all of the work that he has done on this bill. Look, I grew up in a family where if you made a promise, you kept that promise. A deal is a deal.

County payments available for 100 years are payment for the Federal Government owning 57 percent of the forested land in Oregon. If the Federal Government did not make these payments, these counties would have very little in the way of infrastructure funding.

This money will cut the following services if we don't have it, and it will impact our most vulnerable citizens: Loss of sheriffs; loss of DAs; loss of economic development services and juvenile services; loss of mental health services, public health, and in general, loss of veterans services and senior services. The loss of county payments

means the loss of sheriffs. In just one county, Curry County alone, three sheriffs will have to patrol an area the same size as Connecticut, which has a police force of 2,000.

This bill is a 4-year extension of the Secure Rural Schools. This program will not continue unless we give this an appropriation. It needs to pass to provide that critical funding for our counties. I cannot over-emphasize the need for this legislation for Oregon and for the Nation to maintain its 100-year-old bargain with the National Forest States. I encourage my colleagues to support its passage today.

Mr. BISHOP of Utah. May I inquire how much time is left.

The SPEAKER pro tempore. The gentleman from Utah has 8½ minutes remaining. The gentleman from Oregon has 9.

Mr. BISHOP of Utah. With that, I would yield 2 minutes to the ranking member of the Resources Committee, the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG asked and was given permission to revise and extend his remarks.)

□ 1430

Mr. YOUNG of Alaska. Mr. Speaker, when this bill came out of the committee, I thought we had an agreement where there would be an offset and a payment of the bill. Unfortunately, that did not occur, so consequently I will be voting against this legislation because it doesn't do what it says it is going to do. Very frankly, this is funny money, and the schools won't be, as we want them to be, funded, and that is unfortunate.

But I am also going to talk about a lot of the statements on the floor, and my good friend from Oregon has to understand that I do watch the debate. There were some statements made that I think were incorrect, in fact I know, not think, about ANWR and about PET4 and about independence.

There has been no oil shipped overseas from Alaska. It all goes to the West Coast, at one time through the Panama Canal, through a pipeline, for American consumption, all 17 billion barrels of oil. And if we were to open ANWR or the Chukchi Sea it would go to the United States. It wouldn't go overseas to China or Japan. We could make sure of that as we vote for it on this House floor, as we did when we had the Trans-Alaska Pipeline.

I think it is important that the American public recognize that we do have a supply problem. And anybody who denies that, I have heard these arguments for 25 years, well, we only do have one month or 6 months or whatever it is oil supply, so we shouldn't do it. If we have that 1 million barrels a day, Chavez would not have the ability to blackmail us, or if Nigeria had an upheaval, there wouldn't be the spike in oil prices.

A lot of people are pointing their fingers at all the problems, the big oil,

the speculators, and I do think there is some merit in the speculators because they know we haven't acted on the supply side ever since the Trans-Alaska Pipeline. Not one time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. YOUNG of Alaska. Let's follow this train a little bit further. If we don't increase our supply, Mr. and Mrs. America, instead of \$4 a gallon, it is going to be \$10 a gallon by January 1.

We must act in this Congress, and if you do not, may the wrath come down on you and may you be punished for what you have not done. We must address this issue in this Congress. I urge my colleagues to consider the supply side. Consider it. And this legislation itself has its weak points, too.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), the chairman of the Natural Resources Committee.

Mr. RAHALL. Mr. Speaker, I rise in support of H.R. 3058, the Public Land Communities Transition Assistance Act. As the chairman of the Committee on Natural Resources, I do want to express my deep appreciation to the gentleman from Oregon, PETER DEFAZIO, for his strongly tenacious efforts and determined determination on behalf of this legislation. He has more than adequately explained the bill. My purpose is to stress the urgency of this body acting on the legislation.

This legislation, commonly referred to as the "county payments bill," was enacted in 2000 to provide stability in revenue sharing payments made to the States and counties containing Federal forest lands. This funding has been extremely important, critically so in many cases, in assisting schools and communities in rural counties across the country, including my home State of West Virginia. Yet the Congress has failed to reauthorize the program.

This Congress, with a Democratic majority, is attempting to pick up the pieces of a program that was looking at being eliminated square in the eye. Last year we managed to pass a 1-year extension of county payments, but that is due to expire at the end of this month. So I cannot stress enough the urgency of today's vote.

Critical funding for schools and county services across the country will evaporate if we do not act today. Indeed, the National Forest Counties and Schools Coalition estimates that about 7,000 teachers and other educational staff will be laid off as of June 30th when their contracts expire if this body does not act. That is something worth thinking about. Students in rural forest counties across this Nation will be deprived of almost 7,000 teachers and the other educational staff.

Now, some have taken issue with the pay-for, the offset being used for this bill, which is a conservation of resources fee on a class of Federal oil and gas leases in the Gulf of Mexico that

are unduly enjoying royalty relief by virtue of not having price thresholds.

This is not a new proposal. This body has considered it before, and rightly so. My colleagues, to date the American people have been deprived of over \$1 billion in Federal royalties as a result of this situation. That is over 1 billion with a "B" dollars, something worth thinking about.

We now learn that in the future if this situation is not corrected, the American people will be fleeced to the tune of \$4 billion and to a high of \$14 billion.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. DEFAZIO. I yield the gentleman an additional 15 seconds.

Mr. RAHALL. That figure could go as high as \$14 billion, depending on the price of oil and natural gas and the amount produced from these leases.

So it is very important that we recognize this bill does have funding sources and that is what we are trying to do here, at the same time generating funds to pay for teachers and the education of our school children.

Mr. BISHOP of Utah. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, one of the reasons this Congress has the lowest approval ratings in poll history is it keeps playing political games instead of solving real problems like energy prices or supporting our troops in Iraq.

Today we are doing the same, playing games with our rural schools, with our rural counties, with our rural firefighters and police forces. Unfortunately, this bill is deader than a doornail, only because some political genius decided they would like to pit those of us who support rural schools against our energy companies. Well, guess what? Everyone loses, especially our rural communities who fought for this. This bill is a shame.

Mr. DEFAZIO. Mr. Speaker, the gentleman is correct. It's teachers or cops or Big Oil.

With that, I would yield 1½ minutes to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentleman for yielding.

I rise today in support of H.R. 3058, the Public Land Communities Transition Assistance Act, and I too thank the gentleman from Oregon, Mr. DEFAZIO, for his tireless efforts to reauthorize the Secure Rural Schools program. I also thank the House Committee on Natural Resources and the House leadership for their work on this legislation.

H.R. 3058 would reauthorize the secure rural schools program for 4 years. Annual payments to counties impacted by National Forest lands are an important part of many school districts' budgets, and failure to reauthorize the Secure Rural schools would force very difficult decisions in counties and school districts in over 40 States.

In the State of South Dakota, the Black Hills National Forest is a special place and a highly valued resource. Yet the national ownership of this land has clear impacts on finances of counties in western South Dakota. For example, under the Secure Rural Schools program, Custer County schools receive approximately \$310,000 for the 2007–2008 school year. If this program isn't reauthorized, Custer schools would receive about \$90,000. The loss of \$210,000 would likely lead to eliminating numerous teaching positions and increasing class sizes to as many as 40 students per class.

Custer County isn't alone. If we fail to reauthorize the secure rural schools program, almost 7,000 teachers and other educational staff will be laid off across the country as of June 30, 2008, when their contracts expire. H.R. 3058 provides a new distribution formula and transition payments as counties adjust.

The SPEAKER pro tempore. The time of the gentlewoman from South Dakota has expired.

Mr. DEFAZIO. I yield the gentleman an additional 15 seconds.

Ms. HERSETH SANDLIN. On the offset, by my count, 48 of my Republican colleagues have in the past voted for legislation that included this offset. That was all in 2007, before oil went over \$100 a barrel. So I would think that even those of us that do support expanded exploration and drilling for energy sources on public lands would agree that it should be equitable and Federal royalty payments should be paid when we are extracting oil resources from public lands.

I encourage my colleagues to support this fair, bipartisan bill.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I would inquire as to the time.

The SPEAKER pro tempore. The gentleman from Oregon has 4 minutes remaining. The gentleman from Utah has 5½ minutes remaining.

Mr. DEFAZIO. I suggest the gentleman use some of his time, because I only have one more speaker and then I will be closing.

Mr. BISHOP of Utah. Mr. Speaker, I will be happy to yield 5 minutes to the gentleman from Oregon (Mr. WALDEN) who has worked tirelessly on this issue in a bipartisan way in the past.

Mr. WALDEN of Oregon. Mr. Speaker, it is unfortunate that we have arrived here today like an out-of-control car skidding to a stop. Let's not forget why we are here. We are here because of a changed Federal timber policy that has bankrupted the people that live in my district and many of yours, and as a result we now have fires at costs that are unbelievable. They are historic. We are burning more acres of our Federal forests than at any time in our Nation's history, and we are paying more for it. Forty-seven percent of the Federal budget for the Forest Service now goes to put out fires.

Yet we have shut down the Federal forests from active management. That is why we are here today, because the revenues that used to flow to our communities to pay for basic services, to be the good partner that Teddy Roosevelt envisioned the great forest reserves more than 100 years ago, to be a partnership with the local community, that partnership, that bond, that pledge has been broken. People are put out of work. Services are lost.

The tragedy that brings us here today is another broken promise, and that is when this bill was considered by the House Natural Resources Committee there was a consistent and common pledge that this bill would be brought to the floor with a different offset.

I have a quote here from the spokesperson from the committee that makes that very clear. It says very clearly, it is definitely our intention for the money not to come from increased fees on oil and gas companies.

It is definitely not our intention for the money to come from increased fees on oil and gas companies. That is what the committee said. I just couldn't read it. It is too far in front of me. I apologize.

That clearly is not the case. It is clearly not the case. So we have before us a bill with a broken promise, first of all, and it didn't have to be that way.

Yes, I have come to this floor repeatedly and called for this bill to come to this floor for consideration. I don't know why it was held hostage for 130 or so days. But I came here calling for this bill to come to the floor with the clear understanding, the promise and pledge of that committee that it would come here with a different offset, one that was palatable. That promise and pledge was broken.

Meanwhile, I know the Speaker was out in Oregon a while back and said where we go from here is we ought to phase out that system. That doesn't sound like the Speaker is very supportive to me.

So what we have here today is an offset of questionable legality. And I say that not because I am a lawyer, I am not, but because of court cases that have occurred that said when it comes to levying a fee on conservation of resources on the Outer Continental Shelf, that leases that exist today prohibit the application of future laws and regulations except future regulations related to conservation of the resources of the Outer Continental Shelf.

What does that mean in real people talk? It means if you are going to levy the fee that you plan to levy, you have to spend it in a legal way, which is on conservation efforts on the Outer Continental Shelf, or else the courts will say you are not following the decisions we already gave you, *Mobil v. U.S.*, among others. So this is of questionable legal status.

So, I asked my colleague from Oregon, we talked, we have worked really closely on this issue over the years in

a bipartisan manner, and I said I think we are going to have a lot of problems on our side with this and I don't think it is legal. And indeed that is where we are today.

So we have exchanged letters. My colleague wrote me on May 30. Mr. DEFAZIO said if you have other suggestions for offsets that won't raise the ire of oil patch or mineral-dependent Members, I would welcome the input. So we talked on Monday and I said give me a day. This is rushed on the suspension of the rules. Give me a day to come up with an alternative, and we did.

We spent all day yesterday with the Congressional Budget Office, technical experts, legal experts, and we came up with a proposal that legally funds county payments, legally and fully funds PILT, legally and fully accesses energy resources on the Outer Continental Shelf. It is very similar to a proposal that my colleague from the Fourth District voted for that was passed by this house less than 2 years ago that would generate revenue legally. By the way, for those 98-99 leases, we do levy a fee so that they do pay, but we do it in a constitutional legal way so it is applied for conservation, coastal line improvements.

□ 1445

So we get at the 98-99 lease issue in a legal way under this proposal. The Coalition of County Roads and Schools, we presented this to them yesterday afternoon, they embraced it wholeheartedly. But it was rejected.

Under suspension of the rules, I am not allowed to offer it as an alternative. If this bill goes down today on a vote on the suspension calendar, it can be brought up. The placeholder that this represents is a seat on a bus going into a cliff. It is going off the cliff and into a chasm. Fortunately, there is a cable attached to that bus. If this goes down today, counties aren't lost. They can come back, bring it up under a rule and we can have a real and substantive debate about a way to fully fund it.

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 30, 2008.

Hon. GREG WALDEN,  
Longworth House Office Building,  
Washington, DC.

DEAR GREG: As you know, I worked with the administration to come up with several other potential offsets to pay for a multi-year extension of the county payments program. Unfortunately, those offsets were strongly objected to on a bi-partisan basis. If you have other suggestions for offsets that won't raise the ire of oil patch or mineral-dependent members, I would welcome the input.

I look forward to talking to you this afternoon or on Monday.

Sincerely,

PETER A. DEFAZIO,  
Member of Congress.

Mr. DEFAZIO. Just in response, the gentleman asked three times to bring this bill to the floor with these offsets, and the gentleman from Utah actually said in committee: I am specifically

looking at offshore drilling fees, which is a concept of a new fee that is there. I am more than happy to go in that direction.

But today they're not.

I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership and tireless effort to help keep this alive.

I understand the frustration of my friend from Oregon that just spoke. He should be frustrated, because his Republican Party was in total control for 6 years with the Presidency, with both Houses of Congress, and there is a situation that he doesn't like. I understand it. I understand his frustration. If I were in his position, I would be, too. It was the Republican Congress that did not extend this program and allowed it to expire.

There is a simple choice before us today where we have an opportunity to deal with the needs of hundreds of thousands of rural Americans, not just in Oregon, but from 40 States around the country, or the interests of a few oil companies who are making money hand over fist, and they are making some money that they shouldn't because they are not paying what they should under the leases.

We have already dealt with this canard that somehow the answer is to give the oil industry access to more land to drill. Oil companies have been granted 42 million acres of which they are only using 12 million currently, so they have 30 million acres of area that they could potentially drill and they are not drilling now. Somehow we should come up with something more to give to them, allow them to have more money, ignores the issue here today.

I would suggest that we ought to respect the work of Mr. DEFAZIO in bringing this forward. Frankly, I was frustrated at the negative comment about Speaker PELOSI who said that, instead of pushing these people off a cliff, that she would work to cushion the blow, to help phase it down. She was trying to help instead of cutting them off. She has been helpful in moving this forward, and taking a shot at the Speaker is unfair and if you are trying to solve the problem, it is unwise.

It is the Republicans for 6 years that had the control, who didn't exercise it. This is a constructive alternative. I suggest that we recognize the need of these hundreds of thousands of Americans, not a few oil companies.

Mr. BISHOP of Utah. Mr. Speaker, I yield to myself the balance of our time.

I appreciate Chairman RAHALL from the committee coming down here earlier to speak on the bill. When this bill was under his control, he treated us with kindness and consideration.

In the tornado of words that we have heard here today, there is one thought that still comes through: We need a permanent solution. This bill is half a

bill without a permanent solution and without an offset that is legitimate. The counties, the education community, and the energy companies presented a real solution that would really pay, not a phony placeholder, but real money that would pay for full tilt, full secure rural schools, a real solution to real problems. This bill is the wrong bill, the wrong process, at the wrong time, and should be defeated.

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of our time.

This is a difficult choice. It is always difficult to choose between your constituents and your patrons. The patrons heavily to that side of that aisle have been Big Oil. This would hurt Big Oil. They would actually have to pay a fee for leases that were written improperly where they don't pay any royalties to the American taxpayers at a time of record prices. That hurts.

Yes, it is true. So far, a bare minority of Senators have rejected it, previously. Maybe they won't this time. Maybe with oil at \$125 a barrel they will go along with it and say we can get some good out of this for a change. We can help kids get an education. We can keep teachers employed. We can provide money to police our counties and to keep people in jail who need to be there, and for other public services and public works. We can do those things. But we have got to have some guts. Every once in a while you have got to stand up.

We hear all this stuff, all we need is more leases. Their staff boycotted a meeting last week. They sprung a proposal last night, which is a Republican bill, not a single Democrat on it, and would open up offshore oil drilling, which is not acceptable to the Republican Governor of California, to the Republican Governor of Florida, and many others. It is a nonstarter. Come on, guys, let's get real. This is your choice. This is it.

There are 6,312 nonproducing leases on the OCS. This bill would make those companies begin to produce, or pay a fee for not producing. If you want to help provide more supply, which is what a lot of the debate has been about today, let's impose a fee on those 6,312 wells. And, in the meantime, let's get some good of that money for the American people. Help 7,000 teachers, help the kids in rural schools, help our deputy sheriffs, help our people who do corrections, help the people who have a backlog of road and bridge projects all across rural America. Help 42 States. Help 600 counties.

This is your only vote. This is your time. Sometimes you have to make tough choices. I urge an "aye" vote on this bill.

Mr. BARTON of Texas. Mr. Speaker, the bill before us today, H.R. 3058, represents a thinly veiled attempt to create a partisan fight over a nonpartisan issue. For several years now, Members from both sides of the aisle have struggled to find a way to pay for the reauthorization of the Secure Rural Schools program.



We have found such a compromise in Congressman Walden's substitute to H.R. 3058. But that is not what we are voting on today.

The Walden compromise that has been approved by the stakeholder organizations contains reauthorization of both Payments in Lieu of Taxes and the Secure Rural Schools program which are so vital for people whose counties are majority owned by the Federal Government, and thus don't have the property tax base to support education. But that is not the bill we are voting on today.

The proposed Walden compromise addresses our growing energy crisis by expanding state control and protection of the outer continental shelf, and by producing new energy in the deep ocean. It provides funding for front-end engineering and design grants for coal-to-liquids, oil shale, tar sands, carbon sequestration, and enhanced oil recovery.

Congressman WALDEN'S compromise proposal contains provisions that have been previously debated on this floor, passed by this body, and approved by the administration. But that is not the bill we are voting on today.

The bill we are voting on today breaks contracts that were negotiated in good faith between the previous administration and American energy providers. The bill we are voting on today has prompted a veto threat, and will probably not even make it through the House today. If the majority wants to make this a partisan vote, so be it. That is their prerogative. But let me make one thing clear; the superintendents of Groveton, Crockett, Latexo, Grapeland, Lovelady, and Kennard Independent School Districts do not care about partisanship. The reality of what we are doing today is that these, and thousands of other school administrators, are going to have to cut jobs and programs as they see their revenues shrink drastically. All for the sake of making a political statement.

When Congress decided to take land out of the tax base of thousands of rural counties in order to create our National Forest System, we made a promise to help cover the cost of education. We have a chance to fulfill this promise by taking up the Walden compromise for Secure Rural Schools and PILT reauthorization. I urge my colleagues to vote no on the political stab before us today, and I urge majority to bring to the floor Congressman WALDEN'S proposal as soon as possible. Our rural communities depend on it.

Mr. RUSH. Mr. Speaker, I rise today in strong support for H.R. 3058, the Public Lands Communities Transition Act. This legislation will provide crucial funding to school districts located in Federal forest counties. Without these funds, these school districts will have to make large cuts to their educational services and programs.

It is imperative to address the fact that these counties have little to no local tax base to levy for their school districts. Therefore, any assistance from the Federal Government is essential.

Mr. Speaker, with the passage of this bill, we will ensure that the education of our children will not fall victim to devastating cuts in these areas. Adequate education should be provided to all of our children, regardless of where they live. I urge all of my colleagues to join me in supporting this bill with bipartisan support.

Mr. DEFAZIO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 3058, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1234 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1234

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill

for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3021 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1234.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, H. Res. 1234 provides for consideration of H.R. 3021, the 21st Century Green High-Performing Public Facilities Act, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order eight amendments which are printed in the Rules Committee report. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I am proud to rise today in strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act. This legislation is important and groundbreaking because it simultaneously addresses important issues confronting our Nation in the 21st century, improving our education system, modernizing our buildings and infrastructures to be environmentally sustainable, and creating jobs to grow our economy.

Mr. Speaker, our Nation's school districts are struggling to make essential improvements during these lean economic times. According to recent estimates, America's schools are hundreds of billions of dollars short of the funding needed to ensure that every student attends a high quality facility. Too many parents across this country are forced to drop off their children at schools that are falling apart, schools with leaking roofs and faulty electrical systems, schools with outdated technology which compromises their ability to achieve and succeed.

Our bill provides \$33.2 billion over 5 years for schools across the country for projects to modernize, renovate, and repair their facilities. This funding is crucial to improve our schools so that

the students have a healthy and safe environment in which to learn and develop the knowledge and the skills necessary to compete in today's workforce.

H.R. 3021 also addresses disparities in school facilities funding. It directs the Secretary of Education to distribute funds to school districts according to the same need-based formula used under title I of the Elementary and Secondary Education Act which provides funding for low income school districts. Funding provided in this bill can be used for energy efficiency and technology improvements, asbestos removal and lead abatement, and for ensuring that schools are prepared for emergencies. The funding is provided with few restrictions, which will allow individual schools to satisfy their individual needs.

Renovating schools so that they are environmentally sustainable will provide numerous health and educational benefits for students. Increasing air quality and lighting will enhance our students' ability to focus and learn, while reducing student sick days and improving the health of students with asthma and other respiratory problems.

□ 1500

Green schools also cost about 2 percent less than conventional schools, while providing financial benefits that are 20 times as large, utilizing 33 percent less energy and 32 percent less water than traditional schools.

Enabling students to attend environmentally sustainable schools not only insures a healthy learning environment. It will also naturally facilitate environmental literacy in our youth. This will help our children grow into stewards of our environment and natural resources that we must treasure and preserve for future generations.

Unfortunately, many schools in my district and across the Nation are also forced to address difficult security challenges. For example, Brunswick High School in my district is the largest single-level high school building in Ohio, stretching a quarter of a mile from end to end with 60 entrances. As you can imagine, this presents a formidable security challenge for teachers and administrators.

For these reasons, Congresswoman MCCARTHY and I have worked to include a provision in the manager's amendment for this legislation that will allow schools to improve building infrastructure to accommodate security measures and security doors.

This bill authorizes \$100 million a year through 2013 specifically for public schools in the gulf coast that are still working to rebuild from the devastation that Hurricanes Katrina and Rita wrought three years ago.

Families in the gulf coast are still fighting to recover and to put their lives back together. Mr. Speaker, we must continue to devote extra resources so that those schools and those communities can rebuild.

School modernization is the central purpose of 3021. Equally important and necessary is the essential economic stimulus that this bill will provide by creating more than 100,000 new jobs for American workers who design and build schools, from roofing contractors, construction workers and electricians, to architects and engineers. It's estimated that this bill will result in the creation of nearly 4,000 jobs in my home State of Ohio in 2009 alone.

Mr. Speaker, in these challenging economic times, important and innovative legislation such as this bill will go a long way to creating new opportunities for America's workforce. Passing this bill will enable school districts to upgrade their facilities and lead our Nation's students towards a brighter and healthier future while addressing the job crisis we face today.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank the gentleman from Ohio (Ms. SUTTON) for the time, and I yield myself such time as I may consume.

Today, the House is set to consider H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. This bill will direct the Secretary of Education to make grants and loans to local educational agencies for the construction, modernization or repair of public educational facilities. It also would require the funds to be used only for projects that meet certain green standards such as Leadership in Energy and Environmental Design, Energy Star, or an equivalent State or local standard.

Tomorrow, we are scheduled to consider H.R. 5540, to reauthorize the Chesapeake Bay Gateways and Water Trails Network.

I spent last week, Mr. Speaker, meeting and speaking with constituents in my district about the issues that matter to them, and no one mentioned anything closely related to these two bills. Both of these bills may be important in their own right, but I believe there are other issues that are much more pressing, issues we should be debating.

When Americans are paying \$4 a gallon for gasoline, we should be working on legislation to lower the cost of gasoline, increasing domestic energy exploration, reducing our reliance on unstable foreign energy.

France produces over 80 percent of its electricity from nuclear power, and there's a strong environmental movement in France. And yet the United States hasn't built a nuclear power plant in 30 years.

When our military forces are running out of personnel, operation and maintenance funds, we should be working to bring bipartisan legislation to the President's desk that he can quickly sign and fund the troops.

When the intelligence community is stripped of one of their key tools in the fight against international terrorism because the majority let the Protect

America Act expire, we should be working to give our intelligence officials the tools they need to stop terrorist attacks.

Instead, the majority has decided to work on a green schools bill and a water trails network reauthorization. These are not exactly the pressing issues facing Americans every day. These are not the issues our constituents want us working on today.

One of the central tenets of the Democrats' campaign in 2006, Mr. Speaker, was that they would run Congress in a more open and bipartisan manner. On December 6, 2006, the distinguished Speaker, Ms. PELOSI, reiterated her campaign promise. She said, "we promised the American people that we would have the most honest and open government, and we will."

However, that promise has yet to come to fruition as the majority has consistently blocked an open process through the Rules Committee. A prime example of how they've consistently stymied openness and bipartisanship is by the number of open rules that they've allowed in the 110th Congress. We're three-quarters of the way through the 110th Congress, and so far the majority has allowed only one open rule. One open rule, Mr. Speaker, in 18 months.

They had a chance to double to two the open rules last night, but by a party line vote they decided that they would once again use a restrictive rule process in making only four Republican amendments in order. They struck down 15 Republican amendments that had been introduced, including one from the ranking member of the Education and Labor Committee, Mr. MCKEON. So much for the open process they promised.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this point I yield 3 minutes to the distinguished gentleman from California, the chairman of the Committee on Education and Labor, Mr. MILLER.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank my colleague from Ohio (Ms. SUTTON) for agreeing to handle this rule on this piece of legislation, and for her strong support of this legislation to provide for green high-performing public schools and the facilities in which our children learn.

This legislation comes along at a time when the record is very clear that in far too many instances our Nation's school buildings are literally crumbling around the students that we send to them every day. They're in desperate need of renovation; they're in desperate need of remodeling; they're in desperate need of modernization, so that our students who attend those schools every day can have a safe learning environment.

Not only will this bill help improve student achievement by providing students and teachers with modern, clean,

safe and healthy learning environment, but it will also give a boost to our economy and help make schools a part of the solution to the global warming crisis.

It is this kind of forward thinking and innovative policy that is needed to strengthen our Nation and help build a brighter future. By addressing a number of key challenges at once, this bill is a clear win for our children, for the workers and for our planet.

I would like to thank my colleagues who were instrumental in drafting this legislation and working on it many years. I want to thank Congressman BEN CHANDLER, the author of this bill, for the hard work and dedication of moving this legislation through the House.

I would also like to thank Congressman DALE KILDEE, the Chair of the Subcommittee on Early Childhood, Elementary and Secondary Education for his work on this bill. Mr. KILDEE has been a longtime champion of efforts to improve the physical conditions of our Nation's schools, and he deserves great credit for his leadership in this area.

I also want to thank Congressman DAVE LOEBSACK, who joined the fight the moment he stepped foot into the Congress. Like Mr. KILDEE, Mr. LOEBSACK is a former teacher, and he understands firsthand the difference that a top-notch facility, that a modern facility, that a safe facility, that a clean facility can mean to a child's education. That's the promise of this legislation.

And I would like to recognize the efforts of Congressmen RUSH HOLT, CHARLIE RANGEL, BOB ETHERIDGE and Congresswoman DARLENE HOOLEY, who is the head of the Green Schools Caucus.

As study after study has told us, we don't have a choice when it comes to rebuilding our schools. We simply won't be able to provide every child with the world-class education they need and deserve unless we're willing to help the States and school districts improve the conditions of these buildings and facilities. It's not a question of if we should modernize and repair our Nation's schools; it's a matter of when. It's simply a decision that we have to make and we can make it today.

Today we have that opportunity to begin this investment, an investment that will yield great results for our children, our economy and our future.

Finally, I want to thank all of the members of the Rules Committee for the consideration of this rule, for the reporting of this rule, and to Chairwoman SLAUGHTER for her diligence in making sure that this rule came to the floor.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank my friend from Florida for yielding me the time.

I rise today in opposition to this rule and the underlying bill.

Mr. Speaker, last night the Rules Committee voted along party lines to not allow the U.S. House of Representatives, this body, to even consider two amendments that I offered that would have helped school districts whose tax bases are significantly reduced by the presence of tax-exempt Federal lands.

This bill would drastically expand the Federal Government's role in school construction and maintenance, activities historically funded at the State and local level before. But they're doing this before the Federal Government meets its existing responsibilities to schools that are impacted by Federal land ownership.

Mr. Speaker, over 33 percent of my district in Central Washington is owned by the Federal Government; making 11 school districts eligible for Impact Aid programs. I know all too well the consequences of Federal land ownership and the impact it has on the ability of schools to make needed improvements.

In the Grand Coulee Dam area in my district, students attend classes in buildings that are more than half a century old and that are literally falling apart. While the local residents in those districts have agreed to pay one of the highest school levies to maintain current levels in the State of Washington, the school district remains unable to secure a bond to make improvements on physical facilities because the community is surrounded by Federal lands and, therefore, has a limited tax base.

The Federal Government has a responsibility to ensure that no child's education is shortchanged because of Federal land ownership. And, in my view, it's only fair that the Federal Government take care of federally impacted schools before launching a brand new spending program costing billions of dollars that's aimed at schools that aren't federally impacted.

I offered two amendments in the Rules Committee. The first would have required that our commitment to federally impacted schools be met through full funding in the Impact Aid program before funding is spent on new Federal spending in this bill.

My second amendment, which I offered along with my colleague, ROBIN HAYES of North Carolina, would have simply given preference, preference, to federally impacted schools as the new construction and maintenance funds were distributed.

Unfortunately, Democrat leadership blocked both of my amendments from being debated or voted on today on the House floor.

Mr. Speaker, if the Federal Government cannot meet its current responsibilities to federally impacted schools, then it certainly has no business creating a brand new \$20 billion spending program for other schools. Rather than passing this massive expansion of the Federal Government's role in school

construction, we should refocus our efforts on fulfilling existing obligations to schools and children impacted by Federal actions.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and against the underlying bill.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlelady's courtesy in permitting me to speak on the bill, the work that is done by the Rules Committee in bringing this legislation before us. I am enthusiastically supportive of the rule and the underlying bill.

An opportunity to integrate sustainability into the neighborhood school, the building block of communities, is a double win. In the long run, this is going to save significant amounts of money at a time of skyrocketing energy prices. And the evidence is that at the green schools I've seen in my community, there's actually better performance. There's better performance on the part of the students, higher job satisfaction with the staff, and as I have seen in communities around the country where these principles are integrated into the school construction, it is a valuable learning experience for the children themselves.

I am particularly pleased in elements dealing with the transportation, allowing some of the facilities work to be done to help our children get to school safely on foot or cycling.

□ 1515

In 1969, so long ago that I was still in school, over half of America's children were able to get to school on their own walking or biking. By 2001, that percentage had fallen to 15 percent, and I routinely do work in other parts of the country where that percentage is under 10 percent where children can safely get to school on their own.

This poses an inordinate problem in terms of the costs for transportation for school districts. We're all familiar in our own communities with schools that have a rush hour around the start of school, and then there's the rush hour to commuting. It complicates lives for families, it's a problem of congestion and pollution, and with energy prices projected to continue to remain high, it costs money.

But with the provisions of this legislation, we're going to have resources available that compliment our Safe Routes to School legislation in the last transportation reauthorization to be able to help, once again, children to be able to walk and bike safely to school.

At a time when we are looking at 10 million young people of school age who are overweight, and when the projection is that by 2010, 20 percent of the school-age population will be obese, this is an opportunity to help children, particularly when one of the failures of No Child Left Behind is that there isn't a provision for physical education in our schools.

This is a triple win. I strongly urge support.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman for yielding, and I do rise in opposition to the rule and the bill. I don't think in my entire time in Congress I have ever opposed anything that provides additional funding for education, but I think this bill has many underlying elements we have to pay some attention to.

I don't disagree with virtually anything I've heard from the other side of the aisle in terms of what this might do. There is, as Mr. MILLER indicated, a desperate need for rebonding and renovation. We do need good schools. I think it would help our children. I'm in full agreement with all of that.

I'm also in full agreement with the gentlewoman from Ohio who said there's hundreds of billions of dollars of these kinds of renovations which are needed out there in the referenda for many of those things which are going on.

The issue is what else is needed to be done in education and what can we afford to do at the public government level.

If you look carefully at this bill and analyze the bottom-line expenditures, it's \$6.4 billion for the first year of fiscal year 2009. It sets some thereafter for the basic renovations. There's \$100 million for each of 5 years for emergency help in those States which were so devastated by storms which perhaps could be done separately, and I would have no problems with them, Louisiana, Mississippi, et cetera.

The title III provision is the green provision which calls for a percentage of this money to be spent for green aspects of our schools, as we should be doing. This is something the Federal Government has not done heretofore. We have had certain responsibilities either assigned to us or done by statute in some way or another, and one of those is an amendment which I introduced saying that before we do this, we should fully fund the authorization of title I. It is very arguable that if we have good schools, our students will do better. I think it's even more arguable that if we have the necessary teachers and other personnel to make absolutely sure the kids are going to be well-educated, they will do even better than that.

In title I last year, we appropriated \$13.9 billion, but we have authorized \$25 billion for title I. IDEA is not a part of this bill in particular, but again, we're not up to the statutory mandate of that which is up to 40 percent of contribution by the Federal Government; and if we were to add the \$6.4 billion to that, we would get very close to that number which would be \$17.3 billion.

This is money that we should be spending, and we can't afford to for one

reason or another. I've heard the old saw about spending on the war, or whatever it may be. But the bottom line is there's going to be so much spending on education and other resources this year, and my judgment is that we are really opening the door here. If we open this door at \$6.4 billion without hundreds of billions of dollars that are needed, we're going to find that that's going to double almost overnight when they find out there is a Federal resource for it.

The pressure in this place to take that up to \$10 billion, \$15, \$20 billion a year is going to be overwhelming, and all of a sudden, the education programs which we have a responsibility to be funding, which was so important to the basic instruction of kids, will fall by the wayside.

I would urge all of the Members oppose this rule.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my privilege to yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong opposition to both this restrictive rule and the underlying bill brought forward today by the Democratic majority.

As a former chairman of the Marietta City School Board in my district, I strongly believe that there needs to be more of an emphasis on public school construction but at the State and local level. However, H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act, sends the wrong message of how the Federal Government should be involved in local education decisions.

With limited exception in the 1930s and 1940s, the Federal Government has rightly left the responsibility of public school construction up to the State and local governments. State and local governments know the construction needs in schools much better than bureaucrats in Washington. And the Federal Government has promoted the autonomy and flexibility of local control over education in this matter. However, this bill would negate much of this work and would only expand the size and scope of the Federal Government, as my good friend from Delaware, Mr. CASTLE, just pointed out.

Furthermore, Mr. Speaker, H.R. 3021 would cost \$20 billion over 5 years for a brand new Federal program to compete for the already precious Federal assistance dollars for education. Currently these funds are focused on the curriculum needs of States through our title I grants to provide assistance to low-income and disadvantaged students, as well as funding for the Individuals With Disabilities Education Act, IDEA, for special education.

Mr. Speaker, I can remember when I was on the Education and Workforce Committee in the 108th Congress when

we were in the majority. There was this outcry constantly from the Democrats about not funding fully to the 40 percent level of IDEA, and of course the trajectory of spending in the Bush administration under Republican majority was a geometric progression. We spent much more money than the Democrats have spent in the previous 10 or 12 years when they were in control.

But now we're going to take this money that should be spent on these programs like title I and IDEA and create a whole new program. It makes no sense. If enacted, it will create abundant squeeze, make it less likely the Federal Government will be able to fulfill financial commitments that have already been made for student achievement.

Mr. Speaker, we need to continue promoting local control over education decisions while providing Federal assistance for student achievements. The best and most immediate way that we can do that is by defeating the previous question and the rule for H.R. 3021. For these reasons, I ask that all of my colleagues oppose the rule and the underlying legislation.

Ms. SUTTON. Mr. Speaker, I am going to reserve my time until the gentleman has closed for his side and has yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished lady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, as the author of an amendment that was not made in order under this rule, I rise in opposition to this rule. My amendment would have prohibited taxpayer funds authorized by this bill from being used to purchase mercury-laden compact fluorescent light bulbs, also known as the CFL.

Mr. Speaker, it is not my intention to take the choice away from public schools as to how to meet their lighting needs. In fact, I believe that Congress already makes, too often, decisions for our citizens. But it is Congress' single-minded dangerous pursuit of this environmental fad that has gotten us all to this point of silliness today.

Congress must ensure that mercury-laden light bulbs are safe before we encourage their use in our child's classrooms. There are very serious health concerns about these light bulbs that are filled with mercury. They pose problems to humans precisely because of their high mercury content, and we must be sure of their safety before we force them on our public school children through this ill-conceived law.

When mercury light bulbs break, let's remember, extensive cleanup is needed. That's what these regulations show us. This is very highly selective and very detailed clean-up regulations.

What does this mean for school children that could be exposed to light bulbs of the broken mercury latent light bulbs? On the EPA's own Web site

are these eight pages of instructions about how to deal with a mercury spill, specifically including spills due to broken mercury light bulbs.

Let me run you through just some of the steps for cleaning up just one broken mercury light bulb.

Before the clean-up ever begins, people must leave the room for 15 minutes as the room airs out putting a halt to the learning that's taking place in the classroom. The school then is told to shut off their central air-conditioning system, or, in Minnesota's case, central heating system, and then they're told not to use a broom to sweep up the broken light bulb as they could come in contact with mercury at a later time.

This should give Congress pause to think about this next rule that says if clothing comes in contact with a broken light bulb and the mercury, it must be disposed of immediately. Imagine that. Children or teachers or the janitorial staff would have to remove their clothing immediately, and we're told that you are not allowed to wash your clothes. That's what the EPA rules say. You're not allowed to wash your clothes. That won't do the trick because mercury fragments in the clothing might contaminate the washing machine and also pollute sewage.

Let's get this straight. Congress is worried about harming sewage and yet we're rushing to place these mercury light bulbs in our classrooms next to our children. That step alone should be a warning to the dangers of mercury-laden light bulbs.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentlewoman 1 additional minute.

Mrs. BACHMANN. But the kicker of them all is the disposal process. Immediately a person must place all of the clean-up materials in an outdoor trash can or protected area for normal trash pickup. But make sure that you check with your local government.

In Minnesota, my home State, it does not allow for normal trash disposal for mercury. Instead, they require that broken and unbroken mercury bulbs be taken to a local recycling center.

There are so many rules that are contained on the EPA Web site that I don't have time to address them all, but while these clean-up guidelines are important and should be followed, the harm that just one broken light bulb can have on a child, senior citizen, or an animal is very real, which is why Congress should not embark on these fads.

I hope none of us will have to respond to the news story of a girl or a boy or a senior citizen or an animal who is poisoned by a broken mercury-laden light bulb. That would be horrible.

I speak today to alert this body and the American people of this yet considerable loss of liberty.

Ms. SUTTON. Mr. Speaker, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished ranking member from California (Mr. MCKEON).

□ 1530

Mr. MCKEON. I thank the gentleman for yielding and I rise in opposition to this rule.

Schools around the Nation are facing an immediate funding shortfall, but it's not a lack of funds for green facilities maintenance. Mr. Speaker, like the rest of us, they're struggling with gasoline prices.

For local school systems, energy represents a significant share of their budget. They pay for the fuel to operate the buses that drive children to and from school. They pay to heat their schools in the winter and cool them in the summer. They pay for electricity to light their classrooms and power their computers. And with the national average for a gallon of regular gasoline reaching \$3.98 today—now, that might have been at the start of debate. It could be \$3.99 or \$4 now the way it's going up. In California, it's much higher than this already—these energy costs are consuming an increasing share of overall school budgets.

For schools, rising energy costs don't stop with school buses and utilities. The cost of fuel makes almost everything more expensive, from books and supplies to the food that goes into school lunches. So, yes, our schools do have an immediate need, and we ought to be on the floor addressing that need today. We should be taking action on comprehensive energy legislation that will increase production, drive innovation, and promote conservation. Unfortunately, that's not what we're going to do today.

Instead, the House will consider a bill that fundamentally changes the Federal role in education. I'm talking about legislation that begins the process of Federalizing the building and maintenance of individual schools in communities across this Nation. Agree or disagree with what this bill is trying to accomplish, no one can deny that what's being proposed is a significant, perhaps even monumental, shift in education policy.

In keeping with the pattern established by the majority, it is no surprise then that this bill is being brought up with limited opportunity for debate and amendment, after being rushed through an abbreviated committee process.

Of the 20 amendments submitted by Republicans, just four were made in order. That's one in five.

Not surprisingly, members of the majority party fared a little better. Of the eight amendments they offered and did not withdraw, fully half of them were made in order. Several others were combined with amendments that were accepted or added to the manager's amendment, making sure that in the end virtually all of their concerns are going to be addressed.

We can do better than this. We should do better than this, but after a year-and-a-half under this iron-fisted majority, I know better than to expect better.

So much for the most open Congress in history. I urge a "no" vote on the rule.

Ms. SUTTON. I continue to reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my good friend from Florida for his leadership on this issue and so many others.

Mr. Speaker, I came to the floor today. I wanted to talk about the amendments that I had offered to this bill that would have provided some accountability to the spending that's incorporated in this bill, but as we have heard, those amendments weren't made in order.

So, in addition to the majority not wanting to have accountability for the bill that we're talking about on school construction, the first time Federal moneys have been used for school construction, no accountability, what I thought I would do then is address the issue that we ought to be talking about today. That's the issue that we all heard about last week when we went home.

When I went home, what did I hear from my constituents? I didn't hear about school construction. I heard about gas prices. And I heard that people are tired, sick and tired, and fed up with inaction in Washington. They want solutions.

Mr. Speaker, there are three ways to address this issue. One is conservation, and we all can do more.

The second is to make certain that we put appropriate incentives in place for alternative fuels so that we can bridge to the next generation and American genius can be unleashed. This majority isn't doing anything about that.

But the way that we bridge to the next generation is to increase supply, and so I asked some folks on our side of the aisle to get the information that said what has the majority party, what have the Democrats, done in order to increase supply of American energy.

It won't surprise you, Mr. Speaker, to know that 91 percent of the folks on our side of the aisle, 91 percent, supported exploration in Alaska over the last 15 years; 86 percent on the other side opposed it to increase supply.

Coal-to-liquid technology, 97 percent on our side of the aisle supported increasing supply in coal-to-liquid technology; 78 percent on the other side opposed it.

How about oil shale exploration? Ninety percent on our side of the aisle support oil shale exploration increasing supply; 86 oppose it on the other side.

Deep sea exploration, Mr. Speaker, 81 percent on our side support it; 83 percent on the other side oppose it.

How about increasing refining capacity? There hasn't been a new refinery built in this Nation in over 30 years. Ninety-seven percent on this side of the aisle support it; 96 percent on the majority side oppose increasing refining capacity in vote after vote after vote.

Mr. Speaker, my constituents and I know Americans across this Nation are sick and tired, sick and tired of a majority that's keeping us dependent on Middle Eastern oil. So I call on this majority and I call on the Speaker to bring forward a positive bill that will increase conservation, increase incentives for alternative fuel, and make certain that we can use American resources, American energy for Americans.

Ms. SUTTON. Mr. Speaker, I want to remind my colleagues who may be listening to this debate that this rule and this bill are about repairing and improving our Nation's schools.

I also want to remind the people at home that, of course, those who are railing now about the effects of energy policy over the past 6 or so or 8 or 10 years were in charge, most of that time with a Republican President, and this is what we get.

So this Congress, of course, is a new majority, and we have taken bold steps to put incentives in place that will lead to historic change and will turn the corner to renewable sources of energy in this country being developed.

We have 30 million acres on which oil drilling can take place right now, and those are just sitting idle. Those on the other side of the aisle don't tell us the whole story when they're talking about these issues.

But I just want to repeat, I want to remind my colleagues who may be listening to this debate, that this rule and this bill is about the very important business of repairing and improving our Nation's schools.

With that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first it's important to set the record straight. Ten years ago, this Congress passed drilling in the ANWR, and it faced a Presidential veto by then-President Clinton, and imagine if it hadn't faced a veto how much of a difference we would have been able to make.

Now we're seeing the consequences of that, as Mr. PRICE of Georgia pointed out. Effort after effort that we've engaged in to try to increase the production of energy, the supply of energy has been opposed by the other side of the aisle and I think nowhere more dramatically than when we were able to pass legislation to have production in Alaska, and it was vetoed by the last President, a Democratic President.

So these things have to be put on the record, Mr. Speaker, because now with \$4 gas the record counts, and the record is of interest to all Americans, and it will be more and more of interest every day.

Mr. Speaker, back on April 24, 2006, just over 2 years ago, now-Speaker PELOSI issued the following statement:

"With skyrocketing gas prices it is clear that the American people can no longer afford the Republican rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans are paying \$2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price than when President Bush first came into office."

Mr. Speaker, most Americans would be happy if they were paying \$2.91 a gallon today. Yet here we are this week debating bills on green schools and watertrails network instead of working on legislation to reduce the price of gasoline and increase supply. Now, the price of gasoline is at \$4 gallon now.

Reinforcing the fact that the majority has yet to confront that issue, just over a month ago the newspaper Investors Business Daily in an editorial said that this Congress "is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy."

[From Investor's Business Daily, Apr. 29, 2008]

#### CONGRESS VS. YOU

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction and ignorance in his wide-ranging press conference Tuesday.

"Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills," Bush said. "They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay."

Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:

Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.

Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique "boutique" fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.

Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19% of our total energy. (Many European nations produce 40% or more of their power with nuclear.) Granted, nuclear power plants are expensive—about \$3 billion each. But they produce energy at \$1.72/kilowatt-hour vs. \$2.37 for coal and \$6.35 for natural gas.

Raising taxes on energy producers. This is where a basic understanding of economics

would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing "windfall" and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.

These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40% by 2030, including a 28% increase in the U.S.

Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.

The current Congress, led on the House side by a speaker who promised a "common sense plan" to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Today, I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers, such as H.R. 5905, the CARS Act, which would give commuters a tax break on their commuting expenses and require the Speaker of the House to submit a plan to lower gas prices.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I am so pleased that our colleague Dr. PRICE pointed out on issue after issue, whether it's ANWR exploration or coal-to-liquid or oil shale exploration or refinery increased capacity or on the issue of nuclear power. There is a strong environmental movement in France, but over 80 percent of their electricity is generated from nuclear power. Yet we haven't built a nuclear power plant in this country in over 30 years.

It's time to face the issue of energy independence in this country.

Mr. Speaker, at this time, I would reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this time, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, it's interesting that my colleagues on the other side railed against this legislation in the name of energy.

It doesn't do a lot of good to pump more energy into these schools, more air conditioning into these schools, more heat into these schools when the schools are such inefficient users of energy. It makes no sense to pump more and more electricity into the schools, to use lighting that's outdated, outmoded, harmful to the learning of these children.

The purpose of this legislation is to take a major institution in our country, our elementary secondary education system, and have the Federal Government lend some support to local efforts that are struggling now, trying to accelerate their programs to cut their energy costs in the running of their schools.

That's what this bill allows us to do. It allows us to put in place as they renovate, as they repair, as they remodel these schools, trying to recover, as all businesses are all across the country, as homeowners are all across the country, to reduce their energy costs. It allows us to partner up with them and to provide some assistance in doing that.

It's rather interesting that all they can talk about on the other side is somehow that they didn't get to go to Alaska. If they'd gone to Alaska, it probably would have made a penny or 2 cents or 3 cents a difference in a gallon of gasoline today.

But the fact of the matter is why would you go to Alaska and put it into cars that are getting 12 and 13 miles a gallon? But you never went to the question of efficiencies. You never went to the question of better automobiles.

We did. The first time in 30 years, this Congress improved the mileage standard for automobiles. Just think if we had done it when George Bush said he wanted it done. Today, it would have been an entire different industry.

But no, you listened to the oil industry and you listened to the automobile industry. Well, listen to them today as the chairman of General Motors has to admit that they didn't see it coming, they didn't see it was going to happen. They laid off 20,000 workers. They shut down four plants making SUVs and trucks. Why are we listening to those people?

If we continue to listen to them, we'll be the only people in the world that are listening to them. They've made one bad business decision, one bad energy decision after another for the last two decades, and it cost them almost 450,000 jobs to the workers. It cost them market share, it cost them productivity, it cost them profit. Now what are they doing? They're trying to play catch-up.

Well, we don't think the school districts in this country should play catch-up like General Motors. We think the school districts in this country ought to have an opportunity to make these facilities more efficient in the use of the energy, more efficient in the conservation of energy so that they can come into the modern age and they can make the changes that all of the studies indicate to us not only will save them energy, not only will make the facilities safer, cleaner and better for the learning environment that these children need, it will also dramatically change the cost of running these school districts.

It's happening, but too many school districts in too many areas don't have

sufficient funds. We think the Federal Government ought to put its shoulder to the wheel and help these school districts conserve their energy.

□ 1545

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I'm glad to speak against this rule and against this bill in itself.

First off, this is not a Federal responsibility, this is a State and local responsibility. And to the extent that we spend Federal taxpayer dollars, this isn't the Federal Government doing this, there is no such thing as the Federal Government doing this; this is the Federal taxpayer doing this. So you've got taxpayers on one hand funding their local schools; you've got Federal taxpayers funding those same local schools. This is a wreck of bureaucratic nightmare. This should not happen.

We're not fully funding IDEA, we're not fully funding title I; this is just something new. So it's because it's new that we can get away with acting like this is something that's good, and it's not because we're not fully funding what we should be.

Electrical costs in our schools are very high, no doubt about it. And the truth of the matter is we can't conserve our way into lowering those electricity costs because electricity cost generation is going to continue to go up. And as this majority continues to restrict the growth in clean coal burning technology, as they continue to restrict the growth in nuclear power plants, they're going to continue to drive electricity costs higher and higher.

Now we all like wind, we all like solar, but the truth of the matter is growth in those alternatives cannot even keep up with the growth in the demand for electricity. As schools begin to quit going to field trips, as they begin to quit going to football games and quit going to things they're already telling us they're going to do because of gasoline costs and diesel costs being higher because of lack of supply, it's our responsibility to address the broader issue of energy and not school buildings, which is a local and State issue.

Mr. Speaker, I speak against this rule and against this bill.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. CONAWAY. I would be happy to yield.

Mr. GEORGE MILLER of California. What would you prefer that they do, have the schools do nothing when they know that they have a waiver? Every business in America is investing in energy conservation.

Mr. CONAWAY. Reclaiming my time, what I would have them do is take the local responsibility of making these decisions on their own.

Mr. GEORGE MILLER of California. This doesn't take anything away from local responsibility.

Mr. CONAWAY. Reclaiming my time, what I would have them do is take the responsibility themselves to make these very good decisions to create energy-efficient facilities. But it's their job, not the Federal taxpayer's job.

Mr. LINCOLN DIAZ-BALART of Florida. Again, Mr. Speaker, we're asking for a "no" vote on the previous question to be able to address the energy issue. If we're ever going to address it, it's time to start doing so with \$4 a gallon gasoline.

Members can take a stand against high fuel prices and insist that the energy issue be addressed seriously by voting "no" on the previous question. I encourage a "no" vote on the previous question.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, as we lead this country in the 21st century, we must work creatively to form policies that address the intertwining nature of the challenges we face.

I've heard that this isn't important legislation from the other side of the aisle, and that is concerning to me because safe and healthy schools are important. Environmentally sustainable schools are important. Creating 100,000 jobs in this country is important. Acting to instill environmental stewardship in students and our youth is important.

One out of five Americans attends school each day. A 2006 report concluded that, despite significant State and local expenditures on school construction and renovation from 1996 to 2004, there continues to be millions of students in substandard and overcrowded school conditions. This bill will set our 60 million school children on a path to a better education and a healthier future by providing a Federal investment to help renovate, prepare, and modernize thousands of public schools.

I urge a "yes" vote on the previous question and on the rule.

Ms. MATSUI. Mr. Speaker, we are tasked with finding solutions that are innovative and multifaceted, to secure a better future for America.

Part of that responsibility is ensuring that young Americans have access to safe, constructive environments to learn in.

H.R. 3021 will help give our children and grandchildren the sound, healthy classrooms they need and deserve. It is clear that our schools are aging and in need of repairs . . . repairs that must be made to allow students to focus on learning and reaching their full potential.

Not only will we be investing in future generations of Americans, we will provide thousands of much-needed, high-quality jobs.

With the bill before us today, we are taking steps that will help address so many of the challenges we face.

The improvements made to schools will encourage green building techniques and help reduce our greenhouse gas emissions. These standards will save school districts money on utilities for years to come.

In my district, the Natomas Unified School District, the state's only "Climate Action Leader," recently received the Clean Air "Government Award" for its dedication to air quality and energy-saving techniques. It is innovative approaches like this that H.R. 3021 will encourage across the country.

I cannot help but think of my grandchildren, Anna and Robby; they are approaching school age, and I want them to be in a healthy environment that will enable them to reach their full potential.

I ask my colleagues to support the Rule and final passage of H.R. 3021.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1234 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and motions to suspend the rules on H.R. 1343 and H.R. 5669.

The vote was taken by electronic device, and there were—yeas 221, nays 196, not voting 16, as follows:

[Roll No. 370]

YEAS—221

Abercrombie	Boyd (FL)	Cohen
Ackerman	Boyd (KS)	Conyers
Allen	Brady (PA)	Cooper
Altmire	Braleigh (IA)	Costa
Arcuri	Brown, Corrine	Costello
Baird	Butterfield	Courtney
Baldwin	Capps	Cramer
Barrow	Capuano	Crowley
Bean	Carnahan	Cuellar
Becerra	Carney	Cummings
Berkley	Carson	Davis (AL)
Berman	Castor	Davis (CA)
Berry	Cazayoux	Davis (IL)
Bishop (GA)	Chandler	Davis, Lincoln
Bishop (NY)	Childers	DeFazio
Blumenauer	Clarke	DeGette
Boren	Cleaver	Delahunt
Boswell	Clyburn	DeLauro
Boucher		Dicks

Dingell	Levin	Ruppersberger
Doggett	Lipinski	Ryan (OH)
Doyle	Loebsock	Salazar
Edwards	Lofgren, Zoe	Sanchez, Linda
Ellison	Lowe	T.
Ellsworth	Lynch	Sanchez, Loretta
Emanuel	Mahoney (FL)	Sarbanes
Engel	Maloney (NY)	Schakowsky
Eshoo	Markey	Schiff
Etheridge	Marshall	Schwartz
Farr	Matheson	Scott (GA)
Fattah	Matsui	Scott (VA)
Foster	McCarthy (NY)	Serrano
Frank (MA)	McCollum (MN)	Sestak
Giffords	McDermott	Shea-Porter
Gonzalez	McGovern	Sherman
Gordon	McIntyre	Sires
Green, Al	McNerney	Skelton
Green, Gene	McNulty	Slaughter
Grijalva	Meek (FL)	Smith (WA)
Gutierrez	Meeks (NY)	Snyder
Hall (NY)	Melancon	Solis
Hare	Michaud	Space
Harman	Miller (NC)	Speier
Hastings (FL)	Miller, George	Spratt
Herseth Sandlin	Mitchell	Stark
Higgins	Mollohan	Stupak
Hinchee	Moore (KS)	Sutton
Hinojosa	Moore (WI)	Tanner
Hirono	Moran (VA)	Tauscher
Hodes	Murphy (CT)	Taylor
Holden	Murphy, Patrick	Thompson (CA)
Holt	Murtha	Thompson (MS)
Honda	Nadler	Tierney
Hooley	Napolitano	Towns
Hoyer	Neal (MA)	Tsongas
Inslee	Oberstar	Udall (CO)
Israel	Obey	Van Hollen
Jackson (IL)	Oliver	Velázquez
Jefferson	Ortiz	Visclosky
Johnson (GA)	Pallone	Walz (MN)
Johnson, E. B.	Pascrell	Pastor
Jones (OH)	Payne	Wasserman
Kagen	Perlmutter	Schultz
Kanjorski	Kaptur	Waters
Kapoor	Kennedy	Watson
Kildee	Kildee	Watt
Kilpatrick	Rahall	Waxman
Kind	Rangel	Weiner
Klein (FL)	Reyes	Welch (VT)
Kucinich	Richardson	Wexler
Langevin	Rodriguez	Wilson (OH)
Larsen (WA)	Ross	Woolsey
Larson (CT)	Rothman	Wu
Lee	Roybal-Allard	Yarmuth

NAYS—196

Aderholt	Culberson	Herger
Akin	Davis (KY)	Hill
Alexander	Davis, David	Hobson
Bachmann	Davis, Tom	Hoekstra
Bachus	Deal (GA)	Hulshof
Barrett (SC)	Dent	Inglis (SC)
Bartlett (MD)	Diaz-Balart, L.	Issa
Barton (TX)	Diaz-Balart, M.	Johnson (IL)
Biggart	Donnelly	Johnson, Sam
Billray	Doolittle	Jones (NC)
Bilirakis	Drake	Jordan
Bishop (UT)	Dreier	Keller
Blackburn	Duncan	King (IA)
Blunt	Ehlers	King (NY)
Boehner	Emerson	Kingston
Bonner	English (PA)	Kirk
Bono Mack	Everett	Kline (MN)
Boozman	Fallin	Knollenberg
Boustany	Feeney	Kuhl (NY)
Brady (TX)	Ferguson	LaHood
Brown (GA)	Flake	Lamborn
Brown (SC)	Forbes	Lampson
Brown-Waite,	Fortenberry	Latham
Ginny	Fossella	LaTourette
Buchanan	Fox	Latta
Burgess	Franks (AZ)	Lewis (CA)
Burton (IN)	Frelinghuysen	Lewis (KY)
Buyer	Garrett (NJ)	Linder
Calvert	Gerlach	LoBiondo
Camp (MI)	Gilchrest	Lucas
Campbell (CA)	Gingrey	Lungren, Daniel
Cannon	Gohmert	E.
Cantor	Goode	Mack
Capito	Goodlatte	Manzullo
Carter	Granger	Marchant
Castle	Graves	McCarthy (CA)
Coble	Hall (TX)	McCaul (TX)
Cole (OK)	Hastings (WA)	McCotter
Conaway	Hayes	McCreary
Crenshaw	Heller	McHenry
Cubin	Hensarling	McHugh



McKeon Ramstad  
 McMorris Regula  
 Rodgers Rehberg  
 Mica Reichert  
 Miller (FL) Renzi  
 Miller (MI) Reynolds  
 Miller, Gary Rogers (AL)  
 Moran (KS) Rogers (KY)  
 Murphy, Tim Rogers (MI)  
 Musgrave Rohrabacher  
 Myrick Ros-Lehtinen  
 Neugebauer Roskam  
 Nunes Royce  
 Paul Ryan (WI)  
 Pearce Sali  
 Pence Scalise  
 Peterson (PA) Schmidt  
 Petri Sensenbrenner  
 Pickering Sessions  
 Pitts Shadegg  
 Platts Shays  
 Poe Shimkus  
 Porter Shuster  
 Price (GA) Simpson  
 Putnam Smith (NE)  
 Radanovich Smith (NJ)

Smith (TX) Souder  
 Stearns Stearns  
 Sullivan Sullivan  
 Tancredo Tancredo  
 Terry Terry  
 Thornberry Thornberry  
 Tiahrt Tiahrt  
 Hinojosa Hinojosa  
 Hirono Hirono  
 Hodes Hodes  
 Holden Holden  
 Holt Holt  
 Honda Honda  
 Hooley Hooley  
 Hoyer Hoyer  
 Insee Insee  
 Israel Israel  
 Jackson (IL) Jackson (IL)  
 Jefferson Jefferson  
 Johnson (GA) Johnson (GA)  
 Johnson, E. B. Johnson, E. B.  
 Jones (OH) Jones (OH)  
 Kagen Kagen  
 Kanjorski Kanjorski  
 Kaptur Kaptur  
 Kennedy Kennedy  
 Kildee Kildee  
 Kilpatrick Kilpatrick  
 Kind Kind  
 Klein (FL) Klein (FL)  
 Kucinich Kucinich  
 Lampson Lampson  
 Langevin Langevin  
 Larsen (WA) Larsen (WA)  
 Larson (CT) Larson (CT)  
 Lee Lee  
 Levin Levin  
 Lipinski Lipinski  
 Loebsock Loebsock  
 Lofgren, Zoe Lofgren, Zoe  
 Lowey Lowey  
 Lynch Lynch  
 Mahoney (FL) Mahoney (FL)  
 Maloney (NY) Maloney (NY)  
 Markey Markey  
 Marshall Marshall  
 Matheson Matheson  
 Matsui Matsui

McCarthy (NY) McCarthy (NY)  
 McCollum (MN) McCollum (MN)  
 McDermott McDermott  
 McGovern McGovern  
 McIntyre McIntyre  
 McNerney McNerney  
 McNulty McNulty  
 Meek (FL) Meek (FL)  
 Meeks (NY) Meeks (NY)  
 Melancon Melancon  
 Michaud Michaud  
 Miller (NC) Miller (NC)  
 Miller, George Miller, George  
 Mitchell Mitchell  
 Mollohan Mollohan  
 Moore (KS) Moore (KS)  
 Moore (WI) Moore (WI)  
 Moran (VA) Moran (VA)  
 Murphy (CT) Murphy (CT)  
 Murphy, Patrick Murphy, Patrick  
 Murtha Murtha  
 Nadler Nadler  
 Napolitano Napolitano  
 Neal (MA) Neal (MA)  
 Oberstar Oberstar  
 Obey Obey  
 Oliver Oliver  
 Ortiz Ortiz  
 Pallone Pallone  
 Pascrell Pascrell  
 Pastor Pastor  
 Payne Payne  
 Perlmutter Perlmutter  
 Peterson (MN) Peterson (MN)  
 Pomeroy Pomeroy  
 Price (NC) Price (NC)  
 Rahall Rahall  
 Rangel Rangel  
 Reyes Reyes  
 Richardson Richardson  
 Rodriguez Rodriguez  
 Ross Ross  
 Rothman Rothman  
 Roybal-Allard Roybal-Allard  
 Ruppersberger Ruppersberger  
 Ryan (OH) Ryan (OH)  
 Salazar Salazar  
 Sanchez, Linda Sanchez, Linda  
 T. T.

Sanchez, Loretta Sanchez, Loretta  
 Sarbanes Sarbanes  
 Schakowsky Schakowsky  
 Schiff Schiff  
 Schwartz Schwartz  
 Scott (GA) Scott (GA)  
 Scott (VA) Scott (VA)  
 Serrano Serrano  
 Sestak Sestak  
 Shea-Porter Shea-Porter  
 Sherman Sherman  
 Sires Sires  
 Skelton Skelton  
 Slaughter Slaughter  
 Smith (WA) Smith (WA)  
 Snyder Snyder  
 Solis Solis  
 Space Space  
 Speier Speier  
 Spratt Spratt  
 Stark Stark  
 Stupak Stupak  
 Sutton Sutton  
 Tanner Tanner  
 Tauscher Tauscher  
 Taylor Taylor  
 Thompson (CA) Thompson (CA)  
 Thompson (MS) Thompson (MS)  
 Tierney Tierney  
 Towns Towns  
 Tsongas Tsongas  
 Udall (CO) Udall (CO)  
 Van Hollen Van Hollen  
 Velazquez Velazquez  
 Visclosky Visclosky  
 Walz (MN) Walz (MN)  
 Wasserman Wasserman  
 Schultz Schultz  
 Waters Waters  
 Watson Watson  
 Watt Watt  
 Waxman Waxman  
 Weiner Weiner  
 Welch (VT) Welch (VT)  
 Wexler Wexler  
 Wilson (OH) Wilson (OH)  
 Woolsey Woolsey  
 Wu Wu  
 Yarmuth Yarmuth

NOT VOTING—17

Andrews Gillibrand Pryce (OH)  
 Baca Gordon Rush  
 Cardoza Hunter Saxton  
 Chabot (TX) Jackson-Lee Shuler  
 Filner (TX) Udall (NM)  
 Gallegly Lewis (GA) Wilson (NM)

NOT VOTING—16

Andrews Gillibrand Rush  
 Baca Hunter Saxton  
 Cardoza Jackson-Lee Shuler  
 Chabot (TX) Udall (NM)  
 Filner Lewis (GA) Wilson (NM)  
 Gallegly Pryce (OH)

□ 1614

Mrs. SCHMIDT and Mr. PEARCE changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 370, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore (Mr. POMEROY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 17, as follows:

[Roll No. 371]

YEAS—223

Abercrombie Capuano Davis, Tom  
 Ackerman Carnahan DeFazio  
 Allen Carney DeGette  
 Altmire Carson Delahunt  
 Arcuri Castor DeLauro  
 Baird Cazayoux Dicks  
 Baldwin Chandler Dingell  
 Barrow Childers Doggett  
 Bean Clarke Donnelly  
 Becerra Clay Doyle  
 Berkley Cleaver Edwards  
 Berman Clyburn Ellison  
 Berry Cohen Ellsworth  
 Bishop (GA) Conyers Emanuel  
 Bishop (NY) Cooper Engel  
 Blumenauer Costa Eshoo  
 Boren Costello Etheridge  
 Boswell Courtney Farr  
 Boucher Cramer Fattah  
 Boyd (FL) Crowley Foster  
 Boyd (KS) Cuellar Frank (MA)  
 Brady (PA) Cummings Griffiths  
 Braley (IA) Davis (AL) Gonzalez  
 Brown, Corrine Davis (CA) Green, Al  
 Butterfield Davis (IL) Green, Gene  
 Capps Davis, Lincoln Grijalva

Aderholt Doolittle  
 Akin Drake  
 Alexander Dreier  
 Bachmann Duncan  
 Bachus Ehlers  
 Barrett (SC) Emerson  
 Bartlett (MD) English (PA)  
 Barton (TX) Everett  
 Biggert Fallin  
 Bilbray Feeney  
 Bilirakis Ferguson  
 Bishop (UT) Flake  
 Blackburn Forbes  
 Blunt Fortenberry  
 Boehner Fossella  
 Bonner Foxx  
 Bono Mack Franks (AZ)  
 Boozman Frelinghuysen  
 Boustany Garrett (NJ)  
 Brady (TX) Gerlach  
 Broun (GA) Gilchrest  
 Brown (SC) Gingrey  
 Brown-Waite, Ginny Gohmert  
 Buchanan Goodlatte  
 Burgess Granger  
 Burton (IN) Graves  
 Buyer Hall (TX)  
 Calvert Hastings (WA)  
 Camp (MI) Hayes  
 Campbell (CA) Heller  
 Cannon Hensarling  
 Cantor Herger  
 Capito Hill  
 Carter Hobson  
 Castle Hoekstra  
 Coble Hulshof  
 Cole (OK) Inglis (SC)  
 Conaway Issa  
 Crenshaw Johnson (IL)  
 Cubin Johnson, Sam  
 Culberson Jones (NC)  
 Davis (KY) Jordan  
 Davis, David Keller  
 Deal (GA) King (IA)  
 Dent King (NY)  
 Diaz-Balart, L. Kingston  
 Diaz-Balart, M. Kirk

Kline (MN)  
 Knollenberg  
 Kuhl (NY)  
 LaHood  
 Lamborn  
 Latham  
 LaTourette  
 Latta  
 Lewis (CA)  
 Lewis (KY)  
 Linder  
 LoBiondo  
 Lucas  
 Lungren, Daniel E.  
 Mack  
 Manzullo  
 Marchant  
 McCarthy (CA)  
 McCaul (TX)  
 McCotter  
 McGrey  
 McHenry  
 McHugh  
 McKeon  
 McMorris  
 Rodgers  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Moran (KS)  
 Murphy, Tim  
 Musgrave  
 Myrick  
 Neugebauer  
 Nunes  
 Paul  
 Pearce  
 Pence  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Poe  
 Porter  
 Price (GA)

NAYS—193

□ 1622

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 371, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted “yea.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask the House to observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POMEROY). Without objection, 5-minute voting will continue.

There was no objection.

HEALTH CENTERS RENEWAL ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1343, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 1343, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 24, not voting 16, as follows:

[Roll No. 372]

## YEAS—393

Abercrombie DeLauro King (NY)  
Ackerman Dent Kingston  
Aderholt Diaz-Balart, L. Kirk  
Akin Diaz-Balart, M. Klein (FL)  
Alexander Dicks Kline (MN)  
Allen Dingell Knollenberg  
Altmire Doggett Kucinich  
Arcuri Donnelly Kuhl (NY)  
Bachmann Doolittle LaHood  
Bachus Doyle Lampson  
Baird Drake Langevin  
Baldwin Dreier Larsen (WA)  
Barrow Edwards Larson (CT)  
Barton (TX) Ehlers Latham  
Bean Ellison LaTourrette  
Becerra Ellsworth Latta  
Berkley Emanuel Lee  
Berman Emerson Levin  
Berry Engel Lewis (CA)  
Biggert English (PA) Lewis (KY)  
Billray Eshoo Linder  
Bilirakis Etheridge Lipinski  
Bishop (GA) Everett LoBiondo  
Bishop (NY) Fallin Loesack  
Bishop (UT) Farr Lofgren, Zoe  
Blackburn Fattah Lowey  
Blumenauer Feeney Lucas  
Blunt Ferguson Lungren, Daniel  
Boehner Forbes E.  
Bonner Fortenberry Lynch  
Bono Mack Fossella Mack  
Boozman Foster Mahoney (FL)  
Boren Foxx Maloney (NY)  
Boswell Frank (MA) Manzullo  
Boucher Frelinghuysen Markey  
Boustany Garrett (NJ) Marshall  
Boyd (FL) Gerlach Matheson  
Boya (KS) Giffords Matsui  
Brady (PA) Gilchrest McCarthy (CA)  
Brady (TX) Gingrey McCarthy (NY)  
Braley (IA) Gohmert McCaul (TX)  
Brown (SC) Gonzalez McCollum (MN)  
Brown, Corrine Goode McCotter  
Brown-Waite, Goodlatte McCreery  
Ginny Gordon McDermott  
Buchanan Granger McGovern  
Burgess Graves McHugh  
Butterfield Green, Al McIntyre  
Buyer Green, Gene McKeon  
Calvert Grijalva McMorris  
Camp (MI) Gutierrez Rodgers  
Cannon Hall (NY) McNeerney  
Cantor Hall (TX) McNulty  
Capito Hare Meek (FL)  
Capps Harman Meeks (NY)  
Capuano Hastings (FL) Melancon  
Carnahan Hastings (WA) Mica  
Carney Michaud  
Carson Heller Miller (MI)  
Carter Herger Miller (NC)  
Castle Herseth Sandlin Miller, George  
Castor Higgins Mitchell  
Cazayoux Hill Mollohan  
Chandler Hinchey Moore (KS)  
Childers Hinojosa Moore (WI)  
Clarke Hirono Moran (KS)  
Clay Hobson Moran (VA)  
Cleaver Hodes Murphy (CT)  
Clyburn Hoekstra Murphy, Patrick  
Coble Holden Murphy, Tim  
Cohen Holt Murtha  
Cole (OK) Honda Musgrave  
Conaway Hooley Myrick  
Conyers Hoyer Nadler  
Cooper Hulshof Napolitano  
Costa Inglis (SC) Neal (MA)  
Costello Inslee Neugebauer  
Courtney Israel Nunes  
Cramer Issa Oberstar  
Crenshaw Jackson (IL) Obey  
Crowley Jefferson Olver  
Cubin Johnson (GA) Ortiz  
Cuellar Johnson (IL) Pallone  
Culberson Johnson, E. B. Pascrell  
Cummings Johnson, Sam Pastor  
Davis (AL) Jones (NC) Payne  
Davis (CA) Jones (OH) Pearce  
Davis (IL) Kagen Perlmutter  
Davis (KY) Kanjorski Peterson (MN)  
Davis, David Kaptur Peterson (PA)  
Davis, Lincoln Keller Petri  
Davis, Tom Kennedy Pickering  
Deal (GA) Kildee Pitts  
DeFazio Kilpatrick Platts  
DeGette Kind Poe  
Delahunt King (IA) Pomeroy

Porter Scott (GA)  
Price (GA) Scott (VA)  
Price (NC) Serrano  
Putnam Sessions  
Rahall Sestak  
Ramstad Shadegg  
Rangel Shays  
Regula Shea-Porter  
Rehberg Sherman  
Reichert Shimkus  
Renzi Shuster  
Reyes Simpson  
Reynolds Sires  
Richardson Skelton  
Rodriguez Slaughter  
Rogers (AL) Smith (NE)  
Rogers (KY) Smith (NJ)  
Rogers (MI) Smith (TX)  
Ros-Lehtinen Smith (WA)  
Roskam Snyder  
Ross Solis  
Rothman Souder  
Roybal-Allard Space  
Ruppersberger Speier  
Ryan (OH) Spratt  
Ryan (WI) Stark  
Salazar Stupak  
Sali Sullivan  
Sánchez, Linda Sutton  
T. Tanner  
Sanchez, Loretta Tauscher  
Sarbanes Taylor  
Schalise Terry  
Schakowsky Thompson (CA)  
Schiff Thompson (MS)  
Schmidt Thornberry  
Schwartz Tiahrt

## NAYS—24

Barrett (SC) Hensarling  
Bartlett (MD) Jordan  
Broun (GA) Lamborn  
Burr (IN) Marchant  
Campbell (CA) McHenry  
Duncan Miller (FL)  
Flake Miller, Gary  
Franks (AZ) Paul

## NOT VOTING—16

Andrews Gillibrand  
Baca Hunter  
Cardoza Jackson-Lee  
Chabot (TX)  
Filner Lewis (GA)  
Gallegly Pryce (OH)

□ 1634

Mr. BURTON of Indiana changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.”

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 372, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted “yea.”

POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5669, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 5669.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 10, not voting 18, as follows:

[Roll No. 373]

## YEAS—405

Abercrombie Cummings Hoyer  
Ackerman Davis (AL) Hulshof  
Aderholt Davis (CA) Inglis (SC)  
Akin Davis (IL) Inslee  
Alexander Davis (KY) Israel  
Allen Davis, David Issa  
Altmire Davis, Lincoln Jackson (IL)  
Arcuri Davis, Tom Jefferson  
Bachmann Deal (GA) Johnson (GA)  
Bachus DeFazio Johnson (IL)  
Baird DeGette Johnson, E. B.  
Baldwin Delahunt Johnson, Sam  
Barrett (SC) DeLauro Jones (NC)  
Barrow Dent Jones (OH)  
Bishop (MD) Diaz-Balart, L. Jordan  
Barton (TX) Diaz-Balart, M. Kagen  
Bean Dicks Kanjorski  
Becerra Dingell Kaptur  
Berkley Doggett Keller  
Berman Donnelly Kennedy  
Berry Doolittle Kildee  
Biggert Doyle Kilpatrick  
Billray Drake Kind  
Bilirakis Dreier King (IA)  
Bishop (GA) Edwards King (NY)  
Bishop (NY) Ehlers Kirk  
Bishop (UT) Ellison Klein (FL)  
Blackburn Ellsworth Kline (MN)  
Blumenauer Emanuel Knollenberg  
Blunt Emerson Kucinich  
Boehner Engel Kuhl (NY)  
Bono Mack English (PA) LaHood  
Boozman Eshoo Lamborn  
Boren Etheridge Lampson  
Boswell Everett Langevin  
Boucher Fallin Larsen (WA)  
Boustany Farr Larson (CT)  
Boyd (FL) Fattah Latham  
Boya (KS) Feeney LaTourrette  
Brady (PA) Ferguson Latta  
Brady (TX) Forbes Lee  
Braley (IA) Fortenberry Levin  
Brown (SC) Fossella Lewis (CA)  
Brown, Corrine Foster Lewis (KY)  
Brown-Waite, Foxx Linder  
Ginny Frank (MA) Lipinski  
Buchanan Frelinghuysen LoBiondo  
Burgess Garrett (NJ) Loesack  
Burton (IN) Gerlach Lofgren, Zoe  
Butterfield Giffords Lowey  
Buyer Gilchrest Lucas  
Camp (MI) Hinchey Lungren, Daniel  
Cannon Gohmert E.  
Cantor Gonzalez Lynch  
Capito Goode Mack  
Capuano Hirono Mahoney (FL)  
Carnahan Graves Maloney (NY)  
Carney Marshall Manzullo  
Carson Green, Gene Matheson Marchant  
Carter Grijalva McCarthy (CA) Markey  
Castle Gutierrez McCarthy (NY) Marshall  
Castor Hall (NY) McCaul (TX) Matheson  
Cazayoux Hall (TX) McCollum (MN) Matsui  
Chandler Hare McCotter  
Childers Harman McCreery  
Clarke Hastings (FL) McDermott  
Clay Hastings (WA) McGovern  
Cleaver Hayes McHenry  
Clyburn Heller McHugh  
Coble Hensarling McIntyre  
Cohen Herger McKeon  
Cole (OK) Herseth Sandlin McMorris  
Conaway Higgins Hill  
Conyers Hirono Rodgers  
Cooper Hinchey McNeerney  
Costa Hinojosa McNulty  
Costello Hirono Meek (FL)  
Courtney Hobson Melancon  
Cramer Hodes Mica  
Crenshaw Hoekstra Michaud  
Crowley Holden Miller (FL)  
Cubin Miller (MI)  
Cuellar Honda Miller (NC)  
Culberson Hooley Miller, Gary

Miller, George	Rodriguez	Stearns
Mitchell	Rogers (AL)	Stupak
Mollohan	Rogers (KY)	Sullivan
Moore (KS)	Rogers (MI)	Sutton
Moore (WI)	Rohrabacher	Tanner
Moran (KS)	Ros-Lehtinen	Tauscher
Moran (VA)	Roskam	Taylor
Murphy (CT)	Ross	Terry
Murphy, Patrick	Rothman	Thompson (CA)
Murphy, Tim	Roybal-Allard	Thompson (MS)
Murtha	Royce	Thornberry
Musgrave	Ruppersberger	Tiahrt
Myrick	Ryan (OH)	Tiberti
Nadler	Ryan (WI)	Tierney
Napolitano	Salazar	Towns
Neal (MA)	Sali	Tsongas
Neugebauer	Sánchez, Linda	Turner
Nunes	T.	Udall (CO)
Oberstar	Sanchez, Loretta	Upton
Obey	Sarbanes	Van Hollen
Olver	Scalise	Velázquez
Ortiz	Schakowsky	Visclosky
Pallone	Schiff	Walberg
Pascarella	Schmidt	Walden (OR)
Pastor	Schwartz	Walsh (NY)
Payne	Scott (GA)	Walz (MN)
Pearce	Scott (VA)	Wamp
Perlmutter	Serrano	Wasserman
Peterson (MN)	Sessions	Schultz
Peterson (PA)	Sestak	Waters
Petri	Shays	Watson
Pickering	Shea-Porter	Watt
Pitts	Sherman	Waxman
Platts	Shimkus	Weiner
Pomeroy	Shuster	Welch (VT)
Porter	Simpson	Weldon (FL)
Price (GA)	Sires	Weller
Price (NC)	Skelton	Westmoreland
Putnam	Slaughter	Wexler
Radanovich	Smith (NE)	Whitfield (KY)
Rahall	Smith (NJ)	Wilson (OH)
Ramstad	Smith (TX)	Wilson (SC)
Rangel	Smith (WA)	Wittman (VA)
Regula	Snyder	Wolf
Rehberg	Solis	Woolsey
Reichert	Souder	Wu
Renzi	Space	Yarmuth
Reyes	Speier	Young (AK)
Reynolds	Spratt	Young (FL)
Richardson	Stark	

NAYS—10

Broun (GA)	Paul	Shadegg
Duncan	Pence	Tancredo
Flake	Poe	
Kingston	Sensenbrenner	

NOT VOTING—18

Andrews	Gillibrand	Rush
Baca	Hunter	Saxton
Campbell (CA)	Jackson-Lee	Shuler
Cardoza	(TX)	Udall (NM)
Chabot	Lewis (GA)	Wilson (NM)
Filner	Meeks (NY)	
Galleghy	Pryce (OH)	

□ 1644

Mr. POE changed his vote from "yea" to "nay."

Mr. PUTNAM changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FILNER. Mr. Speaker, on rollcall 373, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend and insert extraneous material on H.R. 3021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1234 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3021.

□ 1645

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, with Ms. BORDALLO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 2 minutes.

I rise in very strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facility Act, legislation that would invest in modernizing public schools across the country.

This legislation is an example of how well-crafted public policy can address a number of key challenges all at the same time. This bill has something in it for improving the education of our children, improving our economy, and improving the environment.

First, this legislation will help improve student achievement by providing more children and teachers with a modern, safe, healthy, clean, place for learning. Second, this legislation will give a boost to our economy by injecting demand into a faltering U.S. construction industry. And, third, this legislation will make our schools part of the solution to the global warming crisis by encouraging more energy efficiency as well as the use of renewable energy resources.

Any one of these three reasons alone would be enough to support this bill; but when you put all three of them together, this is a clear win for our children, for our communities, for workers, and for our planet.

For children and teachers, unfortunately, the reality is that in too many of our communities the schools are lit-

erally crumbling. In 2000, The National Center of Education Statistics said it would take \$127 billion to bring schools into good condition, including that 75 percent of the schools were in various stages of disrepair. The American Society of Civil Engineers gave U.S. schools a D for national infrastructure report card. Just last month, the 21st Century School Fund called for a \$140 billion Federal investment in school facilities to bring all school districts up to the level of the highest income districts followed by ongoing annual Federal investment.

The fact of the matter is that those children who have the most difficult time receiving an education are receiving that education in some of the worst schools in this Nation. This is an effort for us simply to partner with local school districts on a formula basis so that they can then carry out their plans to renovate, to repair, to remodel existing schools so that they can save energy, they can provide better lighting and a better atmosphere for the schools to learn.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I stand in opposition to H.R. 3021, and I yield myself such time as I may consume.

The name of this bill is a mouthful but seems harmless enough, the 21st Century Green High-Performing Public School Facilities Act. It sounds like a program to ensure good schools, safe schools, environmentally friendly schools. It sounds pretty good to me. It is when we look a little closer that the real goal becomes clear. This is a bill that puts us on a path toward Federalizing the building and maintenance of our Nation's schools. It is about feeding bigger government and giving Washington more control over what happens in States and local communities. We are talking about an estimated \$20 billion over the next 5 years handed out to States and schools so that we can exercise control over how they build their schools.

Maybe a school has a leaky roof. The Federal Government is happy to pay to get it fixed; but instead of spending \$1,000 on a repair, we tell the school it has to spend \$100,000 on a new roof that meets our hand-picked environmental standards. And Big Brother doesn't stop there. We also link this funding to the Depression-era Davis-Bacon Act, meaning that construction projects under this bill must pay so-called prevailing wages. The problem is, prevailing wage calculations are critically and fundamentally flawed. Sometimes they are higher than market rates and other times they are lower.

Take plumbers, for instance. I have a chart here that shows in a sampling of cities plumbers paid Davis-Bacon wages could be paid anywhere from 70 percent below the market rate to 77 percent above the market rate. Davis-Bacon requirements drive up the cost of Federal projects by 10, 15, 20 percent,

and sometimes more. These are costs that get passed on to the taxpayers. Moreover, these requirements force private companies to do hundreds of millions of dollars of excess administrative work each year.

So already we are talking about a new \$20 billion program to fund an inefficient construction mandate that allows bureaucrats here in Washington to tell our neighborhoods and small towns and big cities exactly how their school buildings should be built, from the materials they use to the contractors they hire.

Madam Chairman, I would like to know where that \$20 billion is going to come from. When we were in the majority, we heard no end to the complaints from the other side of the aisle that we were underfunding No Child Left Behind and the Individuals With Disabilities Education Act. I am proud of our record of strong support for these programs, but it is true that they are not funded at their authorized level. It was true when Democrats were in the majority up until 1995, it was true when we were in the majority even though we doubled the payments there, and it is still true today with Democrats back at the helm. The reality is that neither party has funded these programs at their authorized maximum.

If we have \$20 billion to spend on our schools, shouldn't we invest that in keeping the promises we have already made? We are looking at \$6.4 billion authorized for this program next year alone. Do you know what that could do for title I or IDEA? We could increase special education funding by almost 60 percent in 1 year. We could bring title I funding to more than \$20 billion.

I don't know whether we have the money to spend on this program; in fact, I think we probably don't. But if we have it, we have a duty to spend it on programs that help improve academic achievement for disadvantaged children.

I also think it is ironic that we are here today proposing a program to build more schools when districts around the country are struggling just to pay for the fuel it takes to transport children and operate, heat, and cool the schools we already have. Like the rest of the country, our schools are being squeezed by the high price of gasoline. Rising fuel prices are taking a real toll on our Nation's schools, just as on our Nation's families and individuals.

Beyond diesel fuel and heating oil, schools are faced with higher supply costs, fewer field trips, and costlier school lunches. First it was community colleges forced to move to a 4-day school week; now, even K-12 school systems are reducing the number of school days because of the pain at the pump. Unfortunately, that is a problem for which the Democrats are offering no answers.

Madam Chairman, this is a bad program created based on a flawed premise. Yes, there is a need for school

construction and modernization. It is a need that is best handled at the State and local level where they can be responsive to each community's unique needs. The Federal role in education has been limited to target interventions that help provide a more level playing field for children who might otherwise be left behind. That is where our focus should remain.

I reserve the balance of my time.  
Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 30 seconds to say that it is interesting that again they talk about the increased energy costs for schools. And at the same time that we are considering legislation which is designed to lower those energy costs for schools, they are arguing against the passage of this legislation.

This is a modest effort by the Federal Government to help these schools get on with the refurbishing, the repair, and the renovation of these schools so that they will lower their energy costs, whether it is heating or air conditioning, so that they can then put that money back into the educational program.

Madam Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. CHANDLER), the author of this legislation who understands the importance of this contribution to the education of our children at the local level.

Mr. CHANDLER. Madam Chairman, I am very proud to be here today to introduce the 21st Century Green High-Performing Public School Facilities Act, authorizing almost \$7 billion for our struggling schools.

I would like to express my sincere appreciation to our cosponsors on this bill, in particular Mr. KILDEE and Mr. LOEBSACK, but especially Chairman MILLER who has done an incredible job as chairman of the Education and Labor Committee and I very much appreciate what the gentleman from California has done on this bill.

Where children learn has a large impact on what they learn, and the evidence is undeniable. The U.S. Department of Education tells us that modern, functional school facilities are truly important for effective student learning. Consequently, it is unacceptable that some of our children spend their days in buildings with faulty wiring, leaking roofs, lead paint, and asbestos.

In 1995, the GAO found that schools were in desperate need of repairs totaling \$112 billion. Over a decade later, the need is even greater. Each day we are competing on a global stage and not always winning that competition, and investing in the education of our children at home is the key to staying in the game. We are spending hundreds of billions of dollars in Iraq. Surely, surely we can invest less than \$7 billion in the future of our children and the future of our country.

This bill is a home run. It will give much needed money to our schools struggling with huge budget deficits,

while encouraging energy efficiency and creating jobs for Americans that cannot be shipped overseas. Today, I urge you, Democrats and Republicans alike, make this important investment in our schools, in our children, and in our future.

Mr. McKEON. Madam Chairman, I am privileged now to yield to the gentleman from Delaware (Mr. CASTLE), the ranking member on the subcommittee over K-12 education, 3 minutes.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding. Let me try to put this in perspective.

We are talking about Federal dollars here. We have never at the Federal Government level funded school construction. Perhaps in emergency situations, but other than that, we have not.

□ 1700

We do have certain responsibilities that we do need to fund, and one of those is clearly under the No Child Left Behind. The Elementary and Secondary Education Act is title I. The ranking member from California has already pointed this out.

But the bottom line is that when you look at the funding which we have here, which fundamentally is \$6.4 billion in title I. There's another \$100 million in title II of this legislation. But if you take that \$6.4 billion and you add it to title I, you get very close to that amount of money that we have already authorized in our committee under the jurisdiction of all of us involved with this committee.

I think we clearly recognize the importance of title I. It brings in the teachers, it brings in the help. It brings in the people who are going to help our children in schools which are most in need of money. And we would get at least a lot closer to the \$25 billion. Right now we only have \$13.9 billion appropriated.

And then you look at IDEA. Everybody here, Republicans and Democrats alike have fought hard in recent years to increase IDEA to help our children with disabilities, the Individual Disabilities Education Act, and with that extra \$6.4 billion, as this chart shows, IDEA could be funded at \$7.3 billion, getting very close to the 40 percent requirement in the statute with respect to where we should be with helping those children with disabilities.

My concern is, where are we spending our Federal money?

My other concern is, and I hope my friends in the Blue Dogs are listening to all of this, but my other concern is we are opening a door here. We are opening a door which is very large, and we're opening it somewhat wide. You haven't even begun to see where we're going to go. The \$6.4 billion for fiscal year 2009 is followed by whatever sums thereafter, that's going to go up dramatically very, very quickly, in my judgment. And when all of the local entities realize that perhaps they can

come to the Federal Government and get money, maybe they'll try to whittle down the title III of this so they don't have to worry about the green aspect of it quite as much, and they're going to go for more money. That's going to be the key to it and you're going to see huge increases. I think the 6.4 is merely a beginning. And all this is going to, in my judgment, take away from whatever money is needed for education.

Yes, we can argue that the money could come from war or this or whatever it may be. It's not that simple. The bottom line is that people are going to look at education, and I'm afraid they're going to say, we're putting it in construction, therefore we can't put it in title I, we can't put it in IDEA, and I think that would be a mistake.

I believe that this bill is well-intended, and I agree with everything that's being said on the other side about the good it can do as far as schools are concerned. But I have a strong disagreement with where the Federal Government should be in this. I think it should be a local and State issue in terms of construction, and we need to fund those things that we have agreed to fund. We need to fund title I. We need to fund IDEA. We do not need to open up a whole new source of funding that we simply cannot afford at this time.

So I would encourage defeat of the legislation and, hopefully, we can make sure that we're funding programs we should be funding in education.

Mr. GEORGE MILLER of California. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), the chairman of the Subcommittee on Early Childhood, Elementary and Secondary Education, and an incredible advocate for the Federal role in school construction for many, many years, and a coauthor of this legislation.

Mr. KILDEE. Madam Chairman, I rise in strong support of this legislation.

I was pleased to join Mr. CHANDLER and Chairman MILLER in introducing H.R. 3021, and to work with my chairman and Representatives LOEBSACK, ANDREWS, HARE, HOLT and MCCARTHY to introduce the committee substitute. I especially acknowledge Mr. LOEBSACK's great depth of knowledge and the perseverance he has brought to this bill.

This legislation will bring critically needed resources to schools around the country to provide students, teachers, principals and others with safe, healthy, modern, energy efficient and environmentally friendly learning spaces, and will help our local, State and national economies by creating jobs for thousands of workers to build these improvements.

Some years ago, Madam Chairman, in my district, a Federal judge ordered a jail to be torn down because it was unfit for human habitation. Yet, many

local educators told me that jail was in better shape than some of the schools where they work so hard every day on behalf of their students. By providing the resources to ensure that situation never happens again, this bill would send children the message that we truly value every one of them.

I urge my colleagues to support this legislation.

Mr. MCKEON. I yield now to the gentleman from Utah, a member of the committee, Mr. BISHOP, 3 minutes.

Mr. BISHOP of Utah. When this bill was originally introduced by the gentleman from Kentucky, it would have required the Department of Energy to conduct a study of needs nationwide and then provided grants to meet those needs.

This doesn't quite do it. There have been no studies. NCE did one about 8 years ago which talked on a regional basis but not anything more specific. Another study was done about 3 years ago, and instead of trying to identify construction needs, this bill tracks money based on title I spending, which simply asks the question, is there a connection between construction needs and the distribution formula in this particular bill? If not, and this bill escapes, we will be coming back repeatedly with ideas that we need to tweak this or that in the effort to create some kind of fairness for the future.

At the committee I raised the question, because my State has an equalization formula, not just for maintenance and operation which is programmed, but also for capital outlay. And I asked how this bill would impact my State and I was told we would find that out; get back with you. That still has yet to happen.

So let me try and tell you what this particular bill would do in my State as it relates to how we fund construction needs within a State. The State of Utah has two different categories, historically. First of all, we have continuing school building aid which basically went for areas that were overcrowded, where there was a surge of students creating crowded school conditions.

We also had a category that we funded which was continuing. I'm sorry. Let me switch that around. Continuing was for overcrowded. Critical school building aid was for those districts that happened to have all their buildings coming of age at the same time and needed an infusion of cash.

We then equalized the formula so that districts in the State of Utah were given State money, in addition to what they could raise locally, to meet these particular needs.

So I simply went through the formula that this bill would equate, and what would it do in the State of Utah. This is the bottom line. The districts that have continuing school building needs, overcrowded, would not get money from this formula. The districts that have critical school building needs, which simply means the age of

their buildings are all coming together at the same time, would not get money from this formula.

Indeed, the districts that get money from this formula are the ones in the State of Utah that do not have the construction needs. And that's a simple problem with this bill.

If we had gone along with what Congressman CHANDLER had originally established and tried to establish a criteria of where this money would go, there would be some logic to it. There is no logic. We are simply throwing money at a target that is constantly on the move.

Satchel Paige used to talk to young pitchers and say, "Just throw strikes. Home plate don't move."

Well, in this particular bill, we can't throw strikes because not only is home plate moving, it doesn't even exist. And that is a key problem with what we are trying to accomplish in this.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. BISHOP of Utah. I have one other issue as well. We have talked, both in committee, the Rules Committee and I'm going to bring it up here on the floor, of the issue of charter schools. The committee has stated as their policy they wish to have charter schools treated fairly in this particular bill.

If a charter school is, of itself, a local education agency, the language in this bill covers charter schools and they will be treated fairly. Unfortunately, if a charter school is part of a different local education agency it does not guarantee in the language of the bill that that charter school will be treated fairly.

We have examples, anecdotal I admit, but anecdotal from coast to coast in this Nation, of charter schools who were not treated fairly by local education agencies. And unless specific language is placed in this bill, it does not guarantee that will happen.

I appreciate the chairman of the committee adding new language in a manager's amendment that will try and make a study of this to see if they can report back. But the bottom line is simply this. Despite our statement that we want charter schools to be treated fairly, the language of our bill is a gaping loophole that does not meet that if the charter school is not part of the LEA, and I would hope, I would certainly hope that the chairman or the sponsors would guarantee that they would continue to work on this issue to make sure that this is given out in a fair and equitable manner because we want fairness and logic. It doesn't exist in the distribution formula in this particular bill.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK), a member of our committee and a primary sponsor of this legislation.

Mr. LOEBSACK. Madam Chairman, I want to thank Chairman MILLER for his really great work on this legislation. I also want to thank Mr. CHANDLER for his commitment to this issue, and Mr. KILDEE, of course, for his long-standing work on this issue, and for his partnership in offering the substitute amendment to this bill during committee mark-up.

Mr. KILDEE's and my amendment combined important provisions from Mr. CHANDLER's legislation and provisions from my own legislation, the Public School Repair and Renovation Improvement Act and the Green School Improvement Act, and it also contained suggestions from many members, many other members of our committee who have prioritized green school construction over the years.

Schools across this country are deteriorating. Problems vary region by region, State by State and even district by district. I can see the problems in my own district in Iowa, especially in our rural schools. In Iowa, these schools serve close to 170,000 students.

This bill will help Iowa by directing over \$35 million to the State. This Federal investment will help leverage additional local dollars and create over 560 new jobs.

This bill also focuses on the importance of "greening" schools. Research demonstrates that green school technology can lead to increased health, learning ability and productivity. This includes improved test scores, attendance, teacher retention and satisfaction.

This legislation is a much needed investment in the education and safety of our students. Today, when we pass this bill, Congress will tell our students they matter. Congress will tell the American people that our economy and good jobs and good wages matter. And Congress will tell all of us that maintaining a healthy environment for all matters.

Madam Chairman, I urge the bill's passage.

Mr. McKEON. Madam Chairman, may I inquire as to how much time is left.

The CHAIRMAN. Mr. McKEON has 17 minutes. Mr. MILLER has 22 minutes.

Mr. McKEON. I am privileged to yield at this time to the gentlelady from Illinois, a member of the committee, Mrs. BIGGERT, 4 minutes.

Mrs. BIGGERT. Madam Chairman, I rise in reluctant opposition to H.R. 3021. I support giving schools some Federal assistance when it comes to school construction. In fact, I've sponsored legislation in the past that would provide interest-free and low-interest loans to States and localities to support school construction, renovation and repair.

I represent some of the fastest growing communities in the country, and I know how school districts are constantly struggling to meet the growing demand for space and resources.

I also support the greening of our schools. I'm a cosponsor of H.R. 6065,

which will provide schools with small grants to make green and energy efficient improvements for their schools.

Much as I would like to join the supporters of H.R. 3021, let me remind them of the promises that we've already made to schools, but yet not met. In 1975, in passing the Individuals with Disabilities Education Act, or IDEA, Congress made a commitment to fund 40 percent of the cost of educating children with disabilities. Yet for fiscal year 2008, Congress appropriated only \$11.3 billion for this purpose, a mere 17 percent of the funds originally promised.

□ 1715

Is this an anomaly? Not at all. Congress has never delivered more than 18.5 percent of the money we promised for IDEA.

What I hear over and over again from teachers and school boards and administrators in my district is, When are you going to meet your commitments on IDEA and NCLB? How about meeting our commitments under No Child Left Behind? NCLB was authorized at \$25 billion, but Congress has just provided less than \$14 billion.

Despite these unmet commitments, Congress is positioned today to make another Federal commitment on school spending. The Congressional Budget Office estimates that H.R. 3021 would increase discretionary spending by \$20.3 over a 5-year period. With this funding, we could meet our commitments to IDEA and increase funding for NCLB by \$5 billion over the next 5 years. I realize this is a back-of-the-envelope calculation. But I think it gives Members a better idea of what we could be accomplishing with this money.

As a former school board president, I well know that school construction is the responsibility of State and local governments. I support fiscally responsible proposals to facilitate State and local government investments in school infrastructure, but I cannot support authorizing billions of dollars in new spending when we cannot fulfill our current commitments to schools and children.

When Congress has fully funded IDEA and NCLB, I will be very happy to revisit this issue with my colleagues on the other side of the aisle. But until then, I think the top Federal priorities should be meeting our commitments and improving student achievement.

Mr. GEORGE MILLER of California. Madam Chairman, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a member of our committee and a sponsor of this legislation.

Mrs. MCCARTHY of New York. Madam Chairman, I think there are obviously many of us that support H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. In listening to the debate, I can only talk about a number of the schools that are in my district. I'm certainly someone who supports school funding

for IDEA, but if I have my children in the classrooms—or most of them are actually being taught in the hallways because they don't have the facilities to be able to do the teaching that they need to do. I know a number of my schools—if that was a business, you wouldn't be able to get anybody to work into that particular business.

What we're trying to do—and you have to look at things holistically. If we don't have good school facilities, how do we expect our teachers and certainly our students to learn, and what kind of message are we sending that we don't care enough about our children that we give them safe environments?

I can go into my schools in my district during the winter, and every window is wide open because the way the energy for the heating system is, it makes the classrooms too hot. The children can't concentrate. You go into one of my schools during the summertime when they're taking their final exams, and the classrooms are 110 degrees. How are our students supposed to be able to pass those tests and concentrate? None of us would work under those conditions. And yet we are asking our children to survive under those conditions.

We must look at how we're going to work to be able to educate our children for the global economy that we're looking forward to. But I believe very, very strongly we have to have a clean, safe environment. Go into our city schools. Come into my schools. Look at the amount of children that have asthma because the quality of the air is subnormal. A number of my schools in the last year had to be closed. So now we're putting our children in little trailers.

I don't understand this debate. This is something that many of our schools need, and as far as having Davis-Bacon, why should not we have prevailing wage for those that work in the community, pay the wages, and also have good construction done?

With that, I hope that we pass overwhelmingly this bill.

Mr. McKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee and subcommittee Chair.

Ms. WOOLSEY. Thank you, Chairman MILLER.

Madam Chairman, I'm pleased to rise in support of H.R. 3021, the 21st Century High-Performing Public School Facilities Act.

No child should be expected to learn in a crumbling school building. And this bill will give our Nation's schools the funds needed to repair and renovate their school building. That's very important because our children deserve the best opportunities in life, and that starts with a quality education in a safe building where students can focus on learning and teachers can focus on teaching.

This bill also encourages schools to make environmentally—green repairs. Schools in my district are making their facilities more environmentally friendly lately, and it's encouraging other schools to follow their lead because as our States face budget shortfalls and school districts deal with budget cuts, savings on energy costs will make a huge difference.

And it's a win-win. As a school shifts towards greening their school, students will learn about the process and the importance of preserving our environment. If you value our children, if you value our students, if you value their education and their educators, then show them; ensure their schools are the very best possible.

Support H.R. 3021.

Mr. MCKEON. Madam Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to a member of the committee, the gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Chairman, I rise in strong support today of H.R. 3021.

School districts around the country are struggling to find the money to pay for the most basic school repairs, let alone funding to upgrade school facilities to meet the needs of 21st century learners.

While school construction funding has traditionally been a State and local responsibility, the magnitude of the challenge warrants an increased Federal role, a role that could help schools such as Lewistown High in my district repair a leaky roof and replace World War II-era equipment that students are using for machine shop.

Madam Chairman, the bill before us authorizes \$6.4 billion to address unmet school construction needs. Additionally, the bill guarantees schools with the greatest need receive a minimum of \$5,000 for school construction projects.

As a member of the Green Schools Caucus, I'm pleased that this bill encourages schools to make energy-efficient improvements. By dedicating the majority of funds to green projects, H.R. 3021 will save schools an average of \$100,000 each year in energy costs alone—enough to hire two additional full-time teachers, purchase 5,000 new textbooks, or buy 500 new computers.

The deteriorating physical condition of public schools also presents an opportunity to stimulate our failing economy. A direct Federal investment in school construction will provide an immediate boost to our economy and create an estimated 100,000 jobs in the building trades hit hard in recent months.

Madam Chairman, H.R. 3021 comes as a much-needed response to crumbling school infrastructure, skyrocketing energy prices, and our declining economy. I strongly urge all of my colleagues to support this vital piece of legislation.

Mr. MCKEON. I am privileged to yield at this time to the gentleman

from California (Mr. DANIEL E. LUNGREN) 3 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I apologize. I'm not a member of the committee involved. I was not really that alert to what this bill is, but listening to some of the debate, it just caused me some pause to reflect on maybe we found the answer to the question I keep being asked at my town hall meetings which is, How do you folks back there allow the budget to get so large? How do you get such deficit spending? What is going on back there?

Well, let's see. I just heard Members on the other side of the aisle say this is a Federal responsibility. In fact, I just heard this argued as a jobs program. This will stimulate the economy. Well, if that's the case, let's multiply it by 10. If this is going to create that many more jobs, let's ten 100 times. We will take care of all of the unemployment in America.

The idea that somehow we have the responsibility on the Federal level to now fund the programs for construction and air-conditioning and heating and so forth in schools, what is left for local taxpayers to do? Oh, I'm sorry. Local taxpayers are also the Federal taxpayers and the State taxpayers. I forgot that because we forget that here.

I just heard the gentleman previously on the other side say his school districts are strapped. They can't pay for it. But magically, we can pay for it here because I guess when my constituents get up in the morning they say, Well, this morning I'm a local taxpayer but at noon I will be a State taxpayer, tonight I will be a Federal taxpayer. I can't afford to pay for it in the morning; I'm not sure I can pay for it yet, but magically I can pay for it tonight because—well, I don't know. I guess this money comes from nowhere.

I mean, does anybody understand we're talking about a new program that's never existed before? But now, now the very future of the Republic depends on this program.

I heard another Member on the other side of the aisle say students can't learn when they're sweating, I guess. Well, I confess. I went to Catholic school. We didn't have air-conditioning in Southern California when it was 103, and it was hot. I remember sweating through my shirts, and it was uncomfortable. But give me a break. You're telling me that there's a Federal responsibility to put air-conditioning in every building that school kids are going to?

I would just ask the American people is this what they think the Federal Government is supposed to be doing? We should go around and find every single wrong thing or something that is not perfectly right and then the Federal Government is going to take care of it? Now, if that is the case, we will never come close to fiscal responsibility, and we're going to do this on top of the fact that we have mandatory

spending programs that, if you look at the payout, by the year 2042—and I know that's a long way away, but my grandkids will probably be concerned about it—as was stated not too long ago in testimony before one of our committees, if we continue spending the way it is, we will have no room for discretionary spending—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. As the head of OMB said at that time, including defense. That's the first time I ever heard of defense called discretionary.

But the point is there are certain responsibilities that are the Federal Government's. And I remember when we started the—I am old enough to remember that. I happened to be in Congress shortly after that when President Carter was elected and we established the Department of Education because we said the Federal Government ought to play a small role, small but important role in education.

Well, now if we're going to be responsible for construction for air-conditioning, for heating, for environmentally friendly construction, where does it end? I guess it ends at the taxpayers' pocketbook. But we just pretend that we're not taking from the pocketbook here because it is the Federal Government that doesn't cost anybody anything, but we are here to rescue everybody on the Federal level because they can't afford to pay for it at the local or State level.

Maybe that makes sense here in Washington, but I don't think it makes sense anywhere else. Maybe this is "Alice in Wonderland," but where I come from, people know that when you take a dollar out of their pocket, it's one less dollar they have.

The CHAIRMAN. The gentleman's time has again expired.

Mr. MCKEON. Madam Chairman, I yield the gentleman an additional 2 minutes, and I want to ask him a question.

Mr. DANIEL E. LUNGREN of California. You have to understand I'm not on the committee. So I'm not an expert on that. I'm just a regular Member of Congress who heard the debate as I was walking by.

Mr. MCKEON. Let's talk about the things we deal with when we're not here in Congress. You have children. I have children. We have grandchildren. And I try to think about our children and grandchildren sitting at the kitchen table, and they have a little different rules that they have to operate under.

□ 1730

You know, we have a Federal responsibility that we have taken upon ourselves, and we will fund 40 percent of IDEA. We're up to about 17 percent. We said that we'll fund title I. We're way short of where we should be on that.

If, say, you have a grandson or granddaughter, maybe they've bought a motorcycle and they have a commitment to pay \$100 a month on a motorcycle. And maybe the daughter is going to school and has a commitment to pay a couple hundred dollars a month on that.

Family is sitting around and they say, you know, we're a little short, we don't have quite enough to pay the motorcycle bill this month, we don't have quite enough to pay the school bill this month, but why don't we go out and buy a motor home, because the family would benefit from that; it would be a good thing. We could have good quality time that we could spend together, and we don't have the money for that.

That's kind of what we're talking about here, isn't it?

Mr. DANIEL E. LUNGREN of California. Well, I would think so. I would think that it's certainly a greater priority to help that program, the Individuals with Disabilities Education Act, that we assume that as a responsibility, and I can argue back home that that is a shared Federal responsibility.

I don't think this bill rises to that level, and it seems to me if we use money for this and not for disabilities, aren't we shortchanging a program which really has a Federal responsibility for this? I know it sounds good because it's a new program.

I just noticed this. Maybe it's because I came back after 16 years. I find it's awfully easy to say billions and trillions.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I found when I was gone for 16 years, I couldn't find billion and trillion so easy to say. But once we're here, it's awfully easy to say, and then it kind of masks the costs to the local taxpayer because the average person can't figure out what \$1 trillion is or \$1 billion because that's not within their area of experience.

But what it means, I would hope that folks back home would understand, if we were ever to talk to them about this, that this is coming out of their pocket. And if they believe they can't afford it back home, how can they afford it here, first?

Secondly, we have a commitment to programs like those for children with disabilities. Shouldn't we try and fund that to a higher level first before we start on this path to a new program?

Again, I'm not a member of the committee, and I know the gentleman has served on the committee. But that's a simple question.

Mr. MCKEON. We would love to have you on the committee, and I think that you're asking the right questions.

Mr. DANIEL E. LUNGREN of California. I'm not sure the chairman of the committee shares that sentiment, but I appreciate that, and I thank the gentleman for the time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 30 seconds.

It's wonderful to listen to this conversation among two people talking about fiscal responsibility back and forth to one another. When the Bush administration came into office, they were given a \$5 trillion surplus. Now, 8 years later, it's a \$9 trillion deficit. And in that time, they never found the way to fund title I. They never found the way to fund IDEA. And yet, somehow, they were fiscally responsible, and now they've run this economy and this country into a ditch, with \$9 trillion of debt in 8 short years, and they inherited a \$5 trillion surplus.

Madam Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Just to follow up on the chairman's remarks, it sounds like crocodile tears to hear people talking about underfunding IDEA and title I when last December we had a chance to override the President's veto of the education spending bill, which would have put a serious commitment by this Chamber towards those programs which, indeed, have been underfunded for far too long, but unfortunately, too many Members on the other side of the aisle upheld the President's veto and broke, again, the promises to local communities to pay for Federal mandates.

We have a national challenge facing this country, a national energy challenge, national education challenge, and that's what this national bill is focusing on.

In Connecticut, the Eastern Connecticut State University Institute for Sustainable Energy did an inventory of school buildings a couple of years ago. They found that 90 percent of the buildings were constructed before 1978, completely energy inefficient. If we could get to an Energy Star rating of 50, which is a very modest rating, we would save 40 percent, not 20 percent, but 40 percent energy costs, which is precious dollars for local communities that are distressed and don't have a property tax base to pay for that kind of investment.

This program is focused with a title I formula to needy school districts. We're not just taking dollars and throwing them up in the air across the United States of America. We are helping the communities that need the help and can't afford to invest in green technology.

We have districts in my part of Connecticut, Quaker Hill Elementary School, that are making that type of investment, but we need to help the districts that can't afford to do it.

That's why, with a title I-based formula, this legislation will accomplish that task. I urge the Chamber's full support.

Mr. MCKEON. I notice the chairman has left, but I wanted to just correct the record a little bit.

I've been here 16 years. I know he's been here over 30 years. But when we won the majority in 1994, at that point IDEA was funded at about \$2 billion. It was passed in 1976.

At the time, we made a commitment, those who were in the Congress at the time made a commitment, that the Federal level would be funded at 40 percent. At that time in 1976, \$2 billion would have funded at 40 percent. The Democrats were in charge from 1976 to 1994. They got it from a few hundred million up to \$2 billion in that time.

We won the majority in 1994, and we increased the funding from \$2 billion up to over \$10 billion in the following 12 years.

Now, to go back to talk about the surplus and the deficit. In 1994, we ran on the Contract With America, and we made a pledge to the American people that if we were given a chance, given the majority, we would balance the Federal budget in 7 years. Actually, we did it in 4 years. That's how we got that surplus.

But then in 2000, President Bush came in. There was a recession when he took office. We had 9/11 in 2001, which took us into a war footing, and you know, when you're at war, you spend more money, and that's how we've gotten the deficit.

But all of that aside, back to the basic premise of why we should be working to fully fund IDEA. What a problem that is to not provide fully funding for these children that need help with their special disabilities. We made a strong commitment. We took it from the 7 percent that they were funding it when they were in the majority, and they had been there for 18 years prior to that. We had 12 years. We got it up to over 17, 18 percent in that period of time.

So I don't think if you want to talk about commitment and who was putting the money where, we were doing it. All we're saying now is if they can find another \$6 billion, why not put it to the children with disabilities rather than fund a brand new program that really is the State and local responsibility.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, we're all concerned with fiscal responsibility, but I can recall a tough political vote I took the first year of President George W. Bush. That was on about a \$2 trillion tax cut, \$2 trillion. That's \$2,000 billion. This bill will cost \$6.5 billion a year. That tax cut was \$2 trillion.

There's various ways we have to be fiscally responsible, and I submit that tax cut, in my humble opinion—and I voted “no” on it and went back home and faced some wrath, not that much, though—I voted “no” on that because I also have a sense of fiscal responsibility.

Now you talk about IDEA. I think you will concede that no one's been a stronger advocate of full funding for IDEA than myself.



Mr. McKEON. Would the gentleman yield?

Mr. KILDEE. I would be glad to yield.

Mr. McKEON. I would be happy to yield that. You're a man of conviction and I think you are a strong supporter of IDEA, and we've worked together well on these things in the past.

I just think right now we have kind of a divergence where we're talking about a new program that could be used to fully fund IDEA, and we just have a difference then on that opinion.

Mr. KILDEE. On that, let me indicate I have a list of groups here who support both full funding of IDEA and support this bill. I will just read a few of them: the American Federation of Teachers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the Parent-Teacher Association. So these are groups who support both full funding of IDEA and full funding of this.

With that, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT), a member of our committee. I thank the gentleman from California for his kind words.

Mr. HOLT. Madam Chairman, I thank Mr. KILDEE.

And to my friend from California, I would say if we wanted to use this time for a discussion of both fiscal responsibility and which side of the aisle has done better with respect to individuals with disabilities and title I, boy, that's an argument that we would gladly take on.

But that's not the topic here. The topic here is the green schools program, and energy costs are the second highest operating expenditure for schools after personnel costs.

The two gentlemen from California were talking about how this is wasteful spending. I'll tell you what's wasteful. About a third of those \$8 billion annually that schools spend on energy could be saved.

What this legislation does, it provides help for local schools and States to invest in energy-saving design and technology, which will provide not only better learning conditions but save billions of dollars.

So this actually is beneficial from a fiscal point of view, as well as an educational point of view.

Mr. McKEON. I yield myself 1 minute.

I just want to say that I don't think either of the two gentlemen from California used the term "wasteful" spending. We never meant for that. We never inferred that.

What we were talking about is it's a new program that is going to divert limited resources. The list that Mr. KILDEE read, all of those people that supported it, yeah, you know, a lot of people want to have more and more and more spending. The problem is, we do have limited resources. I could prob-

ably read you a list of people that say we should not have additional spending that's going to carry us more and more into deficit for new programs before we fund the programs that we've already committed to, and the gentleman said he would like to have the debate on that issue.

I had an amendment on that issue that was not given to me. I wasn't given the ability to discuss it on the floor because the Rules Committee, I guess, felt that it wasn't an important issue.

The CHAIRMAN. The gentleman's time has expired.

Mr. McKEON. I yield myself an additional minute.

I did have an amendment saying that we should first spend the money for the title I. That was where the Federal Government first got involved, helping underprivileged children, close the gap between the minorities and those that were doing better in their school, 14 percent gap. And we have spent billions of dollars, over \$85 billion, to try to close that gap, and we haven't done it, and we're still short on that funding.

And then the disabilities, the students that we all feel need more help, why, if we can come up with another \$6 billion, don't we put the money for these children that need the help the most?

I reserve the balance of my time.

□ 1745

Mr. KILDEE. Madam Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from Michigan has 11 minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. KILDEE. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for your leadership and your commitment to our country's children.

I rise today in strong support of this bill. Not only does it provide for the modernization and repair of our schools, but it also employs green building standards and encourages States to adopt forward-thinking, energy-efficient strategies.

And I must thank Chairman MILLER for this bill, and the committee, but also for including in the manager's amendment language that I authored that requires local education agencies to report on the number and amount of contracts awarded to small minority and women-owned and veteran-owned businesses.

As a longtime advocate of green jobs that will be fundamental to America's future economic competitiveness, I believe everyone must have the opportunity to benefit from the green economy supported by this language.

Let me just say that I firmly believe the American people would rather invest in their school children. And in listening to this debate, it's mind bog-

gling to hear the other side talk about resource allocation and priorities. I think the American people would rather send our children to decent schools rather than fund a war and an occupation in Iraq that did not have to be fought. Here we're talking about now another \$180 something billion plus another down payment of this occupation that the President wants. This could lead us up to, what, \$3 trillion in terms of the occupation.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. KILDEE. I yield the gentlelady 30 additional seconds.

Ms. LEE. I just wanted to make this one point because I listened very closely to what the fiscal arguments were on this bill. And it's hard to believe that you continue to fund this occupation in Iraq, yet you talk about the fact that we don't have the resources to create schools worthy of our children.

So I think this is about priorities. And I hope that everyone on both sides will vote for this bill in a bipartisan fashion.

Thank you, Mr. Chairman. And thank you for yielding. I support this bill and hope we all vote for it.

Mr. KILDEE. I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. I thank the gentleman. And I thank him and Chairman MILLER for incorporating parts of my "Green Schools" bill in this legislation.

I just wanted to make two more points, that under this bill States must develop a database of energy usage in public school facilities. I'm really pleased that this includes language that requires schools to report on their carbon footprints.

Also, we've included a provision to ensure that veteran-owned businesses receive the same contracting preferences as minority and women-owned businesses. As the war continues to swell the veteran population, it's our duty to help to ensure that returning soldiers have jobs to return to.

This is good legislation. I urge its passage. I thank the gentleman for putting together such good legislation.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Madam Chairman, I rise in support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act, which would authorize funding for modernization, renovation and repair projects in schools with poor building quality.

Students and teachers deserve a clean and safe environment to go to school. However, according to the Environmental Protection Agency, one-third of schools, which serve approximately 14 million students, are desperately in need of extensive repairs.

As a former high school teacher, I believe that it is crucial to ensure that the grants authorized under this legislation be available for schools in which

existing building conditions are putting the health and safety of students and faculty at risk.

Many schools suffer from inadequate ventilation. When combined with toxic substances, such as mold, asbestos and lead, this lack of ventilation can cause significant health problems. Students and teachers in schools with indoor air quality problems suffer from a range of health problems from headaches, fatigue, dizziness, nausea, to respiratory illness. Even more troubling, when indoor air pollutants accumulate in inadequately ventilated schools, the air can become carcinogenic.

In Arizona's Tempe Union High School District, where I taught for almost 30 years, Corona del Sol High School has an HVAC system in desperate need of replacement. According to the Arizona Republic, some within the Corona del Sol community have expressed illnesses ranging from allergies and asthma to tumors and cancers. The high school district is struggling to find funds to replace HVAC systems, and as a result the problems continue to persist.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KILDEE. I yield the gentleman 30 additional seconds.

Mr. MITCHELL. I would like to thank Chairman MILLER for working with me to ensure that the grants pursuant to this legislation can be used to help schools make critical repairs to protect the health and safety of students and teachers due to building conditions. Students and teachers should never have to compromise their health and safety to attend school, and this legislation will help prevent this from happening.

I urge my colleagues to support this important bill.

Mr. KILDEE. Madam Chairman, could I ask again how much time each side has remaining.

The CHAIRMAN. The gentleman from Michigan has 6½ minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise today in support of the 21st Century Green High-Performing Public School Facilities Act.

I want to thank Chairman MILLER and the gentleman from Washington (Mr. BAIRD) for his efforts to modernize technical schools.

Madam Chairman, faced with record gas prices and a dangerous dependence on foreign oil, we must harness new technology to meet our energy needs. To do this, we must prepare students of today to power the green collar workforce of tomorrow.

I am honored to have worked with Chairman MILLER and Mr. BAIRD to ensure funding for this act goes toward modernizing career and technical

schools, especially for the renewable energy industries. By giving technical schools a chance to modernize, we will help even more students become innovators, work together to end global warming, and bring green energy jobs to the American economy.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you, Mr. Chairman, for giving me this opportunity. I want to speak very briefly about this bill. This is a very, very important bill. It is critical to the future of education of our young people.

Let me start out by letting you know how important this is to my State of Georgia, and especially the metro Atlanta area. The metro Atlanta area is the third fastest growing child population in this country. Some 120,000 school children will enter area schools over the next 5 years. They need additional space. They're meeting in trailers. They're meeting in broken down buildings. They need help.

Now, Madam Chairman, I just came from a trip from Afghanistan and Iraq, and I'm very proud to say our soldiers are doing a wonderful job and all of our contractors are doing a wonderful job. They come to tell us, oh, we're doing great, we're building these many schools, we're building these many hospitals, which is wonderful, but then to come back here and to see us crawling and falling back instead of going forward to do the same thing for our own people. Not since 2001, 7 years ago, was the last time we even gave direct Federal aid to the States and the counties of our Nation to build schools, to help repair schools.

This bill is important because not only does it build schools, it builds them in a way that helps our environment, it builds them in a way that preserves our energy, cuts down on emissions that help global warming. It is an effective measure, Madam Chairman. It is a bill we must pass, and the time to do it is now.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Chairman, I rise in strong support of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act.

Madam Chairman, as the only former State schools chief serving in Congress, I have always worked to be a voice for children and their schools.

One of the biggest challenges we face in my home State of North Carolina—and really across this country—is a lack of adequate facilities for learning to take place. We simply must make a commitment to get our children out of trailers and into quality classrooms.

You just heard my colleague talk about what we're doing overseas in Iraq and Afghanistan building schools.

If we can build them overseas, we certainly can build them here in the United States. This bill is an important first step toward improving our children's education.

We will need to follow the authorization of these grants with full funding in appropriations. And we need to ensure that local and State authorities can raise money in other ways, as would be provided by in the America's Better Classroom Act through interest-free bonds to build more schools. There really is no substitute for bricks and mortar when it comes to quality schools and meeting the educational goals of our community.

I applaud Chairman MILLER and Congressman CHANDLER for their leadership on this issue, and urge my colleagues to join me in support of H.R. 3021, to improve the quality of where our children go to school and help them to learn and to be able to compete in the 21st century.

The CHAIRMAN. Both sides now have 2½ minutes remaining.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, for our Nation's schools, the spike in energy prices means that it costs more to fuel the buses that carry children to and from school. It costs more to heat and cool their facilities. It costs more to buy books and supplies. It costs more to provide school lunches and snacks. The list goes on.

School budgets are being overwhelmed by rising energy costs, and they need relief. The majority refuses to unveil its commonsense plan to bring down skyrocketing gas prices. On January 4, 2007, when the Democrats took charge of this House, gas prices stood at \$2.33 a gallon. Seventeen months later, gas costs 71 percent more, and yet their plan remains a secret.

We're turning a blind eye to the burden of high energy costs in our Nation's schools, and instead taking up a bill that usurps State and local rights and responsibilities, undermines efforts to fund programs for disadvantaged children, imposes complex and costly requirements, and offers little more than a Band-Aid for the very real need for school construction and modernization.

Madam Chairman, I strongly oppose this legislation. Just yesterday we received a Statement of Administration Policy indicating that if this legislation were presented to the President, his advisers would recommend that it be vetoed.

The Federal Government has a role to play in education. That role is to provide support and assistance to ensure that all children are provided a quality education. It's to support the academic achievement for disadvantaged children, children with disabilities, and other at-risk students who might otherwise be left behind.

We all want our communities to have safe, modern, environmentally friendly

schools in which our children can live and thrive, but this bill is the wrong way to achieve that goal. States, local communities and the private sector are all actively engaged in the construction and maintenance of school facilities all around the country. At least \$20 billion is being spent by the States each year to build new schools and modernize those already in use.

If we have \$6.4 billion to invest in education next year, let's put it into programs that serve underprivileged and disadvantaged children. Programs are already there. Whether it's title I or IDEA or even Pell Grants to help low-income students attend college, there are existing programs that could use these resources to improve academic achievement and directly benefit those who need help most.

I strongly urge a "no" vote on this legislation.

Madam Chairman, I yield back the balance of my time.

Mr. KILDEE. May I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from Michigan has 2½ minutes remaining.

□ 1800

Mr. KILDEE. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, in my congressional district, I have a wide range of schools. I have some schools that were built before I was born, and you can guess maybe how old those schools are. Some of them are in deplorable condition. Then I have some school districts which, thanks to the voters because they are a little better off, they bond and they have really up-to-date school buildings. I have been happy to have been at the ground breaking or the ribbon cutting for those buildings, and the people have certainly done well to bond themselves for that. But there are other school districts that are abjectly poor, their tax base is miserable, and the school buildings are miserable.

Children learn better in decent buildings. And human nature being what it is, good teachers to a great extent are more likely to stay in better buildings.

This bill was wisely based upon the title I formula so those schools that are really stricken in my district now would be able to apply for these grants and, under the title I formula, would be able to receive some Federal dollars to help them replace buildings which I say are worse off than a jail that was torn down in my district because a judge declared it unfit for human habitation.

This is a good bill. It will put dollars where they are most needed to help children learn better. We know they learn better in a better building. I urge support for this bill.

Mr. SPACE. Madam Chairman, the steel industry has a proud tradition in this country. For over 150 years, steel production has been an important symbol of American strength and a critical source of American jobs.

In recent decades, the American steel industry has faced an increasingly difficult land-

scape. Short-sighted free-trade agreements and illegal dumping policies set in place by foreign countries have placed American steel on an uneven playing field with foreign competitors. Facilities have been forced to close, at the expense of countless American jobs.

In no place is this change in the industry more apparent than in my home of Ohio. Both my father and my grandfather found gainful employment in steel mills that now lie vacant and unused. Without question, Appalachian Ohio has felt the burden of global shifts in the economy, and I worry about the future of the jobs that remain.

This amendment will ensure that American taxpayer dollars are used to support American industries and jobs. At a time when other countries like China are using questionable policies to develop an unfair advantage, there must be a mandate to use American steel with any federal funds. I am proud to lend my support to this amendment and the American steel industry.

Mr. HINOJOSA. Madam Chairman, I rise in strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Act.

It is high time that we include public schools on the list of critical infrastructure that requires significant Federal investment and support.

I would like to commend Congressman BEN CHANDLER of Kentucky and Chairmen MILLER and KILDEE for their leadership on this vital legislation.

Our public schools educate roughly 90 percent of children in the United States.

We are counting on our public schools to prepare the leaders and workforce of tomorrow. Yet according to several estimates the need for school construction and renovation is in the hundreds of billions of dollars—as much as \$322 billion according to analysis from the National Education Association.

Worse, the students in the areas where the need for school modernization is most acute are minority students who now represent 43 percent of the total student population. Improving school facilities is also about improving educational opportunities and equality.

I am especially pleased that the manager's substitute includes specific language regarding the renovation and improvement of science and engineering laboratories in our schools. 52 percent of school principals reported having no science laboratory facilities in a National Center for Education Statistics survey. Simply put, we can never succeed in our national imperative to improve our competitiveness in the STEM fields if our children do not have the opportunity to experience and practice science and engineering. I would like to thank Chairman MILLER and Chairman KILDEE for working with me and my colleague from Vermont, Congressman PETER WELCH to include the important provision in the bill before us today.

I urge all of my colleagues to vote "yes" on H.R. 3021.

Mr. CONYERS. Madam Chairman, I rise today in support of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. The bill authorizes \$6.4 billion for school construction projects for fiscal year 2009, and ensures that school districts will quickly receive funds for school modernization, renovation, and repairs. A majority of these funds must be used for projects that meet green building standards for energy efficiency and carbon footprint reduction.

This important bill will improve the health of our Nation on a variety of levels. As an economic stimulus, it will create jobs all across the Nation as local citizens join together to build and repair schools. The bill also improves the teaching and learning climate in America's schools by combating overcrowding, decreasing student and teacher sick days, and improving school air quality for our nation's 60 million school children. This legislation also improves energy efficiency by mandating the use of renewable resources in our schools. These same energy efficiencies will also play a positive role in combating global climate change by limiting the carbon emissions emitted by school buildings. Finally, the inclusion of Davis-Bacon protections ensures that workers will receive a fair and prevailing wage.

At a time when our economy is reeling, with unemployment and inflation on the rise, this bill will infuse our faltering job market with the resources it needs to flourish. This \$6.4 billion investment in our Nation's infrastructure will create 100,000 new design and construction jobs—4,041 of which will be located in Michigan. Citizens working in other sectors will also see an improvement in their financial stability, as property values improve in communities with these new schools.

The bill will also dramatically improve the teaching and learning climate for America's school children. We all know that children can't learn if they're sick. The average American school was built half a century ago. As a result, too many of our children attend overcrowded schools housed in buildings with leaky roofs, faulty electrical systems, and outdated technology. This tremendous investment in physical facilities would help alleviate these problems by repairing and removing infrastructure rife with black mold and asbestos.

Some may decry the spending associated with this bill. I however, see it as a smart investment that will pay out cost-saving dividends in the very near future. Green schools created by this bill will cost, on average, 2% more than conventional schools but provide financial benefits that are 20 times as large. This is enough savings to hire two additional full-time teachers in most communities.

Although not obvious at first, the bill will also play a substantial role in our nation's multifaceted response to the threat posed by global climate change. When one thinks about the causes of global warming, images of exhaust spewing SUVs and coal plants billowing out black smoke spring to mind. In fact, 39 percent of all green house gas emissions come from buildings—including many of our country's school buildings. The energy efficiency improvements that will be built into our schools will have an immediate impact on this front. Each green and energy efficient school will lead to annual emission reductions of 585,000 pounds of carbon dioxide.

Finally, I am happy to see that the bill will include Davis-Bacon protections to all grants for school modernization, renovation, and repair projects. The inclusion of these protections exemplifies the tremendous differences between the two major parties on issues of worker's rights. I am continually reminded that during the aftermath of Hurricane Katrina, our President attempted to rescind Davis-Bacon protections at a time when local workers could least afford to have their living standards depressed. In contrast, with this bill, this Democratic Congress emphasizes its commitment to

the belief that the government has a responsibility to provide workers with a living wage as they work to improve their communities.

I applaud Representative CHANDLER and the rest of the Leadership for this bill. As I noted two weeks ago in the CONGRESSIONAL RECORD, one of the hallmarks of this Congress has been its attempt to provide comprehensive solutions to complicated problems. I believe that this bill is a proud example of this trend. In a bill aimed at decreasing class sizes, the Congress has also chosen to attack climate change, promote worker's rights, and improve air quality.

I urge my colleagues to vote for this bill and send a clear message to the American people: This Congress is committed to smart solutions to the real problems that this country will face in the 21st Century.

Mr. VAN HOLLEN. Madam Chairman, I rise today as a member of the Green Schools Caucus to strongly support the 21st Century Green High-Performing Public School Facilities Act.

Our Nation needs new schools. The average American school is 50 years old and almost two-thirds need extensive repair. According to the GAO, 14 million students attend schools considered below standard or dangerous. But in a time of state budget deficits, fewer dollars are going to school construction projects.

Today's bill will assist local school districts with the initial costs of construction and modernization and, by investing in energy efficient technology, will result in significant long term savings. Building green costs about 2 percent more than conventional construction, but can save 20 times that amount over the life of the school.

Moreover, green school construction yields substantial environmental benefits. Green schools use on average 33 percent less energy and produce less carbon dioxide, nitrogen oxide, sulfur dioxide, and coarse particulate matter emissions.

With its investment in infrastructure, this bill provides an important economic stimulus. School districts have many projects ready to go. When this bill is passed, we will see additional jobs in the construction industry, including suppliers, architects, contractors, and engineers.

Madam Chairman, this legislation is a good, long-term investment that will improve education, reduce our energy consumption, and create jobs in local communities. I urge my colleagues to join me and support this important bill.

Mr. KILDEE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3021

*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 “21st Century Green High-Performing Public School Facilities Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF SCHOOL FACILITIES**

Sec. 101. Purpose.

Sec. 102. Allocation of funds.

Sec. 103. Allowable uses of funds.

**TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA**

Sec. 201. Purpose.

Sec. 202. Allocation to States.

Sec. 203. Allowable uses of funds.

**TITLE III—GENERAL PROVISIONS**

Sec. 301. Impermissible uses of funds.

Sec. 302. Supplement, not supplant.

Sec. 303. Maintenance of effort.

Sec. 304. Special rule on contracting.

Sec. 305. Application of GEPA.

Sec. 306. Green Schools.

Sec. 307. Reporting.

Sec. 308. Authorization of appropriations.

**SEC. 2. DEFINITIONS.**

*In this Act:*

(1) The term “Bureau-funded school” has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term “charter school” has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965.

(3) The term “local educational agency”—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965, and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(4) The term “outlying area”—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(5) The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) The term “LEED Green Building Rating System” means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term “Energy Star” means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(8) The term “CHPS Criteria” means the green building rating program developed by the Collaborative for High Performance Schools.

**TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF SCHOOL FACILITIES**

**SEC. 101. PURPOSE.**

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically.

**SEC. 102. ALLOCATION OF FUNDS.**

(a) **RESERVATION.**—From the amount appropriated to carry out this title for each fiscal year pursuant to section 308(a), the Secretary shall reserve 1 percent of such amount, consistent with the purpose described in section 101—

(1) to provide assistance to the outlying areas; and

(2) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(b) **ALLOCATION TO STATES.**—

(1) **STATE-BY-STATE ALLOCATION.**—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 308(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) **STATE ADMINISTRATION.**—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, including—

(A) providing technical assistance to local educational agencies;

(B) developing within 6 months of receiving its allocation under paragraph (1) a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and

(C) developing a school energy efficiency quality plan.

(3) **GRANTS TO LOCAL EDUCATIONAL AGENCIES.**—From the amount allocated to a State under paragraph (1), each local educational agency in the State that meets the requirements of section 1122(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under part A of title I of that Act for such fiscal year shall receive a grant of less than \$5,000 in any fiscal year under this title.

(4) **SPECIAL RULE.**—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 shall not apply to paragraphs (1) or (3).

(c) **SPECIAL RULES.**—

(1) **DISTRIBUTIONS BY SECRETARY.**—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 30 days after an appropriation of funds for this title is made.

(2) **DISTRIBUTIONS BY STATES.**—A State shall make and distribute the allocations described in subsection (b)(3) within 30 days of receiving such funds from the Secretary.

**SEC. 103. ALLOWABLE USES OF FUNDS.**

A local educational agency receiving a grant under this title may use the grant for modernization, renovation, or repair of public school facilities, including—

(1) repairing, replacing, or installing roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire and safety codes, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of the grant;

(5) asbestos abatement or removal from public school facilities;

(6) implementation of measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls, abatement, or a combination of each;

(7) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(8) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff; or

(C) make them more energy efficient; and  
(9) required environmental remediation related to school modernization, renovation, or repair described in paragraphs (1) through (8).

## TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

### SEC. 201. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, repairing or constructing public kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically in order to address such needs caused by damage resulting from Hurricane Katrina or Hurricane Rita.

### SEC. 202. ALLOCATION TO STATES.

(a) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 308(b), the Secretary shall allocate to Louisiana, Mississippi, and Alabama an amount equal to the number of schools in each of those States that were closed for 60 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita, relative to the number of schools in all of those States combined that were so closed.

(b) STATE ADMINISTRATION.—A State that receives funds under this title may reserve one-half of one percent of such funds for administrative purposes related to this title.

(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—States receiving funds under subsection (a) shall allocate such funds to local educational agencies within the State according to the criteria described in subsection (a).

(d) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the allocations described in subsection (a) not later than 30 days after an appropriation of funds for this title is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in subsection (c) within 30 days of receiving such funds from the Secretary.

### SEC. 203. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title may use the grant for any of the activities described in section 103, except that an agency receiving a grant under this title also may use such grant for such activities for the construction of new public kindergarten, elementary, and secondary school facilities.

## TITLE III—GENERAL PROVISIONS

### SEC. 301. IMPERMISSIBLE USES OF FUNDS.

No funds received under this Act may be used for—

(1) payment of maintenance costs; or  
(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

### SEC. 302. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this Act shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, and repair of public kindergarten, elementary, and secondary educational facilities.

### SEC. 303. MAINTENANCE OF EFFORT.

A local educational agency may receive a grant under this Act for any fiscal year only if

either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

### SEC. 304. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, or repair through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

### SEC. 305. APPLICATION OF GEPA.

The grant programs under this Act are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

### SEC. 306. GREEN SCHOOLS.

(a) IN GENERAL.—In a given fiscal year, a local educational agency shall use not less than the applicable percentage of funds received under this Act described in subsection (b) for public school modernization, renovation, or repairs that are—

(1) LEED Green Building Rating System-certified or consistent with any applicable provisions of the LEED Green Building Rating System;

(2) Energy Star-certified or consistent with any applicable provisions of Energy Star; or

(3) certified, designed, or verified under or meet any applicable provisions of an equivalent program to the LEED Green Building Rating System or Energy Star adopted by the State or another jurisdiction with authority over the local educational agency, such as the CHPS Criteria.

(b) APPLICABLE PERCENTAGES.—The applicable percentages described in subsection (a) are—

(1) in fiscal year 2009, 50 percent;

(2) in fiscal year 2010, 60 percent;

(3) in fiscal year 2011, 70 percent;

(4) in fiscal year 2012, 80 percent; and

(5) in fiscal year 2013, 90 percent.

(c) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and school districts concerning the best practices in school modernization, renovation, and repair, including those related to student academic achievement and student and staff health, energy efficiency, and environmental protection.

### SEC. 307. REPORTING.

(a) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this Act shall annually compile a report describing the projects for which such funds were used, including—

(1) the number of public schools in the agency;

(2) the number of schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(3) the number of schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools; and

(4) for each project—

(A) the cost;

(B) the standard described in section 306(a) with which the use of the funds complied or if the use of funds did not comply with a standard described in section 306(a), the reason such funds were not able to be used in compliance

with such standards and the agency's efforts to use such funds in an environmentally sound manner; and

(C) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, improved climate for teaching and learning, etc.).

(b) AVAILABILITY OF REPORTS.—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) REPORTS BY SECRETARY.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, and repair funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

### SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—To carry out title I, there are authorized to be appropriated \$6,400,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013.

(b) TITLE II.—To carry out title II, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2009 through 2013.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-678. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KILDEE

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-678.

Mr. KILDEE. Madam Chairman, as the designee of the chairman of the committee, I offer a manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KILDEE:

Page 5, after line 5, insert the following:

(9) The term "public school facilities" includes charter schools.

(10) The term "Green Globes" means the Green Building Initiative environmental design and rating system referred to as Green Globes.

Page 5, line 8, insert "PUBLIC" before "SCHOOL".

Page 5, beginning on line 12, strike "kindergarten" and all that follows through "that are" and insert "school facilities, based on their need for such improvements, to be".

Page 8, line 9, strike "may" and insert "shall".

Page 8, line 11, insert "including extensive, intensive or semi-intensive green roofs," after "roofs".

Page 8, line 14, before the semicolon insert “, including security doors.”

Page 8, strike lines 19 through 22, and insert the following:

(3) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

Page 9, line 4, insert “or polychlorinated biphenyls” after “asbestos”.

Page 9, after line 9, insert the following:

(7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew.

Page 9, line 10, strike “(7)” and insert “(8)”.

Page 9, after line 12, insert the following:

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

Page 9, line 13, strike “(8)” and insert “(10)”.

Page 9, line 20, strike “(9)” and insert “(11)”.

Page 9, line 21, insert “public” before “school”.

Page 9, line 22, strike “(8).” and insert “(10).”.

Page 10, beginning on line 6, strike “kindergarten” and all that follows through “that are” and insert “school facilities, based on their need for such improvements, to be”.

Page 10, beginning on line 9, strike “in order” and all that follows through “Rita” on line 10.

Page 11, line 16, strike “may use the grant for any” and insert “shall use the grant for one or more”.

Page 11, line 19, strike “kindergarten, elementary, and secondary”.

Page 12, beginning on line 9, strike “and repair” and all that follows through “educational” and insert “repair, and construction of public school”.

Page 12, after line 10, insert the following (and amend the table of contents accordingly):

#### SEC. 302A. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

Page 12, line 12, insert “(a) IN GENERAL.—” before “A local”.

Page 12, after line 19, insert the following: (b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of a local educational agency’s grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) WAIVER.—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

Page 12, line 23, strike “or repair” and insert “repair, or construction”.

Page 13, beginning on line 12, strike “or repairs” and insert “repairs, or construction”.

Page 13, line 13, insert “certified, verified, or consistent with any applicable provisions of” after “are”.

Page 13, strike lines 14 through 24 and insert the following:

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

Page 14, line 13, strike “and repair,” and insert “repair, and construction.”.

Page 14, line 21, before the semicolon insert “, including the number of charter schools”.

Page 14, after line 21, insert the following:

(2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;

Page 14, line 22, strike “(2)” and insert “(3)”.

Page 14, line 22, insert “public” before “schools”.

Page 15, line 3, strike “(3)” and insert “(4)”.

Page 15, line 3, insert “public” before “schools”.

Page 15, line 9, strike “(4)” and insert “(5)”.

Page 15, line 8, strike “and”.

Page 15, line 22, strike the period at the end and insert “; and”.

Page 15, after line 22, insert the following:

(6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

Page 16, beginning on line 13, strike “and repair” and insert “repair, and construction”.

Page 16, after line 25, insert the following (and amend the table of contents accordingly):

#### SEC. 309. SPECIAL RULES.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

Page 17, strike the title amendment and insert the following:

Amend the title so as to read: “A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.”.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KILDEE. I thank Chairwoman SLAUGHTER and the Rules Committee for their work and for making this amendment in order.

Madam Chairman, this bill would address three critical issues facing our country: closing the achievement gap, boosting the economy by creating

thousands of construction jobs, and reducing school energy costs and protecting the environment. This bill provides long overdue investment in public school facilities around the country. And this amendment would improve the bill by ensuring that schools could use these funds for modernizations, renovations, and repairs including green roofs; abatement of polychlorinated biphenyls and mold and mildew; and various security measures.

Highlighting the need for improvements to science and engineering laboratories, libraries, career and technical education facilities, especially those related to energy efficiency and renewable energy, and to facilitate access to schools by different modes of transportation; strengthening language ensuring charter schools’ eligibility for these funds, which was asked for from the other side; expanding local flexibility by adding “Green Globes” to the list of green rating systems; adding reporting requirements to ensure local accountability; and clarifying that no funds may be used to employ undocumented workers and requiring that school districts receiving these funds have a policy requiring a criminal background check on their employees.

I want to thank the many Members whose input is reflected in this amendment: Representatives ARCURI, BAIRD, CROWLEY, HASTINGS of Florida, HOOLEY, KLEIN of Florida, LEE, MATHESON, MCCARTHY, MITCHELL, PATRICK MURPHY, RICHARDSON, SUTTON, WELCH, and WU.

I encourage my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. McKEON. Madam Chairman, I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

I oppose this amendment, Madam Chairman, for the same reason I oppose the underlying bill.

This proposal radically shifts the Federal role in education. This new school construction program will compete for funding with other critical priorities like title I and IDEA. And no matter what the other side tries to tell you, every dollar spent under this legislation is a dollar that won’t be spent improving academic achievement for disadvantaged children.

Here in Congress our job is to set priorities. Are we really saying that it’s more important to fund bicycle racks, as this substitute would do, than it is to provide funds for schools to serve children with disabilities? I don’t deny that schools can use bicycle racks, but I challenge anyone to explain why that’s a priority for scarce Federal dollars when title I and IDEA continue to be funded below their authorized level.

I also think this entire debate is a distraction from the most immediate financial concern facing many school systems and every family in this Nation: That's the high price of gasoline. School districts are struggling just to fill the tanks on their school buses. They're scaling back field trips and activities. And some schools are even moving to a 4-day school week to save on energy costs. Just like the rest of the country, our schools need energy relief and they need it now.

But we're not here today to discuss how we can produce more American-made energy. We're not here to promote new clean and reliable sources of energy like advanced nuclear and next-generation coal. We're not even here to encourage greater energy efficiency by offering conservation tax incentives to Americans who make their home, car, and businesses more energy efficient. Instead, we are proposing a big government program to exert Federal control over how States and local communities build their schools. It's the classic Washington approach to problem solving: If we just kick in a little bit of money, we'll be able to wield our power and influence over the decisions that used to be made by individual citizens and local leaders. Surely Washington must know best when it comes to where our children learn.

Madam Chairman, I oppose this amendment, I oppose this legislation, and I oppose the fact that Congress has yet to do anything to address the skyrocketing cost of energy.

Madam Chairman, I reserve the balance of my time.

Mr. KILDEE, Madam Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida, Madam Chairman, I rise in support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act.

I was proud to work with the chairman and Mr. BLUMENAUER to authorize the use of funds to improve building infrastructure to facilitate bike and pedestrian access. This could include bike storage facilities, safety lighting, lockers, safe travel routes on school grounds for bicyclists and pedestrians, and more.

Alternative modes of transportation and storage facilities for bicycles are recognized by the U.S. Green Building Council as criteria for obtaining certification as a green school and are critical to reducing emissions and the carbon footprint of our Nation's schools.

With skyrocketing gas prices, American families are feeling the pain at the pump. It's my hope that this amendment will help ease that burden by encouraging students, just as we did, to walk and bike to school rather than catch a ride with their parents or drive themselves. I would like to thank my friend Representative BLUMENAUER for working with me on this important provision and commend him for his tireless work on this issue.

Additionally, I would like to thank the distinguished chairman of the Education and Labor Committee, along with his staff, for their work to bring this legislation to the floor today.

Mr. MCKEON, Madam Chairman, I continue to reserve the balance of my time.

Mr. KILDEE, Madam Chairman, I am pleased to yield 1 minute to the gentleman from California (Ms. RICHARDSON).

Ms. RICHARDSON, Madam Chairman, I want to thank Chairman MILLER for putting this important legislation together, and I applaud his resourcefulness for including my provision within this amendment that solidifies the eligibility for grants to be used in the construction of green roofs at public schools.

Throughout the past decade, green roofs have proven to be a cost-effective and an environmentally conscious way of lowering utility costs by insulating buildings from extreme temperatures and reducing the sewer system and wastewater treatment costs. In addition, green roofs diminish air pollution by using plants to collect airborne particles and produce oxygen through photosynthesis. Green roofs also decrease costs associated with roofing maintenance by lengthening the lifespan and durability of the roofs. And, also, more importantly, it gives young people an opportunity to see real learning experiences work.

I ask my colleagues to seriously evaluate this legislation and pass this amendment and pass H.R. 3021.

Mr. MCKEON, Madam Chairman, I yield myself the balance of my time.

We have been kind of talking about supply and demand in energy. Today we are also talking supply and demand of money. There's unlimited demand for resources, but there is somewhat limited supply. And what we're talking about in this bill is that the demand is for the Federal Government to get involved in local school construction.

I served on a local school board, and I met with a lot of other people that served on local school boards, and I know what they're going to want to do. They are going to want to turn to the Federal Government and take all the money that's available, and then they will use that to build the schools, and then they'll find other ways to spend the money that they've been spending on schools for other things. That's how supply and demand works. You kind of take what's available and fill up the gap.

I was home last week, as most of us were, for the break, and I hadn't been home for a couple of weeks. I was shocked at what the gas prices were, and they went up about 20 cents during the week while I was home. And it's all based on supply and demand.

We have had several votes over the last 16 years that I have been here in Congress. We voted to explore for more oil in the ANWR. House Republicans, 91 percent supported increasing supply;

House Democrats, 86 percent opposed increasing supply.

Coal to liquid is another thing that should increase the supply, which would then meet the demand and help lower gasoline prices. House Republicans voted 97 percent to support coal to liquid; House Democrats, 78 percent opposed that.

Oil shale exploration, which again would increase supply and meet the demand and lower prices. House Republicans, 90 percent supported it; House Democrats, 86 percent opposed.

This goes on and on and on. What we are saying on our side is we will support exploration, conservation, renewable, all sources of increasing supply to get energy independent. The other side says we can't do this, we can't do this, we can't do this; let's keep buying oil from Iraq and Iran and Saudi Arabia and Venezuela and not become independent.

□ 1815

I urge a "no" vote on this amendment.

Mr. KILDEE, The gentleman from California suggested that this bill would impose Federal control over local decisions. But, again, representatives of local parents, teachers, principals and superintendents are in strong support of this bill. The Counsel of Great City Schools says it gets these funds to schools with a minimum of red tape. Now they are the ones that are really on the front line. We have our level of expertise here in this Congress on education, but the groups I have mentioned are really on the front lines every day and they see the need out there, and they feel that this bill would distribute these funds for this purpose with a minimum of red tape. I believe that to be the case.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN, The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. KILDEE, Madam Chairman, I demand a recorded vote.

The CHAIRMAN, Pursuant to clause 6 of rule XVIII, proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN, It is now in order to consider amendment No. 2 printed in House Report 110-678.

Mr. EHLERS, I have an amendment at the desk.

The CHAIRMAN, The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. EHLERS:

Page 11, line 25, strike "or".

Page 12, line 3, strike the period at the end and insert "or".

Page 12, after line 3, insert the following new paragraph:

(3) purchasing carbon offsets.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Michigan (Mr. EHLERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. One part about this bill that is probably worthwhile is the effort to reduce energy use, and in particular to reduce the carbon footprint, as it has come to be called, although I have always joked that I prefer "carbon tire tracks" because we produce a lot more carbon dioxide with our cars than from other common sources. Nevertheless, this bill allows schools to use funds to reduce the carbon footprint of their schools.

As I perused this bill, I realized that it was entirely possible that the schools might decide to use the Federal funds to purchase carbon offsets or carbon credits. To me, that would make absolutely no sense whatsoever. Because schools are small, they do not emit huge amounts of carbon dioxide, and the money that they might want to use for that can much better be used to improve insulation in the schools, improve the insulation in the walls, improve the type of windows so that there's less energy escaping. There are many modifications that can be made that would reduce energy use, and by reducing energy use, you reduce the carbon footprint.

I would also maintain that it is much more effective to reduce the energy use, whether it's by better insulation or by sealing the windows, or putting in the appropriate type of glass. It's much more cost-effective in reducing the carbon footprint than it would be to buy carbon offsets. So it seems to me that we should make certain that no school would ever attempt to use Federal funds, if this bill passes, for the purpose of buying carbon credits.

This is not because I oppose carbon credits. I think this is something that in fact we will be facing shortly because the Senate is working on a bill on that issue, but I am simply for efficiency, not wasting money, making certain that the money that is in this bill, if this bill passes, will be used wisely and will be used to conserve energy, not to purchase carbon offsets.

With that in mind, I offer this bill to make certain that money is not improperly used and to make sure that we use the funds efficiently.

With that, I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I rise to claim time in opposition, although I do not intend to oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. We have looked at the amendment and we feel we can accept it on this side. I would urge a "yes" vote.

I yield back the balance of my time.

Mr. EHLERS. I just wish to state that I appreciate the gentleman from Michigan, the other gentleman from Michigan accepting this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. McKEON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-678.

Mr. WELCH of Vermont. As the designee of Ms. SHEA-PORTER of New Hampshire, I call up an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WELCH of Vermont:

Page 9, after line 12, insert the following:  
(8) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;

Page 9, line 13, strike "(8)" and insert "(9)".

Page 9, line 20, strike "(9)" and insert "(10)".

Page 9, line 22, strike "(8)." and insert "(9).".

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. At this time I recognize the principal author of this amendment, Congresswoman CAROL SHEA-PORTER of New Hampshire.

Ms. SHEA-PORTER. I am proud to offer this amendment alongside my colleagues, Representatives WELCH, ARCURI, and HODES, and I thank them for their hard work on this amendment. I would also like to thank Chairman MILLER, Subcommittee Chairman KILDEE, and Representatives CHANDLER and LOEBSACK for their hard work on this legislation.

Madam Chairman, energy and heating costs are on the rise and communities across the country are feeling the pinch. Now more than ever, it's important to focus on sustainable forms of energy and heating production. Going green is not only the right thing to do for our environment and for national security reasons, but it's the financially responsible thing to do as well.

The Shea-Porter/Welch/Arcuri/Hodes amendment builds on the positive steps taken in H.R. 3021 by specifying that the funds authorized by this act may be used to invest in sustainable solutions that meet the energy and heating needs of our Nation's school facilities. Sustainable solutions such as geothermal, solar, wind, and biomass technologies will help to mitigate the costs

of the increasing traditional energy sources on our schools by reducing the schools' dependence on traditional sources. This amendment makes a simple change, but it is an important one, as it serves to provide school districts with greater flexibility in the use of these dollars.

Madam Chairman, 82 percent of the 475 public schools in my home State of New Hampshire were built prior to 1981, and 36 were built prior to 1951. Just think of all the advances that have been made in heating and energy efficiency technologies since then. The underlying legislation will certainly help modernize these schools, and with our amendment, H.R. 3021, will do even more by allowing school districts to make critical investments in sustainable heating and energy solutions.

Madam Chairman, the Shea-Porter/Welch/Arcuri/Hodes amendment is supported by the National Education Association, and it deserves the support of our colleagues as well. I urge a "yea" vote on this amendment and the underlying legislation. Let's invest in our school infrastructure in an environmentally and economically sound way.

Mr. McKEON. Madam Chairman, I claim time in opposition to the amendment, although I don't expect to oppose its passage.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 15 minutes.

There was no objection.

Mr. McKEON. I yield myself such time as I may consume.

This amendment allows funding under the massive new program to be used for renewable energy generation and heating systems in schools. Clearly, this amendment recognizes that schools are grappling with the high cost of energy, and they need help. I couldn't agree more. But we are acknowledging that schools, like the rest of the country, are being burdened by the skyrocketing costs of gasoline, diesel fuel, and other energy sources. I'd like to know why we are not having a real debate about energy solutions.

Giving schools a little bit of money for renewable energy generation and heating systems, while ignoring the problem of rising gasoline, diesel, and other energy costs, will not solve the problems our schools are facing. In the Northeast, for instance, we know that many schools rely on home heating oil during the winter months. Clearly, a one-size-fits-all approach isn't going to work.

What we need are comprehensive energy solutions. We need to expand production here at home, something my friends on the other side of the aisle have historically opposed 86 percent of the time. We need to encourage innovation and invest in new fuel alternatives, and we need to promote conservation. Only by embracing meaningful energy reforms will we finally be



able to move toward energy independence and provide our schools, especially those impacted by the skyrocketing costs of heating oil, much needed relief. That is why I am so disappointed in this legislation. It's quite simply the wrong solution to the wrong problem.

If the question is how should the Federal Government help our schools, the answer is by funding programs that promote academic achievement for disadvantaged children. If the question is how should the Federal Government help schools burdened by high energy costs, the answer is by taking decisive action to increase energy production here at home, and red tape and regulations encourage next generation energy sources and promote conservation.

The bill achieves none of these goals. I won't oppose passage of this amendment, but I strongly oppose passage of this legislation.

I reserve the balance of my time.

Mr. WELCH of Vermont. I yield 4 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my colleague from Vermont for yielding. I would like to also thank the chairman, Chairman MILLER, and Subcommittee Chairman KILDEE for this wonderful piece of legislation.

Madam Chairman, I rise today in strong support of this amendment, which would allow schools to purchase and install renewable energy generation systems. Our amendment would allow schools to choose from a diverse selection of renewable energy sources. But I would like to specifically highlight two that pose significant potential: Geothermal and biomass wood pellet systems.

Just last week during the Memorial Day District Work Period, I had an opportunity to tour the Cayuga-Onondaga BOCES in Auburn, New York, and received a firsthand look at a geothermal heating and cooling system in action. The Cayuga-Onondaga BOCES completed installation last July of a closed-loop geothermal system. The system includes 200 wells around the campus, 330 feet deep, that tap into the earth's constant ground temperature at a level of 55 degrees. The system circulates that 55-degree air temperature year round throughout the buildings on the campus.

□ 1830

In the winter, the system relies on a boiler to slightly increase the air temperature on the campus to a comfortable level of 68 degrees, requiring substantially less energy than normal, and in the warm summer months, the system needs no additional energy whatsoever to cool the buildings on campus.

The New York State Energy Research Development Authority recently conducted a study that found the system to be a remarkable 43 percent more energy efficient than a building built to standard code. While

it might be too soon to qualify the actual monthly cost savings, I think it is safe to say that a building 43 percent more energy efficient will realize significant cost savings in the future and allow a school district to spend resources where they are most needed, on better educating our students, hiring more teachers, and to fund underfunded programs like the IDEA.

The second component of this amendment I wish to highlight is wood pellet energy. Wood has the potential to meet our Nation's energy needs in a safe and environmentally responsible way. Studies show that commodities can save significant taxpayer funds by switching to wood energy for heating schools. For example, communities can save as much as 50 percent over natural gas, 80 percent over propane, 80 percent over electric heat and 50 percent over oil by switching to wood energy.

Especially in the upstate New York district that I represent, with its bountiful forest resources, wood energy such as biomass offers an array of economic environmental benefits compared to traditional fossil fuels. Both geothermal and wood energy systems can be fueled by renewable local resources. This keeps energy dollars circulating in the local and regional economy, instead of flowing to other nations. These systems also aid local budgets by providing lower and more stable fuel costs for our schools. Investments like this benefit the whole community by relieving pressure on local budgets and associated tax rates, leading to healthier communities. Unlike some other renewable energy systems, both geothermal and biomass systems can run continuously and provide a constant level of power throughout the day.

Beyond the amendment my colleagues and I are offering today, it is also worth noting the overall benefits of the underlying legislation. Everyone in this Chamber, Republican and Democrat, understands the importance of lowering energy prices.

The 21st Century Green High-Performing Public School Facilities Act represents a trifecta of sound public policy. It improves the education system for our children, it does so in an environmentally friendly way that decreases our dependence on finite fossil fuels, and it creates jobs for hard-working middle class families. I urge my colleagues to support this amendment and the underlying legislation.

Mr. WELCH of Vermont. Madam Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Madam Chairman, I thank the gentleman for yielding.

I want to first thank my colleagues, Ms. SHEA-PORTER, Mr. WELCH and Mr. ARCURI, for their work on this important amendment. This amendment will help schools in my district in New Hampshire to power their classrooms with alternative energy sources, including wood pellets and wood biomass,

sources that are plentiful throughout New Hampshire. For example, under this new program, the program would help invest more than half a million dollars for Concord, New Hampshire's school district, and almost \$1.5 million for Nashua, New Hampshire's schools. These dollars will allow our schools to reinvest in cost-effective and clean alternative energy.

Schools throughout New Hampshire are already investing to a limited extent in renewable energy and saving money. For example, Merrimack Valley High School and Middle School recently switched to wood biomass to heat their school facilities. In just one winter, the school district saved \$80,000 in heating costs, and that was before the recent steep rise in the price of a barrel of oil. From March to March, that is \$1.50 a gallon for heating oil that the costs have gone up, so we can only imagine what they will save in the coming winter.

As you can see, the alternative energies we promote here will help save money for our Nation's school districts in power and heating costs. That means schools will have more dollars to invest in improving our children's education. It means our school districts can afford more teachers in the classroom, more computers for our students and smaller class sizes to give our kids more individual attention. It means that our wise investments in this bill will pay huge dividends.

Energy efficiency, conservation and renewable energy are the key to a secure energy future for the United States of America. We can't drill our way out of the energy crisis we face. Green is the new red, white and blue.

To create a 21st century energy policy, we must all collectively make changes in how we power our buildings in both the private and public sector. This amendment will help our schools become leaders in an energy plan for the 21st century and give our school districts more resources to invest in our children's education. I am proud to support this amendment. I urge its passage.

Mr. McKEON. Madam Chairman, I yield myself 1 minute.

As the gentleman that just spoke said, we cannot drill our way into energy independence. I agree, because over the past 12 years, every time we have had a vote to give us an opportunity to explore and find more oil to get us past the gap to where all these other things that they are talking about will work, 91 percent of House Republicans have historically supported the increase of production of American-made oil and gas, while 86 percent of House Democrats have historically voted against increasing the production of American-made oil and gas.

Ten years ago when we passed an energy bill that would let us drill in the ANWR which would reduce gas prices now 70 cents to \$1.60 a gallon, and that would be in production now and we

would be receiving that benefit, President Clinton vetoed that bill.

So, yes, we can't drill our way out of it. We have to sit here and buy oil from countries around the globe that want to see us destroyed, and I don't see how we possibly can continue to go on putting ourselves in that position. We need to find new energy, and we need to do it now.

Madam Chairman, as I said, I will not oppose this amendment. I oppose the underlying bill for many, many reasons.

I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Chairman, I yield myself such time as I may consume to just briefly close.

Madam Chairman, there are two issues that have been debated during the course of this proposed amendment. One is what is the proper way to try to provide new supplies of oil.

There is a debate here, as Mr. McKEON has outlined it, and it has been carried on in many other bills relating to energy, about the possibility of the United States drilling and capturing more oil and natural gas here in our own territorial boundaries. The premise, of course, is if we did that, we would be able significantly to address the problem, and it also has as a premise that the obstacles to drilling are what is causing us not to drill.

In fact, that simply is not true. There are tens of millions of acres of federally owned land that are leased to the oil and gas companies, and only 28 percent of acres on shore and only 20 percent of the acres offshore where there actually are leases left are producing oil and gas. So there is an enormous capacity already that is out there for oil and gas companies to do the drilling. Why they don't, I guess we would have to ask them. But it is hard to imagine that there is a disincentive for them to take these leases that they have, giving them the opportunity to drill, when we have got oil that hovers around \$130 a barrel. So the suggestion that that is the problem I think is incorrect.

Secondly, the United States, and we have got to face this, we have 2 percent of the world's oil supply. That is it. Yet we consume 24 percent of the oil. So if we think that it is going to be a long-term approach to dealing with the increasing cost of oil when we are using 24 percent and we only have 2 percent of the known reserves, I think that is going to fall on its own weight.

The second issue really is putting aside that debate about what is the long-term, shall we be drilling or not, it begs the question of whether shouldn't we be doing everything that is within our capacity right now to give tools to local communities to save money on their energy costs and don't make the policy argument about whether we should or shouldn't be drilling be an impediment to taking the concrete step that this bill proposes to give our schools the tools they need to save money.

Let me just give you a couple of examples in Vermont. We have 32 schools that have transitioned to wood biomass. These are small schools, but they have saved over 1 million gallons of home heating oil. Home heating oil now in Vermont, the last bill I paid was \$4.30 a gallon. That is over \$4 million. That also, as my colleague Mr. ARCURI said, is a trifecta, because it reduced carbon emissions by 11,000 tons. It also provided jobs to local Vermonters who are providing the basic material that provided the energy to these schools.

So this is an extraordinary incentive for our local schools to try to save money. That is a burden that is immense on the property taxpayers, and this is a practical piece of legislation that allows our communities and our schools to take positive steps to reduce the bottom line.

I urge, along with my colleagues who have offered this amendment, led by Congresswoman CAROL SHEA-PORTER, a "yes" vote on this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WELCH of Vermont. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-678.

Mr. DAVIS of Virginia. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DAVIS of Virginia:

Page 8, after line 6, insert the following:

(3) DISTRIBUTIONS BY LOCAL EDUCATIONAL AGENCIES.—A local educational agency receiving a grant under this title may give priority, in using the grant, to projects to be carried out in a public secondary school recognized as a Science and Technology High School or as a secondary school with a science and technology program.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Virginia (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. DAVIS of Virginia. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to H.R. 3021 that would allow local education priority consideration for science and technology schools once grant funds reach their State's local educational agencies.

I have traditionally opposed the concept of the Federal Government directly funding school construction and renovation. However, I believe the legislation today provides an excellent opportunity to advance what should be an increasingly prominent component of Federal education policy, active promotion and assistance for rigorous science, math and technology programs at the secondary level.

Science, math and technology schools throughout the country enable students to cultivate a spirit of discovery and innovation. More importantly, they give some of our best and our very brightest the ability to compete with similarly talented students from other countries around the world.

In my district, Thomas Jefferson High School for Science and Technology is a perfect example of the type of institution we should be promoting nationwide. TJ, as we call it, is part of the Fairfax County public school system, but draws applicants from across five counties and two cities in Northern Virginia, selecting 500 students from a pool of several thousand applicants. While TJ tops the list of U.S. News and World Report's list of America's best high schools, its building and infrastructure is deteriorating and in need of repair. It also needs access to increasingly advanced laboratory facilities to provide cutting edge programs and study.

I appreciate the concerns of my colleagues regarding an expanded Federal role in school construction. I want to note, however, that there can be a role for Congress to play.

□ 1845

One of our congressional accomplishments was closing the Lorton Prison and putting some of that land into the public school system in Fairfax County in which South County High School was built, a public-private partnership.

As we debate added Federal participation in school construction maintenance, I am ready to set aside pre-existing qualms to make sure that schools focused on science, math, and technology receive the focus they merit. Make no mistake, these individuals and skills that these students possess will be the foundation of our economy in the coming years. It is in our interest to give them the foundation they will need to excel in a world that is quickly catching up with us.

In closing, I want to thank Chairman MILLER and his staff for their willingness to work with me on this issue. I look forward to continuing this effort as this legislation moves forward, and I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I rise to claim the time in opposition, although I do not intend to oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. First of all, I want to thank the gentleman from Virginia (Mr. DAVIS) for his work on this bill and for all his work here in the Congress. He has been a distinguished Member of this Congress, one who loves this institution. And as he goes off in other pursuits, I certainly wish him well.

I look around this Congress, and you see on both sides of the aisle people for whom you have great respect, and he certainly has my respect. His interest in science and technology makes him the natural one to have the expertise in this and apply that to our K-12 schools.

I yield back the balance of my time.

Mr. DAVIS of Virginia. I just want to thank the gentleman for making this amendment in order. I appreciate his support as the legislation moves forward.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. VISCLOSKY

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-678.

Mr. VISCLOSKY. Madam Chairman, I rise as the designee for Mr. STUPAK to claim time in support of the amendment offered.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. VISCLOSKY:

Page 6, line 3, strike "308(a)" and insert "309(a)".

Page 10, line 14, strike "308(b)" and insert "309(b)".

Page 13, after line 2, insert the following (and redesignate provisions and conform the table of contents accordingly):

**SEC. 305. SPECIAL RULE ON USE OF IRON AND STEEL PRODUCED IN THE UNITED STATES.**

(a) IN GENERAL.—A local educational agency shall not obligate or expend funds received under this Act for a project for the modernization, renovation, or repair of public school facility unless all of the iron and steel used in such project is produced in the United States.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply in any case in which the local educational agency finds that—

(1) their application would be inconsistent with the public interest;

(2) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(3) inclusion of iron and steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Madam Chairman, I first of all would like to express my

appreciation to Mr. STUPAK for all of his hard work on this initiative, but also would like to thank the chairman of the full committee as well as the ranking member for their work on this important bill, as well as the chairwoman of the Rules Committee for making this amendment in order.

The amendment would require all iron and steel purchased with funds authorized by this act to use only American-made steel. This stems from a Steel Caucus hearing that was held in April, where we learned that the government does not have an established process to monitor the safety of steel imports. We also learned that foreign imports from China, for example, do not adhere to international standards and guidelines when they manufacture steel.

If the school construction projects provided under this act are to be truly safe for our children, then we must ensure that the steel used is American. If we buy only American steel for our schools, we will know that it adheres to our safety and quality standards, and would encourage my colleagues to support the Stupak-Visclosky amendment to keep our schools safe and to vote for passage of the underlying measure.

Madam Chairman, I recognize the gentleman from Ohio (Mr. WILSON) for 1½ minutes.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of the Stupak-Visclosky amendment, calling for all iron and steel used under this act to be produced here in our United States.

Since 1892, my home State of Ohio has been a leading steel producer, and today remains among the top three steel producing States in our country.

In April, I had the opportunity to attend a hearing held by the Congressional Steel Caucus examining the dangers of standardized substandard Chinese steel. What I learned was that these products are not being inspected in China and the products are not being inspected at our ports when they enter our country. And again, today, the steel is not inspected as it is used to build some of our Nation's most critical infrastructure, like our children's schools.

In the last year we have seen China's iron and steel production increase by more than 50 percent. Today, Chinese steel is being used to make everything from our schools to our hospitals to our bridges, and I have serious concerns about whether or not this Chinese steel is strong enough to keep our families and our Nation safe.

This amendment will ensure that the steel used is from American companies that will follow the proper safety and quality standards in our products. Our children deserve safe schools. A strong and viable U.S. steel industry is critical to America's infrastructure and the national economic security and homeland security.

In conclusion, I urge my colleagues to join me and to support the Stupak-

Visclosky amendment, and encourage my fellow Members to vote for final passage of this important bill.

Mr. ENGLISH of Pennsylvania. Madam Chairman, I rise the claim the time on this side in favor of this amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ENGLISH of Pennsylvania. Madam Chairman, I rise today in strong support of this amendment, which would require local education agencies to use American steel and iron for modernization, renovation, or repair projects, such as at a public school facility. As the past chairman of the Congressional Steel Caucus and as the current vice chairman of that body, I have been working for some time on a bipartisan basis to promote policies to provide for the use of American steel precisely in these sorts of settings.

Madam Chairman, you may recall one of my favorite books which was Robert Penn Warren's remarkable novel, *All the King's Men*, in which the anti-hero Willie Stark is thrust into prominence because he takes on the local political machine, the local political machine which is building a schoolhouse with cheap materials at risk to students. He raises this issue; he is ignored, but in the end he is vindicated because once the schoolhouse is built, because of cheap steel ultimately many children are hurt and killed in a terrible accident.

Today, we are contemplating a similar set of circumstances and the same risk. Just a few months ago, our Steel Caucus held a hearing to examine the dangers with imported Chinese steel products. What we discovered is that there are serious and legitimate concerns regarding the quality of these imports and whether they are adequately monitored. We currently have no mechanism for evaluating or for stopping steel that does not meet specifications at the border. And once it is inside our market, this steel is used on bridges, buildings, power plants, and even schools. In fact, in the fall of 2007, the California Department of General Services posted an alert on Chinese steel tubing fabricated for school construction projects that had been found to be defective.

Through independent tests and studies we know that there are frequently deficiencies in Chinese steel, yet we also know that American steel consistently has met the highest standards.

Madam Chairman, if the goal of the 21st Century Green High-Performing Public Schools Facilities Act is to provide a safe and healthy learning environment for children, we should be insisting that we are using steel of a clearly determined quality; and, we would be doing a disservice to the parents and to the children of our country by not ensuring that the school's infrastructure is built with steel of a guaranteed quality. The difference between

steel that makes the grade and steel that doesn't meet required standards could very well be a matter of life and death.

The use of deficient or structurally inefficient steel for renovations or repair projects is a clear public safety hazard. Such a blunder could increase the overall cost of projects and increase construction time. If the school construction projects provided under this legislation are truly going to meet the high standards that we expect of any structure for our children, we must ensure that the steel used is from American companies that will follow the proper safety and quality standards in its products.

Madam Chairman, this is a common-sense amendment that mirrors legislation that I have introduced with the gentleman from Indiana (Mr. VISCLOSKY) earlier this year. I am delighted that the author has seen fit to offer it as part of this legislation. I would strongly urge all of my colleagues on both sides of the aisle to support this amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Madam Chairman, it is my privilege to recognize Mr. STUPAK, the principal author of the amendment, for 1½ minutes. He is the leader on this issue.

Mr. STUPAK. I thank the gentleman. I thank him for his assistance and for pinch hitting for me tonight until I could get here.

Madam Chairman, the Stupak-Visclosky amendment would require that all steel and iron used under the 21st Century Green High-Performing Public Schools Facilities Act be produced in the United States. Cheap imported steel is a danger to our children and is compromising their safety.

In April, during the Congressional Steel Caucus hearing, U.S. Customs and Border Protection Assistant Commissioner David Baldwin testified that Customs and Border Protection does not conduct compliance tests to monitor the strength, durability, or hardness of the steel imported into the United States.

Until the Federal Government can make sure imported steel from China and other countries meet safety and quality standards, we should not let any of it be used in our schools, or in any other buildings, as a matter of fact.

We must make sure that the steel used in these projects meets the proper standards in the first place. The Stupak-Visclosky amendment would require educational agencies to use American steel and iron for modernization, renovation, or repair projects at a public school facility.

The amendment also includes a provision that will ensure that schools can comply with these standards. If steel and iron produced in the U.S. will increase the cost of a project by more than 25 percent, and iron and steel from elsewhere is proven safe, then agencies can use steel and iron from other sources as long as it is safe.

To protect our children, we must ensure that the steel used in our schools is from American companies that meet proper safety and quality standards. I urge a "yes" vote on the Stupak-Visclosky amendment.

□ 1900

Mr. ENGLISH of Pennsylvania. Madam Chairman, at this time, if the gentleman has no other speakers, we would be delighted to yield back.

Mr. VISCLOSKY. I believe, Madam Chairman, I have 1 minute left. I would yield that to Mr. KUCINICH, the gentleman from Ohio.

Mr. KUCINICH. The Visclosky/Stupak amendment will boost our steel industry and protect American jobs by requiring that steel and iron used in school buildings funded by this act be made in the USA.

Concerns about substandard steel imports are well taken. At a recent hearing sponsored by the Congressional Steel Caucus, it was revealed that independent testing of imported Chinese steel found a 60 percent failure rate for steel rods used for such applications as securing bridges.

This amendment will ensure that the substandard steel will not be used to construct vital infrastructure or schools for those of us who are truly concerned about the safety of our children. China's going to have to go a way to be able to develop quality testing standards to assure that the products that are sent here are going to be up to the standards that we expect should be obtained for infrastructure and for schools.

This initiative maintains our commitment to securing a strong domestic steel industry, and I ask for the Members to support it.

Mr. CARSON of Indiana. Madam Chairman, I rise in strong support of the Stupak/Visclosky amendment.

Madam Chairman, in order to build state of the art schools, you need sound state of the art materials. This amendment ensures that our schools will be constructed with strong and durable resources by mandating that our schools be built with American steel.

I would like to thank Congressman STUPAK and Congressman VISCLOSKY for offering this worthwhile amendment. There is nothing more important than ensuring that our children have safe and productive environments in which to learn.

I encourage my colleagues to support the Stupak/Visclosky amendment and the underlining bill.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

The CHAIRMAN. The Chair understands that amendment No. 6 will not be offered at this time.

AMENDMENT NO. 7 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110-678.

Mr. MATHESON. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MATHESON:

Page 15, line 18, strike "and".

Page 15, after line 18, insert the following (and redesignate provisions accordingly):

(C) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost-effective; and

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Madam Chairman, this amendment is an effort to refine the reporting of requirements in the legislation for schools that receive grants under this program relative to the flooring that is installed in these schools.

Schools and local educational agencies receiving grants under this bill would report if they install flooring, whether it was low or no volatile organic compounds flooring; whether it was made from sustainable materials, and report on the cost effective nature of that decision to install that type of flooring.

I just want to be clear though. This amendment is not a mandate. It doesn't require schools to install any particular type of flooring. It really is a purpose just to gather information to find out if or not this material has been used in the installation process.

One of the motivations behind this amendment is to ensure that we raise this issue about the opportunity for both children and teachers who are in schools, that they are put in the best learning and teaching environment possible. The reason for that is because materials such as flooring in some schools can contain potentially unhealthy levels of volatile organic compounds that can lead to unsafe indoor air quality for both students and teachers.

Again, I think this is a relatively straightforward amendment just to increase the reporting requirements to say what happened in terms of how the flooring was required. It does not require any particular type of flooring to be installed, but it helps us gather information and raise awareness about the benefits of using low or no volatile organic compound flooring.

I reserve the balance of my time.

Mr. MCKEON. I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield myself such time as I may consume, Madam Chairman.

The purpose of this amendment is to gather information about the types of

floors that schools may be installing with funds provided under this massive new federally funded school construction program. Like the rest of the bill, it simply misses the point.

If our goal today is to address the problems facing our Nation's schools, we shouldn't be talking about floors or bicycle racks. We should be talking about how to bring down the price of gas.

High gas prices are hitting schools hard. They're driving up costs for nearly every aspect of a school's budget, from transportation to school lunches and from utilities to supplies.

What we should be debating is how to address the skyrocketing cost of energy. Instead, we're talking about creating a \$20 billion program that allows bureaucrats in Washington to tell our communities how to build their schools.

The Federal Government has had a history of investing in our Nation's schools, but it's not the floors and the walls and the plumbing and the light bulbs where we focus our investment. Rather, it's the students themselves. Our role, the role of the Federal Government, is to support programs that help improve student academic achievement.

We know that disadvantaged children, children with disabilities, English language learners and our vulnerable populations have too often been left behind by our educational system. Our job is to ensure all children are given the opportunity to receive a high quality education. That means learning from a highly qualified teacher and being held to the same high academic standards.

I know how important safe and healthy schools are, and that's why States are spending some \$20 billion each year on the building and modernization of schools facilities.

If we really want to meet the needs of our schools, we should be doing two things: We should be maintaining the Federal focus on student achievement, and we should be talking about how to bring down the cost of energy to help schools, families, businesses and our economy.

I reserve the balance of my time.

Mr. MATHESON. Just very briefly, Madam Chairman.

Last week, I had the opportunity to visit Daybreak Elementary School in West Jordan, Utah, the first LEED-certified school in our State. In that location this school used low VOC paint and carpet.

I think that there are a number of issues we need to be talking about in this Congress today. But I do think the notion of having a safe indoor environment for teachers and students has merit, and actually collecting data and reporting what type of materials are used in school construction makes sense.

I urge adoption of my amendment.

I yield back the balance of my time.

Mr. McKEON. I agree with the gentleman. I just don't think it should be

the Federal Government's responsibility to go into the local communities and tell them what type and how to build their schools, who should build their schools and how much they should spend.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MATHESON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. REICHERT

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-678.

Mr. REICHERT. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. REICHERT: Page 9, line 18, strike "or".

Page 9, line 19, strike "and" and insert "or".

Page 9, after line 19, insert the following new subparagraph:

(D) reduce class size; and

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Madam Chairman, today we are considering legislation to improve the conditions of our elementary and secondary schools. Yet nothing in this bill addresses the issue of class size and the overcrowding that plagues our schools and hinders the learning environment of our children.

There are 50 million students in our public elementary and secondary schools, and enrollment is expected to continue to increase. By the year 2100, our public and private institutions, from pre-kindergarten, through college, will accommodate an estimated 94 million American children and young adults, an increase of over 40 million over the current school population.

Our schools are already severely overcrowded, with many forced to accept twice their capacity and open portable classrooms. According to a 2000 report from the National Center for Educational Statistics, 36 percent of schools had to use portable classrooms to accommodate growing student populations.

I've also heard reports that some schools are requiring and asking students to actually sit on desks and on teachers desks due to the overcrowding in classrooms. This is not an environment for learning for our children, and they deserve much better.

Since students in overcrowded classrooms lack quality one-on-one time

with their teachers, their academic skills suffer. Research shows that smaller class sizes significantly increase the amount of learning that takes place, reducing disciplinary problems and improving teacher productivity.

Smaller classes also particularly benefit students from low-income or disadvantaged backgrounds. For example, lowering class sizes in Tennessee closed the achievement gap between black students and white students by 38 percent.

According to the U.S. Department of Education, "A growing body of research demonstrates that students attending small classes in early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist well after the students move on to larger classes in later grades."

One of the most well known conclusive studies on class size is Project STAR, the only large-scale controlled study of the effects of reduced class size that was conducted in 79 elementary schools in the State of Tennessee. According to the results from this study, 72 percent of students graduate on time in smaller class sizes, versus 66 percent from regular class sizes. Children in smaller class sizes complete more advanced math and English courses, and the drop-out rate is at least 4 percent lower in schools with smaller classes.

Our children deserve the individualized attention and instruction afforded by small class sizes. As we consider legislation today to usher our schools into the 21st Century, we should, at the very least, consider how new technologies and building designs can accommodate smaller class sizes, which is what my amendment would do.

My amendment is very simple. It provides that local education agencies may use a grant for modernization, renovation or repair of public school facilities to help reduce class sizes. Students and teachers deserve better than shared and portable classrooms. It's time we do something to help ensure our students receive the individualized attention they need, to help teachers in maintaining an orderly classroom.

In addition to building new modern schools with minimal environmental impact, we should build schools for the 21st Century equipped with technology and modern equipment that accommodates small class sizes that are safe for teaching and encourage learning.

Madam Chairman, this amendment is simple. It is straightforward, and has been endorsed by the National Education Association. I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I claim time in opposition, but I do not intend to oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection. Mr. KILDEE. We've looked over the Reichert amendment and we accept the amendment.

I yield back the balance of my time. Mr. REICHERT. I thank the gentleman for his support, and I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

□ 1915

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-678 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. KILDEE of Michigan.

Amendment No. 2 by Mr. EHLERS of Michigan.

Amendment No. 3 by Mr. WELCH of Vermont.

Amendment No. 7 by Mr. MATHESON of Utah.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. KILDEE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. KILDEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 151, not voting 27, as follows:

[Roll No. 374] AYES—260

- Abercrombie Carnahan Diaz-Balart, M. Ackerman Carson Dicks Allen Castor Dingell Altmire Cazayoux Doggett Arcuri Chandler Donnelly Baca Childers Doyle Baird Christensen Edwards Baldwin Clarke Ehlers Barrow Clay Ellison Bean Cleaver Ellsworth Becerra Clyburn Emanuel Berkley Cohen Engel Berman Conyers English (PA) Berry Cooper Eshoo Bishop (GA) Costa Etheridge Bishop (NY) Costello Farr Blumenaier Courtney Fattah Bordallo Cramer Fortenberry Boren Crowley Fortuño Boswell Cuellar Fossella Boyd (FL) Davis (AL) Foster Boyda (KS) Davis (CA) Frank (MA) Brady (PA) Davis (IL) Gerlach Braley (IA) Davis, Lincoln Giffords Brown, Corrine Davis, Tom Gonzalez Buchanan DeFazio Gordon Butterfield DeGette Green, Al Capito Delahunt Green, Gene Capps DeLauro Gutierrez Capuano Dent Hall (NY) Cardoza Diaz-Balart, L. Hare

- Harman Hastings (FL) McIntyre Herseht Sandlin McNerney Higgins McNulty Hill Meek (FL) Hinchey Meeke (NY) Hinojosa Melancon Hirono Michaud Hobson Miller (MI) Hodess Miller (NC) Holden Miller, George Holt Mitchell Honda Mollohan Hoolley Moore (KS) Hoyer Moore (WI) Inslee Murphy (CT) Israel Murphy, Patrick Jackson (IL) Murphy, Tim Jefferson Murtha Johnson (GA) Nadler Johnson (IL) Pastor Johnson, E. B. Neal (MA) Jones (OH) Oberstar Kagen Obey Kanjorski Oliver Kaptur Ortiz Kennedy Pallone Kildee Pascrell Kind Pastor Payne King (NY) Kirk Perlmutter Klein (FL) Peterson (MN) Kuhl (NY) Peterson (PA) LaHood Platts Lampson Porter Langevin Price (NC) Larsen (WA) Rahall LaTourette Ramstad Lee Reichert Levin Reyes Richardson LoBiondo Loeb sack Rodriguez Lofgren, Zoe Ros-Lehtinen Lowey Ross Lynch Rothman Mahoney (FL) Roybal-Allard Maloney (NY) Royce Markey Ruppertsberger Marshall Ryan (OH) Matheson Salazar Matsui Sanchez, Linda McCarthy (NY) T. Sanchez, Loretta McCaul (TX) Sarbanes McCollum (MN) Schakowsky McDermott Schiff McGovern

NOES—151

- Akin Doolittle Alexander Drake Lamborn Bachmann Dreier Latham Bachus Duncan Latta Barrett (SC) Emerson Lewis (KY) Bartlett (MD) Everrett Linder Barton (TX) Fallin Lucas Biggart Feeney Lungren, Daniel Bilbray Ferguson E. Bilirakis Flake Mack Blackburn Forbes Manzullo Blunt Poxx Marchant Boehner Franks (AZ) McCarthy (CA) Bonner Frelinghuysen McCotter Bono Mack Garrett (NJ) McHenry Boozman Gingrey McKeon Boustany Gohmert McMorris Brady (TX) Goode Rodgers Goodlatte Granger Mica Miller (FL) Graves Miller, Gary Moran (KS) Hall (TX) Hastings (WA) Musgrave Hayes Burton (IN) Myrick Heller Neugebauer Nunes Hensarling Paul Herger Hoekstra Pearce Pence Hulshof Picketing Inglis (SC) Issa Petri Pickering Johnson, Sam Pitts Jones (NC) Poe King (IA) Putnam Keller King (IA) Radanovich Kingstone Regula Culberson Davis (KY) Gutierrez Kline (MN) Reynolds Knollenberg Davis, David Knollenberg Deal (GA) Kucinich Reynolds

- Schwartz Rogers (AL) Shadegg Scott (GA) Rogers (KY) Shuster Scott (VA) Rogers (MI) Simpson Rohrabacher Smith (NE) Roskam Smith (TX) Ryan (WI) Souder Sali Sullivan Saxton Tancredo Scalise Terry Schmidt Thornberry Sensenbrenner Tiahrt Sessions Tiberi Aderholt Gallegly McCrery Andrews Gilchrest Moran (VA) Bishop (UT) Gillibrand Norton Boucher Grijalva Pomeroy Campbell (CA) Hunter Pryce (OH) Carney Jackson-Lee Rush Chabot (TX) Shuler Cummings Kilpatrick Van Hollen Faleomavaega Larson (CT) Filner Lewis (GA)

NOT VOTING—27

□ 1941

Messrs. DAVIS of Illinois, ENGLISH of Pennsylvania, LINCOLN DIAZ-BALART of Florida, MARIO DIAZ-BALART of Florida, SHIMKUS and Mrs. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 374, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. EHLERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 17, not voting 24, as follows:

[Roll No. 375] AYES—397

- Abercrombie Bilbray Brown, Corrine Ackerman Bilirakis Brown-Waite, Aderholt Bishop (GA) Ginny Akin Bishop (NY) Buchanan Alexander Bishop (UT) Burgess Allen Blackburn Burton (IN) Altmire Blunt Butterfield Arcuri Boehner Buyer Baca Bonner Calvert Bachmann Bono Mack Camp (MI) Bachus Boozman Cannon Baird Bordallo Cantor Barrett (SC) Boren Capito Barrow Boswell Capps Bartlett (MD) Boustany Capuano Barton (TX) Boyd (FL) Cardoza Bean Boyda (KS) Carnahan Becerra Brady (PA) Carson Berkley Brady (TX) Carter Berman Braley (IA) Castle Berry Broun (GA) Castor Biggart Brown (SC) Cazayoux

Chandler Hobson Musgrave  
 Childers Hodes Myrick  
 Christensen Hoekstra Nadler  
 Cleaver Holden Napolitano  
 Clyburn Holt Neal (MA)  
 Coble Honda Neugebauer  
 Cohen Hooley Nunes  
 Cole (OK) Hoyer Oberstar  
 Conaway Hulshof Obey  
 Conyers Inglis (SC) Olver  
 Cooper Inslee Ortiz  
 Costa Israel Pallone  
 Costello Issa Pascrell  
 Courtney Jefferson Pastor  
 Cramer Johnson (GA) Paul  
 Crenshaw Johnson (IL) Payne  
 Crowley Johnson, Sam Pearce  
 Cubin Jones (NC) Pence  
 Cuellar Jones (OH) Perlmutter  
 Culberson Jordan Peterson (MN)  
 Cummings Kagen Peterson (PA)  
 Davis (AL) Kanjorski Petri  
 Davis (CA) Kaptur Pickering  
 Davis (IL) Keller Pitts  
 Davis (KY) Kennedy Platts  
 Davis, David Kildee Poe  
 Davis, Lincoln Kilpatrick Pomeroy  
 Davis, Tom Kind Porter  
 Deal (GA) King (IA) Price (GA)  
 DeFazio King (NY) Price (NC)  
 DeGette Kingston Putnam  
 Delahunt Klein (FL) Radanovich  
 DeLauro Kline (MN) Rahall  
 Dent Knollenberg Ramstad  
 Diaz-Balart, L. Kucinich Regula  
 Diaz-Balart, M. Kuhl (NY) Rehberg  
 Dicks LaHood Reichert  
 Dingell Lamborn Renzi  
 Doggett Lampson Reyes  
 Donnelly Langevin Reynolds  
 Doolittle Larsen (WA) Richardson  
 Doyle Larson (CT) Rodriguez  
 Drake Latham Rogers (AL)  
 Dreier LaTourette Rogers (KY)  
 Duncan Latta Rogers (MI)  
 Edwards Lee Rohrabacher  
 Ehlers Levin Roskam  
 Ellison Lewis (CA) Rothman  
 Ellsworth Lewis (KY) Roybal-Allard  
 Emerson Linder Royce  
 Engel LoBiondo Ruppertsberger  
 English (PA) Loeback Ryan (OH)  
 Eshoo Lofgren, Zoe Ryan (WI)  
 Etheridge Lowey Salazar  
 Everett Lucas Salazar  
 Fallin Lungren, Daniel Sali  
 Farr E. Sánchez, Linda  
 Fattah Lynch T.  
 Feeney Mack Sanchez, Loretta  
 Ferguson Mahoney (FL) Sarbanes  
 Flake Maloney (NY) Saxton  
 Forbes Manzullo Scalise  
 Fortenberry Marchant Schiff  
 Fortuño Markey Schmidt  
 Fossella Marshall Schwartz  
 Foster Matheson Scott (GA)  
 Foxx Matsui Scott (VA)  
 Frank (MA) McCarthy (CA) Sensenbrenner  
 Franks (AZ) McCarthy (NY) Serrano  
 Frelinghuysen McCaul (TX) Sessions  
 Garrett (NJ) McCotter McCollum (MN) Sestak  
 Gerlach McCotter Shadegg  
 Giffords McDermott Shays  
 Gingrey McGovern Shea-Porter  
 Gohmert McHenry Shimkus  
 Goode McHugh Shuster  
 Goodlatte McIntyre Simpson  
 Gordon McKeon Sires  
 Granger McMorris Skelton  
 Graves Rodgers Slaughter  
 Green, Al McNerney Smith (NE)  
 Green, Gene McNulty Smith (NJ)  
 Grijalva Meek (FL) Smith (TX)  
 Hall (NY) Melancon Smith (WA)  
 Hall (TX) Mica Snyder  
 Hare Michaud Solis  
 Harman Miller (FL) Souder  
 Hastings (FL) Miller (MI) Space  
 Hastings (WA) Miller (NC) Spratt  
 Hayes Miller, Gary Stearns  
 Heller Miller, George Stupak  
 Hensarling Mitchell Sullivan  
 Hergert Mollohan Sutton  
 Herseth Sandlin Moore (KS) Tancredo  
 Higgins Moran (KS) Tanner  
 Hill Murphy (CT) Tauscher  
 Hinchey Murphy, Patrick Taylor  
 Hinojosa Murphy, Tim Terry  
 Hirono Murtha Thompson (CA)

Thompson (MS) Walberg Weller  
 Thornberry Walden (OR) Westmoreland  
 Tiahrt Walsh (NY) Wexler  
 Tiberi Walz (MN) Whitfield (KY)  
 Tierney Wamp Wilson (NM)  
 Towns Wasserman Wilson (OH)  
 Tsongas Schultz Wilson (SC)  
 Turner Waters Wittman (VA)  
 Udall (CO) Watson Wolf  
 Udall (NM) Watt Wu  
 Upton Waxman Yarmuth  
 Velázquez Welch (VT) Young (AK)  
 Visclosky Weldon (FL) Young (FL)

Boyd (KS) Frelinghuysen Matsui  
 Brady (PA) Garrett (NJ) McCarthy (CA)  
 Brady (TX) Gerlach McCaul (TX)  
 Braley (IA) Giffords McCollum (MN)  
 Broun (GA) Gingrey McCotter  
 Brown (SC) Gohmert McDermott  
 Brown, Corrine Gonzalez McGovern  
 Brown-Waite, Goode McHenry  
 Ginny Goodlatte McHugh  
 Buchanan Gordon McIntyre  
 Burgess Granger McKeon  
 Burton (IN) Graves McMorris  
 Butterfield Green, Al Rodgers  
 Buyer Green, Gene McNerney  
 Calvert Gutierrez McNulty  
 Camp (MI) Hall (NY) Meek (FL)  
 Cannon Hall (TX) Meeks (NY)  
 Cantor Hare Melancon  
 Capito Harman Mica  
 Capps Hastings (FL) Michaud  
 Capuano Hastings (WA) Miller (FL)  
 Cardoza Hayes Miller (MI)  
 Carnahan Heller Miller (NC)  
 Carson Hensarling Miller, Gary  
 Carter Hergert Miller, George  
 Castle Herseth Sandlin Mitchell  
 Castor Higgins Mollohan  
 Cazayoux Hill Moore (KS)  
 Chandler Moore (WI)  
 Childers Hinojosa Moran (KS)  
 Christensen Hirono Moran (VA)  
 Clarke Hobson Murphy (CT)  
 Clay Hodes Murphy, Patrick  
 Cleaver Hoekstra Murphy, Tim  
 Clyburn Holden Murtha  
 Coble Holt Musgrave  
 Cohen Honda Myrick  
 Cole (OK) Hooley Nadler  
 Conaway Hoyer Napolitano  
 Conyers Hulshof Neal (MA)  
 Cooper Inglis (SC) Neugebauer  
 Costa Inslee Nunes  
 Costello Israel Oberstar  
 Courtney Issa Obey  
 Cramer Jackson (IL) Olver  
 Crenshaw Jefferson Ortiz  
 Crowley Johnson (GA) Pallone  
 Cubin Johnson (IL) Pascrell  
 Cuellar Johnson, E. B. Pastor  
 Culberson Johnson, Sam Payne  
 Cummings Jones (NC) Pearce  
 Davis (AL) Jones (OH) Pence  
 Davis (CA) Jordan Perlmutter  
 Davis (IL) Kagen Peterson (MN)  
 Davis, David Kanjorski Peterson (PA)  
 Davis, Lincoln Kaptur Petri  
 Davis, Tom Keller Pickering  
 DeFazio Kennedy Pitts  
 DeGette Kildee Platts  
 Delahunt Kilpatrick Poe  
 DeLauro King (IA) Pomeroy  
 Dent King (NY) Porter  
 Diaz-Balart, L. Kingston Price (GA)  
 Diaz-Balart, M. Kirk Price (NC)  
 Dicks Klein (FL) Putnam  
 Dingell Kline (MN) Rahall  
 Doggett Knollenberg Ramstad  
 Donnelly Kucinich Rangel  
 Doolittle Kuhl (NY) Regula  
 Doyle LaHood Rehberg  
 Drake Lamborn Reichert  
 Dreier Lampson Renzi  
 Duncan Langevin Reyes  
 Edwards Larsen (WA) Reynolds  
 Ehlers Larson (CT) Richardson  
 Ellison Latham Rodriguez  
 Ellsworth LaTourette Rogers (AL)  
 Emerson Latta Rogers (KY)  
 Engel Lee Rogers (MI)  
 English (PA) Levin Rohrabacher  
 Eshoo Lewis (CA) Ros-Lehtinen  
 Etheridge Lewis (KY) Roskam  
 Everett LoBiondo Ross  
 Fallin Lofgren, Zoe Rothman  
 Farr Lowey Roybal-Allard  
 Fattah Lucas Royce  
 Feeney Lungren, Daniel Ruppertsberger  
 Ferguson Lucas Ryan (OH)  
 Flake Feeney Ryan (WI)  
 Forbes Ferguson Salazar  
 Fortenberry E. Sánchez, Linda  
 Fortuño Mack T.  
 Fossella Mahoney (FL) Sanchez, Loretta  
 Foster Manzullo Sarbanes  
 Foxx Markey Saxton  
 Frank (MA) Marchant Schiff  
 Franks (AZ) Markey Schmidt  
 Frelinghuysen Marshall Schwartz  
 Garrett (NJ) Matheson Scott (GA)  
 Gerlach Matsui Scott (VA)  
 Giffords McCarthy (CA) Sensenbrenner  
 Gingrey McCarthy (NY) Serrano  
 Gohmert McCaul (TX) Sessions  
 Goode McCotter McCollum (MN) Sestak  
 Goodlatte McCotter Shadegg  
 Gordon McDermott Shays  
 Granger McGovern Shea-Porter  
 Graves McHenry Shimkus  
 Green, Al McHugh Shuster  
 Green, Gene McIntyre Simpson  
 Grijalva McKeon Sires  
 Hall (NY) McMorris Skelton  
 Hall (TX) Mica Slaughter  
 Hare Michaud Solis  
 Harman Miller (FL) Souder  
 Hastings (FL) Miller (MI) Space  
 Hastings (WA) Miller (NC) Spratt  
 Hayes Miller, Gary Stearns  
 Heller Miller, George Stupak  
 Hensarling Mitchell Sullivan  
 Hergert Mollohan Sutton  
 Herseth Sandlin Moore (KS) Tancredo  
 Higgins Moran (KS) Tanner  
 Hill Murphy (CT) Tauscher  
 Hinchey Murphy, Patrick Taylor  
 Hinojosa Murphy, Tim Terry  
 Hirono Murtha Thompson (CA)

NOES—17

Baldwin Johnson, E. B.  
 Blumenauer Kirk  
 Clay Lipinski  
 Emanuel Moore (WI)  
 Gonzalez Ros-Lehtinen  
 Jackson (IL) Schakowsky

NOT VOTING—24

Andrews Gilchrest Moran (VA)  
 Boucher Gillibrand Norton  
 Campbell (CA) Gutierrez Pryce (OH)  
 Carney Hunter Rangel  
 Chabot Jackson-Lee Rush  
 Clarke (TX) Jackson-Lee Rush  
 Faleomavaega Lewis (GA) Shuler  
 Filner McCreery Van Hollen  
 Gallegly Meeks (NY)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).  
 Two minutes remain on this vote.

□ 1949

Ms. BALDWIN changed her vote from  
 “aye” to “no.”

Mr. BARROW changed his vote from  
 “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced  
 as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall  
 375, I was unable to vote because of delays  
 in my air travel. Had I been present, I would  
 have voted “aye.”

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF  
 VERMONT

The CHAIRMAN. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Vermont (Mr. WELCH)  
 on which further proceedings were  
 postponed and on which the ayes pre-  
 vailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has  
 been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 409, noes 5,  
 not voting 24, as follows:

[Roll No. 376]

AYES—409

Abercrombie Barrett (SC) Bishop (NY)  
 Ackerman Barrow Blackburn  
 Aderholt Bartlett (MD) Blumenauer  
 Akin Barton (TX) Blunt  
 Alexander Bean Boehner  
 Allen Becerra Bonner  
 Altmire Berkley Bono Mack  
 Arcuri Berman Boozman  
 Baca Berry Bordallo  
 Bachmann Biggert Boren  
 Bachus Bilbray Boswell  
 Baird Bilirakis Boustany  
 Baldwin Bishop (GA) Boyd (FL)

Bishop (NY) Blackburn  
 Blumenauer Blunt  
 Boehner Bonner  
 Bono Mack Boozman  
 Bordallo Boren  
 Boswell Boustany  
 Boyd (FL) Boyd (FL)

Schiff	Space	Walberg	Bishop (GA)	Herseth Sandlin	Pallone	Davis, David	Kingston	Reynolds
Schmidt	Speier	Walden (OR)	Bishop (NY)	Higgins	Pascrell	Davis, Tom	Kline (MN)	Rogers (AL)
Schwartz	Spratt	Walsh (NY)	Bishop (UT)	Hill	Pastor	Deal (GA)	Knollenberg	Rogers (KY)
Scott (GA)	Stark	Walz (MN)	Blumenauer	Hinchey	Payne	Diaz-Balart, L.	Lamborn	Rogers (MI)
Scott (VA)	Stearns	Wamp	Bordallo	Hinojosa	Pearce	Diaz-Balart, M.	Latham	Rohrabacher
Sensenbrenner	Stupak	Wasserman	Boren	Hirono	Perlmutter	Doolittle	Latta	Roskam
Serrano	Sullivan	Schultz	Boswell	Holden	Peterson (MN)	Drake	Lewis (CA)	Royce
Sessions	Sutton	Watson	Boyd (FL)	Holt	Platts	Dreier	Lewis (KY)	Ryan (WI)
Sestak	Tancredo	Watt	Boyda (KS)	Holt	Pomeroy	Duncan	Linder	Sali
Shadegg	Tanner	Waxman	Brady (PA)	Honda	Porter	Emerson	Lucas	Scalise
Shays	Tauscher	Weiner	Braley (IA)	Hooley	Price (NC)	Everett	Lungren, Daniel	Schmidt
Shea-Porter	Taylor	Welch (VT)	Brown, Corrine	Hooyer	Rahall	Fallin	E.	Sensenbrenner
Sherman	Terry	Weldon (FL)	Buchanan	Inslee	Ramstad	Feeney	Mack	Sessions
Shimkus	Thompson (CA)	Weller	Butterfield	Israel	Flake	Flake	Manzullo	Shadegg
Shuster	Thompson (MS)	Westmoreland	Capito	Jackson (IL)	Forbes	Reichert	Marchant	Shimkus
Simpson	Thornberry	Wexler	Capps	Jefferson	Fossella	Renzi	McCarthy (CA)	Shuster
Sires	Tiahrt	Whitfield (KY)	Capuano	Johnson (GA)	Fox	Reyes	McCotter	Simpson
Skelton	Tiberi	Wilson (NM)	Cardoza	Johnson (IL)	Garrett (NJ)	Rodriguez	McHugh	Smith (NE)
Slaughter	Tierney	Wilson (OH)	Carnahan	Johnson, E. B.	Gingrey	Ros-Lehtinen	McKeon	Smith (TX)
Smith (NE)	Towns	Wilson (SC)	Carson	Johnson, Sam	Gohmert	Rodgers	McMorris	Souder
Smith (NJ)	Tsongas	Wittman (VA)	Castle	Jones (OH)	Goode	Mica	Miller (FL)	Stearns
Smith (TX)	Turner	Wolf	Castor	Kagen	Rothman	Goodlatte	Miller (FL)	Sullivan
Smith (WA)	Udall (CO)	Woolsey	Cazayoux	Kanjorski	Roybal-Allard	Granger	Miller, Gary	Tancredo
Snyder	Udall (NM)	Wu	Chandler	Kaptur	Ruppersberger	Graves	Moran (KS)	Thornberry
Solis	Upton	Yarmuth	Childers	Kennedy	Ryan (OH)	Hall (TX)	Myrick	Tiahrt
Souder	Visclosky	Young (FL)	Christensen	Kildee	Salazar	Hastings (WA)	Neugebauer	Tiberi

NOES—5

Flake	Marchant	Young (AK)
Linder	Paul	

NOT VOTING—24

Andrews	Gilchrest	Norton
Bishop (UT)	Gillibrand	Pryce (OH)
Boucher	Grijalva	Rush
Campbell (CA)	Hunter	Shuler
Carney	Jackson-Lee	Van Hollen
Chabot	(TX)	Velázquez
Faleomavaega	Lewis (GA)	Waters
Filner	McCarthy (NY)	
Gallely	McCrery	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1957

Messrs. ROYCE and WELDON of Florida changed their vote from “no” to “aye.”

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for: Mr. FILNER. Madam Chairman, on rollcall 376, I was unable to vote because of delays in my air travel. Had I been present, I would have voted “aye.”

AMENDMENT NO. 7 OFFERED BY MR. MATHESON  
The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 266, noes 153, not voting 19, as follows:

[Roll No. 377]

AYES—266

Abercrombie	Baca	Becerra
Ackerman	Baird	Berkley
Allen	Baldwin	Berman
Altmire	Barrow	Berry
Arcuri	Bean	Biggert

Clarke	Clay	Cleaver	Clyburn	Cohen	Conyers	Cooper	Costa	Costello	Courtney	Cramer	Crowley	Cuellar	Culberson	Cummings	Davis (AL)	Davis (CA)	Davis (IL)	Davis, Lincoln	DeFazio	DeGette	Delahunt	DeLauro	Dent	Dicks	Dingell	Doggett	Donnelly	Doyle	Edwards	Ehlers	Ellison	Ellsworth	Emanuel	Engel	English (PA)	Eshoo	Etheridge	Farr	Fattah	Ferguson	Fortenberry	Fortuño	Foster	Frank (MA)	Frelinghuysen	Gerlach	Giffords	Gonzalez	Gordon	Green, Al	Green, Gene	Grijalva	Gutierrez	Hall (NY)	Hare	Harman	Hastings (FL)	Hayes
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NOES—153

Aderholt	Boehner	Buyer
Akin	Bonner	Calvert
Alexander	Bono Mack	Camp (MI)
Bachmann	Boozman	Cannon
Bachus	Boustany	Cantor
Barrett (SD)	Brady (TX)	Carter
Bartlett (MD)	Brown (GA)	Coble
Barton (TX)	Brown (SC)	Cole (OK)
Bilbray	Brown-Waite,	Conaway
Bilirakis	Ginny	Crenshaw
Blackburn	Burgess	Cubin
Blunt	Burton (IN)	Davis (KY)

Sanchez, Loretta	Sarbanes	Saxton	Schakowsky	Hulshof	Inglis (SC)	Issa	Jones (NC)	Jordan	Keller	King (IA)	King (NY)
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NOT VOTING—19

Andrews	Gallely	McCrery
Boucher	Gilchrest	Norton
Campbell (CA)	Gillibrand	Pryce (OH)
Carney	Hunter	Rush
Chabot	Jackson-Lee	Shuler
Faleomavaega	(TX)	Van Hollen
Filner	Lewis (GA)	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes left in this vote.

□ 2004

Mrs. CAPITO and Mr. CULBERSON changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for: Mr. FILNER. Madam Chairman, on rollcall 377, I was unable to vote because of delays in my air travel. Had I been present, I would have voted “aye.”

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POMEROY) having assumed the chair, Ms. BORDALLO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, pursuant to House Resolution 1234, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.



The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS.  
MCMORRIS RODGERS

Mrs. MCMORRIS RODGERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mrs. MCMORRIS RODGERS. I am, in its present form, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. McMorris Rodgers of Washington moves to recommit the bill H.R. 3021 to the Committee on Education and Labor with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

Page 11, line 25, before the semicolon, insert the following: “, except that a local educational agency whose energy expenditures have increased by at least 50 percent since January 4, 2007, may pay maintenance costs for any of the activities described in section 103”.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mrs. MCMORRIS RODGERS. Ladies and gentlemen of the House, schools, like everyone in America, are facing an immediate financial crunch, not because schools don't have enough funding for green maintenance, but, rather, they can't afford the rising cost of energy.

The high cost of energy is affecting schools in many ways. Some schools are moving to a 4-day school week to save fuel and energy costs. Busing service is being cut back because it's so costly to fuel school buses. Field trips, sporting events, and after-school activities are being limited. School lunches cost more. School supplies cost more.

Yet the bill before us does nothing to reduce the cost of gasoline, diesel, heating oil, electricity, or any other energy cost. That's because the Democrats refuse to unveil their “common-sense plan” for bringing down energy costs.

What the motion to recommit proposes is simple: We want to let schools use these funds where they are needed. For many schools they need help with their energy costs.

Currently, schools are prohibited from using funds under this bill for “maintenance.” Instead, these taxpayer dollars are supposed to go exclusively for renovation and modernization.

The motion to recommit says that any school whose energy costs have risen by 50 percent since the 110th Congress gavelled into session, these funds can be used for school maintenance in addition to other initiatives.

At the start of this school year, the Reardan-Edwall School District, in Eastern Washington, was paying \$2.88 per gallon for diesel. They are now paying almost double, \$4.93 per gallon. So what are they doing? They are trying to decide between additional teachers, textbooks, and supplies or the diesel needed to get the kids to school.

School budgets are being squeezed and stretched like never before. Instead of reducing flexibility for schools to use this money as they see fit, this bill imposes a heavy-handed big government approach that limits local control.

Schools, like all of us, need energy relief. Americans are concerned about energy costs, and they want us to unleash American ingenuity. The vast majority, 70 percent now, say we should develop gas and oil in America.

In addition, the United States is rich in oil shale with deposits located in Colorado, Utah, New Mexico, and Wyoming. These reserves contain energy equivalent to 2 to 3 trillion barrels of oil. To put this into perspective, the world has used 1 trillion barrels of oil since the first well was successfully drilled in Pennsylvania in 1859.

Developing our energy resources is an important step in the long-term strategy of reducing our dependence on foreign oil. We can and we must start meeting America's energy needs with American resources.

Join me in giving schools energy relief. The motion to recommit will ensure this bill gives it to them.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, all day long we have had an interesting double argument here from my colleagues on the other side. All day long they have insisted that school districts are in trouble because of increased energy costs, because of the increased cost of electricity, natural gas, air conditioning, heating, fuel for the buses, and all the rest of it. And they have spent all day long arguing against a bill that's designed exactly to deal with the energy costs of those schools, by helping those districts to refurbish, to rebuild, to remodel, to reconstruct old facilities that do not use energy efficiently, that do not have state-of-the-art facilities for the conservation of energy, for the better use of energy.

We are giving out tax cuts and have for many years in a very sensible program to help businesses come into the modern age in energy. Businesses, homeowners, and others are reaping huge savings. But schools aren't.

So this bill simply says that the Federal Government will join in a partner-

ship with local districts who have already set out their priorities to provide for energy efficiency, to provide for new technologies so that they can provide the best learning environment for the children in those school districts. And when they do that, what we're seeing across the country is those schools that are fortunate enough to have the money are dramatically reducing the amount of their budgets that go to energy and they can use that on curriculum or extracurricular activities or teacher pay or whatever else it is.

□ 2015

But most schools can't afford to do that. And so what we are saying is we will simply partner up with those districts most in need and see if we can help them reduce their energy budgets over the years so they can put it into education. That is the bill that Mr. CHANDLER introduced. That is the bill that is designed and has been voted on on this floor today, because that is the need of the school districts. That is why the school districts, the State Superintendents of Schools, local school districts, are supporting this legislation, because it meets the need they have.

Now somehow after arguing all day long that this is too heavy of a hand, we now see an amendment that we've never see in committee, we didn't see on the floor, we didn't see in Rules Committee, that is suggesting somehow we just pay the ongoing maintenance cost of the districts. I don't know if that is what you wanted to sign up for. We thought we'd sign up to be a partner in district priorities to refurbish and rehab schools and improve the energy efficiency of those based upon the district policies. I didn't know we were going to sign up for a long-term grant for the maintenance of school districts.

I would like to yield now to the author of the bill, the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Thank you, Mr. Chairman.

This motion to recommit has absolutely nothing to do with this bill, nothing at all to do with this bill. This bill is about school construction. This bill allows our children to compete in a global economy. It helps them to compete. It is about energy efficiency. But it's about energy efficiency in our schools. It's about “green” schools. It's a very, very good bill. Plus, in addition to that, it creates at least 100,000 jobs, and they are jobs that will not and cannot be exported, like so many of our jobs have seen happen.

This bill is supported by almost every education body in the country. It's supported by the National School Board Association, it's supported by the PTA, it's supported by the NEA, the Principals' Associations throughout this country, it's supported by the

American Federation of Teachers, and the National School Administrators.

If the minority were really serious about this motion to recommit and about improving this bill, if they were serious about the cost of gasoline, if they were serious about doing something for the American people, and if they wanted to help the kids of this country, they wouldn't have made it a bill that would be reported back promptly. That is what they have done. They intend to kill the bill.

Please vote against the motion to recommit.

Mr. GEORGE MILLER of California. I thank my colleague.

All day long in this Chamber we have had amendment after amendment saying that if we weren't putting money into school construction to refurbish these schools in need, they would put it in IDEA, they would put it in title I, they would put it in after-school care, they would put it in monitoring. You know what? When they had the money and they were in control, they didn't put it anywhere.

They inherited a \$5 trillion surplus, a \$5 trillion surplus, and when they had the money, they didn't put it anywhere. Now we have a \$9 trillion debt and they still can't fund education. That is why we have got to stop it. We should reject this motion to recommit. This is enough to kill the bill. What we need is in fact more money for our schools.

The SPEAKER pro tempore. The gentleman's time has expired.

#### PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. State your parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true if this motion were to pass, that this House could put the bill back into the committee from which it came and it could be brought out the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mrs. McMORRIS RODGERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This 15-minute vote will be followed by a 5-minute vote on passage, if ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 230, not voting 16, as follows:

[Roll No. 378]

AYES—187

Aderholt	Gingrey	Pearce
Akin	Gohmert	Pence
Alexander	Goode	Peterson (PA)
Bachmann	Goodlatte	Petri
Bachus	Granger	Pickering
Barrett (SC)	Graves	Pitts
Bartlett (MD)	Hall (TX)	Poe
Barton (TX)	Hastings (WA)	Porter
Biggett	Hayes	Price (GA)
Bilbray	Heller	Putnam
Bilirakis	Hensarling	Radanovich
Bishop (UT)	Herger	Ramstad
Blackburn	Hobson	Regula
Blunt	Hoekstra	Rehberg
Boehner	Hulshof	Reichert
Bonner	Hunter	Renzi
Bono Mack	Inglis (SC)	Reynolds
Boozman	Issa	Rogers (AL)
Boustany	Johnson (IL)	Rogers (KY)
Brady (TX)	Johnson, Sam	Rogers (MI)
Broun (GA)	Jones (NC)	Rohrabacher
Brown (SC)	Jordan	Ros-Lehtinen
Brown-Waite,	Keller	Roskam
Ginny	King (IA)	Royce
Buchanan	King (NY)	Ryan (WI)
Burgess	Kingston	Sali
Burton (IN)	Kirk	Saxton
Buyer	Kline (MN)	Scalise
Calvert	Knollenberg	Schmidt
Camp (MI)	Kuhl (NY)	Sensenbrenner
Cannon	LaHood	Sessions
Cantor	Lamborn	Shadegg
Capito	Latham	Shays
Carter	LaTourette	Shimkus
Castle	Latta	Shuster
Coble	Lewis (CA)	Simpson
Cole (OK)	Lewis (KY)	Smith (NE)
Conaway	Linder	Smith (NJ)
Crenshaw	LoBiondo	Smith (TX)
Cubin	Lucas	Stearns
Culberson	Lungren, Daniel	Sullivan
Davis (KY)	E.	Tancredo
Davis, David	Mack	Terry
Davis, Tom	Manzullo	Thornberry
Deal (GA)	Marchant	Tiahrt
Dent	McCarthy (CA)	Tiberi
Diaz-Balart, L.	McCaul (TX)	Turner
Diaz-Balart, M.	McCotter	Upton
Drake	McHenry	Walberg
Dreier	McHugh	Walden (OR)
Duncan	McKeon	Walsh (NY)
Ehlers	McMorris	Wamp
Emerson	Rodgers	Weldon (FL)
Everett	Mica	Weller
Fallin	Miller (FL)	Westmoreland
Feeney	Miller (MI)	Whitfield (KY)
Ferguson	Miller, Gary	Wilson (NM)
Flake	Moran (KS)	Wilson (SC)
Forbes	Murphy, Tim	Wittman (VA)
Fossella	Musgrave	Wolf
Foxx	Myrick	Young (AK)
Franks (AZ)	Neugebauer	Young (FL)
Frelinghuysen	Nunes	
Gerlach	Paul	

NOES—230

Abercrombie	Carson	Donnelly
Ackerman	Castor	Doyle
Allen	Cazayoux	Edwards
Altmire	Chandler	Ellsworth
Arcuri	Childers	Emanuel
Baca	Clarke	Engel
Baird	Clay	English (PA)
Baldwin	Cleaver	Eshoo
Barrow	Clyburn	Etheridge
Bean	Cohen	Farr
Becerra	Conyers	Fattah
Berkley	Cooper	Fortenberry
Berman	Costa	Foster
Berry	Costello	Frank (MA)
Bishop (GA)	Courtney	Garrett (NJ)
Bishop (NY)	Cramer	Giffords
Blumenauer	Crowley	Gonzalez
Boren	Cuellar	Gordon
Boswell	Cummings	Green, Al
Boyd (FL)	Davis (AL)	Green, Gene
Boyd (KS)	Davis (CA)	Grijalva
Brady (PA)	Davis (IL)	Gutierrez
Braley (IA)	Davis, Lincoln	Hall (NY)
Brown, Corrine	DeFazio	Hare
Butterfield	DeGette	Harman
Capps	Delahunt	Hastings (FL)
Capuano	DeLauro	Dicks
Cardoza	Dicks	Herseth Sandlin
Carnahan	Dingell	Higgins
Carney	Doggett	Hill

Hinchey	McNulty	Schwartz
Hinojosa	Meek (FL)	Scott (GA)
Hirono	Meeks (NY)	Scott (VA)
Hodes	Melancon	Serrano
Holden	Michaud	Sestak
Holt	Miller (NC)	Shea-Porter
Honda	Miller, George	Sherman
Hooley	Mitchell	Skelton
Hoyer	Mollohan	Slaughter
Inslie	Moore (KS)	Smith (WA)
Israel	Moore (WI)	Snyder
Jackson (IL)	Moran (VA)	Solis
Jefferson	Murphy (CT)	Souder
Johnson (GA)	Murphy, Patrick	Space
Johnson, E. B.	Murtha	Speier
Jones (OH)	Nadler	Spratt
Kagen	Napolitano	Stark
Kanjorski	Neal (MA)	Stupak
Kaptur	Oberstar	Sutton
Kennedy	Obey	Tanner
Kildee	Oliver	Tauscher
Kilpatrick	Ortiz	Taylor
Kind	Pallone	Thompson (CA)
Klein (FL)	Pascarell	Thompson (MS)
Kucinich	Pastor	Tierney
Lampson	Payne	Peterson (MN)
Langevin	Perlmutter	Platts
Larsen (WA)	Rosen	Pomeroy
Larson (CT)	Schiff	Price (NC)
Lee	Schiff	Rahall
Levin	Schiff	Rangel
Lipinski	Schiff	Reyes
Loebbeck	Schiff	Richardson
Lofgren, Zoe	Schiff	Rodriguez
Lowey	Schiff	Ross
Lynch	Schiff	Rothman
Mahoney (FL)	Schiff	Roybal-Allard
Maloney (NY)	Schiff	Ruppersberger
Markey	Schiff	Ryan (OH)
Marshall	Schiff	Salazar
Matheson	Schiff	Sanchez, Linda
Matsui	Schiff	T.
McCarthy (NY)	Schiff	Sanchez, Loretta
McCollum (MN)	Schiff	Sarbanes
McDermott	Schiff	Schakowsky
McGovern	Schiff	Schiff
McIntyre	Schiff	Wu
McNerney	Schiff	Yarmuth

NOT VOTING—16

Andrews	Gallegly	McCrery
Boucher	Gilchrest	Pryce (OH)
Campbell (CA)	Gillibrand	Rush
Chabot	Jackson-Lee	Shuler
Doolittle	(TX)	Van Hollen
Filner	Lewis (GA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 2037

Mr. ISRAEL changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 378, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "no."

(By unanimous consent, Mr. BRALEY of Iowa was allowed to speak out of order.)

MOMENT OF SILENCE FOR VICTIMS OF IOWA  
TORNADOES

Mr. BRALEY of Iowa. Mr. Speaker, on Sunday, May 25, when many of us were enjoying the Memorial Day holiday, my district was hit with an F5 tornado that left a path of death and devastation in its wake. The cities of Parkersburg, New Hartford, Dunkerton, Hazleton and Lamont were the cities that were hit hardest. Eight people were killed, 350 people lost their homes, thousands more had their

homes severely damaged, and 50 businesses were destroyed, including 21 in the small town of Parkersburg alone.

I would ask at this time for a moment of silence for those who lost their lives and to remember the sacrifice that is being made right now.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 164, not voting 19, as follows:

[Roll No. 379]

YEAS—250

Abercrombie	Diaz-Balart, L.	Kind
Ackerman	Diaz-Balart, M.	Kirk
Allen	Dicks	Klein (FL)
Altmire	Dingell	Kucinich
Arcuri	Doggett	Lampson
Baca	Donnelly	Langevin
Baird	Doyle	Larsen (WA)
Baldwin	Edwards	Larson (CT)
Barrow	Ellsworth	LaTourette
Bean	Emanuel	Lee
Becerra	Engel	Levin
Berkley	English (PA)	Lipinski
Berman	Eshoo	LoBiondo
Berry	Etheridge	Loeb
Bishop (GA)	Farr	Lofgren, Zoe
Bishop (NY)	Fattah	Lowey
Blumenauer	Foster	Lynch
Boren	Frank (MA)	Mahoney (FL)
Boswell	Gerlach	Maloney (NY)
Boyd (FL)	Giffords	Markey
Boyd (KS)	Gonzalez	Marshall
Brady (PA)	Gordon	Matheson
Brown, Corrine	Green, Al	Matsui
Butterfield	Green, Gene	McCarthy (NY)
Capps	Grijalva	McCaul (TX)
Capuano	Gutierrez	McCollum (MN)
Cardoza	Hall (NY)	McDermott
Carnahan	Hare	McGovern
Carney	Harman	McHugh
Carson	Hastings (FL)	McIntyre
Castor	Hayes	McNerney
Cazayoux	Herseth Sandlin	McNulty
Chandler	Higgins	Meek (FL)
Childers	Hill	Meeks (NY)
Clarke	Hinche	Melancon
Clay	Hinojosa	Michaud
Cleaver	Hirono	Miller (MI)
Clyburn	Hodes	Miller (NC)
Cohen	Holden	Miller, George
Conyers	Holt	Mitchell
Cooper	Honda	Mollohan
Costa	Hooley	Moore (KS)
Costello	Hoyer	Moore (WI)
Courtney	Inslie	Moran (VA)
Cramer	Israel	Murphy (CT)
Crowley	Jackson (IL)	Murphy, Patrick
Cuellar	Jefferson	Murphy, Tim
Cummings	Johnson (GA)	Murtha
Davis (AL)	Johnson (IL)	Nadler
Davis (CA)	Johnson, E. B.	Napolitano
Davis (IL)	Jones (OH)	Neal (MA)
Davis, Lincoln	Kagen	Oberstar
Davis, Tom	Kanjorski	Obey
DeFazio	Kaptur	Olver
DeGette	Keller	Ortiz
Delahunt	Kennedy	Pallone
DeLauro	Kildee	Pascarell
Dent	Kilpatrick	Pastor

Payne	Saxton
Perlmutter	Schakowsky
Peterson (MN)	Schiff
Platts	Schwartz
Pomeroy	Scott (GA)
Porter	Scott (VA)
Price (NC)	Serrano
Rahall	Sestak
Ramstad	Shays
Rangel	Shea-Porter
Reichert	Sherman
Renzi	Sires
Reyes	Skelton
Richardson	Slaughter
Rodriguez	Smith (NJ)
Ros-Lehtinen	Smith (WA)
Ross	Ross
Rothman	Solis
Roybal-Allard	Space
Ruppersberger	Speier
Ryan (OH)	Spratt
Salazar	Stark
Sánchez, Linda	Stupak
T.	Sutton
Sanchez, Loretta	Tanner
Sarbanes	Tauscher

Taylor	Thompson (CA)
Thompson (MS)	Thompson (MS)
Tierney	Towns
Tsongas	Udall (CO)
Udall (NM)	Udall (NM)
Velázquez	Visclosky
Walz (MN)	Wasserman
Wasserman	Schultz
Waters	Waters
Watson	Watt
Waxman	Weiner
Welch (VT)	Weller
Wexler	Whitfield (KY)
Wilson (OH)	Woolsey
Wu	Yarmuth

NAYS—164

Aderholt	Fossella
Akin	Fox
Alexander	Franks (AZ)
Bachmann	Frelinghuysen
Bachus	Garrett (NJ)
Barrett (SC)	Gingrey
Bartlett (MD)	Gohmert
Barton (TX)	Goode
Biggart	Goodlatte
Bilbray	Granger
Bilirakis	Graves
Bishop (UT)	Hall (TX)
Blackburn	Hastings (WA)
Blunt	Heller
Boehner	Hensarling
Bonner	Herger
Bono Mack	Hobson
Boozman	Hoekstra
Boustany	Hulshof
Brady (TX)	Hunter
Broun (GA)	Inglis (SC)
Brown (SC)	Issa
Brown-Waite,	Johnson, Sam
Ginny	Jones (NC)
Buchanan	Jordan
Burgess	King (IA)
Burton (IN)	King (NY)
Buyer	Kingston
Calvert	Kline (MN)
Camp (MI)	Knollenberg
Cannon	Kuhl (NY)
Cantor	LaHood
Capito	Lamborn
Carter	Latham
Castle	Latta
Coble	Lewis (CA)
Cole (OK)	Lewis (KY)
Conaway	Linder
Crenshaw	Lucas
Cubin	Lungren, Daniel
Culberson	E.
Davis (KY)	Mack
Davis, David	Manullo
Deal (GA)	McCarthy (CA)
Drake	McCotter
Dreier	McHenry
Duncan	McKeon
Ehlers	McMorris
Emerson	Rodgers
Everett	Mica
Fallin	Miller (FL)
Feeney	Miller, Gary
Ferguson	Moran (KS)
Flake	Musgrave
Forbes	Myrick
Fortenberry	Neugebauer

NOT VOTING—19

Andrews	Filner
Boucher	Gallely
Braley (IA)	Gilchrest
Campbell (CA)	Gillibrand
Chabot	Jackson-Lee
Doolittle	(TX)
Ellison	Lewis (GA)

Nunes	Paul
Pearce	Pence
Peterson (PA)	Petri
Pickering	Pitts
Poe	Price (GA)
Putnam	Radanovich
Regula	Rehberg
Reynolds	Rogers (AL)
Rogers (KY)	Rogers (MI)
Rohrabacher	Roskam
Royce	Ryan (WI)
Sali	Scalise
Schmidt	Sensenbrenner
Sessions	Shadegg
Shimkus	Shuster
Simpson	Smith (NE)
Smith (TX)	Souder
Stearns	Sullivan
Tancred	Terry
Thornberry	Tiahrt
Tiberi	Turner
Upton	Walberg
Walden (OR)	Walsh (NY)
Wamp	Weldon (FL)
Westmoreland	Wilson (NM)
Wilson (SC)	Wittman (VA)
Wolf	Young (AK)
Young (FL)	

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 379, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3021, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HONORING THE NATIONAL CHAMPIONS FROM LEWIS CLARK STATE COLLEGE IN LEWISTON, IDAHO

(Mr. SALI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALI. Mr. Speaker, I rise today in honor of the national champions from Lewis Clark State College in Lewiston, Idaho.

Last week, the LCSC Warriors won the 52nd annual National Association of Intercollegiate Athletics championship World Series baseball game. It was LCSC's third straight win, and 16th since 1982, all under the leadership of Coach Ed Cheff. Lewis Clark State College can be proud of these men for an extraordinary win and the national recognition they are once again receiving. In fact, I was proud to recognize the fine athletes at LCSC by wearing their red, white, and blue uniform during the congressional baseball game last year.

Mrs. MUSGRAVE changed her vote from "yea" to "nay." So the bill was passed.

Mr. Speaker, naturally I believe Idaho produces the best of everything. The best agriculture, the best companies, the best people, and, indeed, the best baseball players, originate in Idaho, and last week's win just proves the point. My congratulations to the Warriors, LCSC, and Lewiston, Idaho.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### JOHN BURL HULSEY, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, I rise today to recognize an extraordinary American and a native of my congressional district, John Burl Hulsey, Sr., who was instrumental as a Navy pilot during World War II in the development of our Nation's first cruise missile.

While all of his friends are certainly aware of his service in the Navy, very few know that Lieutenant Commander Hulsey was one of the 48 Navy pilots hand-selected for this top secret mission. In fact, this project was so top secret that Lieutenant Commander Hulsey was prohibited from even discussing it with his wife, Mary Louise, until it was officially declassified in 1989.

During World War II, the United States Navy established two special squadrons which developed the Stand-off Guided Missile Forces, an experimental program designed to direct unmanned drone aircraft loaded with explosives into enemy targets. Remote-controlled drones, pilotless planes with a video camera mounted on their noses, were loaded with 2,000 pound bombs and directed to their targets by a trailing aircraft located several miles from the site of impact. Using radar guidance and wireless video transmission, this technology was state-of-the-art, futuristic technology in the early 1940s. For the first time in history, naval aviators were able to accurately strike high-profile, heavily defended installations while remaining out of danger.

Also termed the American Kamikaze, this mission set forth a powerful blow to the enemy, using tactics never before seen in modern warfare, undoubtedly changing the scope and the outcome of World War II as well as various conflicts which have followed.

In 1938, Lieutenant Commander Hulsey enrolled at North Georgia College, then a 2-year institution, prior to transferring to the University of Georgia in Athens for completion of his studies. While at the University of Georgia, Lieutenant Commander Hulsey participated in the university's civilian pilot training program, where he began preparing for a career in aviation. Immediately prior to entering his senior year at the University of Georgia, Lieutenant Commander Hulsey decided to enlist in the Navy, and was ordered to report for service shortly thereafter.

In addition to being stationed for training at naval air stations in Chamblee, Georgia, Pensacola, Florida, and New Orleans, he and other members of what were called STAG I spent several years in Clinton, Oklahoma and Traverse City, Michigan, where they conducted extensive testing and development of the drone project prior to deployment to the Pacific theater.

Finally, in May 1944, Lieutenant Commander Hulsey and many of his fellow STAG I pilots departed for the Russell Islands in the Solomon Island Chain, about 25 miles from Guadalcanal, where the Navy prepared to carry out a critical series of attacks on enemy strongholds across the region. Anti-aircraft fire was heavy at times around his plane and the drones which he followed, but he was, fortunately, never struck.

On September 27, 1944, the very first TDR-1 assault drone attack in combat was successfully carried out, marking an historic moment in the development and implementation of cruise missiles in warfare.

Of the 47 total attacks carried out by STAG I during their brief mission in the Pacific, an unprecedented 22 targets resulted in direct hits, including island caves loaded with enemy ammunition and anti-aircraft installations in the Shortland Islands, Bougainville, and Rabaul. These attacks sustained a record 47 percent hit on intended targets, an incredible accomplishment in 1940's technology. The short mission ended as the war came to a close and U.S. forces began to extinguish their supplies of drones.

In a July of 1990 letter sent to members of STAG I and the Special Air Task Force, then Secretary of the Navy H. Lawrence Garrett commended the brave men and women for their service to our Nation, honoring, and I quote, "the vision, determination, and dedication with which they performed their secret duties during World War II, which laid the groundwork for today's modern cruise missile."

There is no question, Mr. Speaker, that the accomplishments of the men of STAG I laid the groundwork for the development of modern-day smart bombs, which has revolutionized American military strategy as well as that of our allies across the globe. Countless lives have been saved through this technology, and our ability to target

enemy installations with precision has proven itself critical in defending our country from ever present threats.

Mr. Speaker, I am truly pleased to rise today in honor of Lieutenant Commander John Burl Hulsey, Sr. I would also like to thank him, his wife, Mary Louise, and members of his family who have joined me in the House gallery this evening to receive this special recognition. His service, while having occurred over 6 decades ago, continues to save the lives of those in the front lines of the war on terror. I thank Lieutenant Commander Hulsey, and will always share a deep respect for this hero's courage, valor, and dedication and service in the United States Navy. And I conclude by congratulating him on his 90th birthday.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HELPING THE IRAQIS HELP THEMSELVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, ours is a very generous Nation. As we have seen in the aftermath of Hurricane Katrina and the Southeast Asian tsunami, the depth and breadth of American giving is unsurpassed. Our dedication goes far beyond natural disasters, however.

In each of our communities we have seen families reaching out by sending care packages to our troops, or donating school supplies for Iraqi children, or giving to refugee relief organizations. With the support of the Congress, the U.S. government is beginning to follow the path of the American people. Instead of a foreign policy balanced on the tip of a gun, some U.S. programs are reaching out to the people on the ground.

□ 2100

These are the types of programs which should be receiving robust support, not a misguided military agenda without an end game.

The United States Agency for International Development, known as USAID, has several excellent projects that are getting relief into the hands of Iraqi families. We should be helping to rebuild communities because, as the old saying goes, "You break it, you buy it." To be sure, our obligation goes well beyond military and security intervention.

One program deserving note is a USAID grant to get the Balad canning factory up and running again. The factory, one of Iraq's largest food processors, was built in 1974. It was built as

a government-owned tomato paste factory. After privatization, the factory was producing 10 more products and employing 1,000 people, including 200 women.

According to USAID, with the instability that was brought on by the invasion of Iraq and the ensuing civil war, the factory's potential for food processing was shattered. Farmers were unable to work the fields, and the factory no longer had access to the agricultural supply required to operate. Not only were factory workers suddenly unemployed, tens of thousands of farmers found themselves similarly destitute.

A U.S. Government grant for \$5 million will ensure that power, water, waste treatment and steam are restored to the plant. This is essential to get the factory back on-line.

When we look at what we are spending on the military occupation of Iraq, somewhere around \$9 billion a week, \$5 million looks like a drop in the bucket. In fact, \$5 million for development assistance actually equals 21 minutes of military spending. As some of my colleagues like to say, this is a hand up, not a hand-out.

We are rebuilding the heart of communities through jobs, through growth and investment into the infrastructure, the results of which will be seen for generations to come.

We need to take a serious look, Mr. Speaker, at our presence in Iraq. Is it any wonder that there is frustration? We can spend billions of dollars perpetuating an occupation, but we can't truly commit to humanitarian assistance, to reconciliation and a diplomatic surge?

It's simple, if we listen to the American people and to the Iraqi families. Let's end this occupation of Iraq and bring our troops and military contractors home. It is time to rebuild, not reignite a military conflict.

The SPEAKER pro tempore (Mr. DONNELLY). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### GAS PRICES/TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, the American people are sick and tired of high gas prices, high taxes and unnecessary regulation on our lands. As an ardent capitalist, I believe that the marketplace, unencumbered by government regulation, by high taxes, is the best way to control quality, quantity and cost of all goods and services.

The price of gasoline is not immune to market forces. Cutting taxes and

reining in the Federal Government is fundamental to returning power to the U.S. citizens, and to promote economic growth. We should support our free market by eliminating unnecessary regulation, unfair taxes, and promoting the economic growth that we so desperately need. I say, heavy taxation is bad representation.

Speaker PELOSI promised to lower energy prices at the beginning of the 110th Congress. Yet, today the average price of gasoline has gone up \$1.65 per gallon, a nearly 71 percent increase. The Pelosi premium is now costing the average American \$3.98 per gallon of gasoline. And in my district, the 10th Congressional District in Georgia, it's over \$4 a gallon.

Congressional Democrats talk about our addiction to foreign oil, yet they refuse to allow access to American oil and our gas supplies that are necessary to cure this so-called addiction. This is as idiotic as asking Shaquille O'Neal to play basketball on his knees, or Alex Rodriguez hitting a baseball left-handed.

America has been blessed with abundant talent, a tremendous quantity of natural resources. Yet we continue to operate with our knees on the ground and hitting from the wrong side of the plate. Unfortunately, this is not a game that Americans can afford to play.

Developing American oil and gas will help bring prices down and help break the stranglehold on energy that hostile countries in the Middle East enjoy. Yet Congressional Democrats continue to refuse any development whatsoever. We should not be hesitant to tap into our abundant natural resources, especially at a time when energy costs are so high.

Alaska's ANWR is estimated to contain between 5.7 and 16 billion barrels of oil. Yet House Democrats have opposed ANWR exploration 86 percent of the time, while House Republicans have supported responsible and environmentally sound development 91 percent of the time.

The Outer Continental Shelf, OCS, is estimated to contain 19 billion barrels of oil and 84 trillion cubic feet of natural gas. Yet House Democrats have opposed developing the OCS 83 percent of the time, while House Republicans have supported responsible and environmentally sound development 81 percent of the time. Today we are drilling for ice on Mars, but we cannot drill for oil in America.

America contains enough oil shale to supply all our needs for over two centuries, estimated at over 2 trillion barrels. Yet House Democrats have opposed oil shale exploration 86 percent of the time, while House Republicans have supported responsible and environmentally sound development 90 percent of the time.

America hasn't built a new oil refinery in decades. It would do little good to increase development of our domestic supplies of oil if we do not have the

refinery capability and capacity to quickly convert this fuel into a usable form. Yet House Democrats have opposed increasing refinery capacity 96 percent of the time, while House Republicans have supported responsible and environmentally sound development 97 percent of the time. We need to streamline getting oil refineries on-line.

America is the Saudi Arabia of coal. We must promote this abundant resource by promoting coal-to-liquids technology. Yet House Democrats have opposed the promotion of coal-to-liquids technology 78 percent of the time, while House Republicans have supported responsible and environmentally sound development 97 percent of the time.

What is the opposition's solution to this national emergency? They have passed a so-called energy bill that's a non-energy bill.

Energy is the lifeblood of the American economy. We need to develop our own natural resources and drill for oil now.

#### ENERGY SAVINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, Democrats have fought to bring America's addiction to oil to the forefront of our national attention for years. We must reduce our dependence on oil in order to stimulate the economy, to protect our country and to curb the harmful effects of global warming.

Since Democrats gained control of the Congress last year, we raised automobile fuel efficiency standards for the first time in over a quarter of a century, despite the opposition of President Bush.

And the House recently passed a comprehensive renewable energy bill. Our renewable energy bill will reduce America's dependence on oil. It will lower energy costs, protect the environment, and create hundreds of thousands of new skilled green jobs all across America.

While Congress is working hard to reduce our oil dependence, my constituents are working hard to do their part to battle rising energy prices and reduce their own carbon footprint.

I recently asked my constituents to tell me what they were doing to reduce their personal energy consumption and to reduce the cost of energy in their monthly lives, and I promised that I would share some of these best ideas right here on the House floor.

Here are some of the comments I've received so far. Many of my constituents are already following some of the more conventional but important methods of energy conservation, including replacing traditional light bulbs with compact fluorescent lights, unplugging appliances that aren't in

use, drying clothes outside in the California sun. Many more are taking advantage of public transportation options throughout Northern California and the San Francisco Bay area.

Patricia Kneisler of Benicia, California, gangs all of her errands together. By doing this, as she says, her "gas guzzler," the 1995 SUV, is only used when absolutely necessary and in the most efficient manner.

Gina Hale's family in Pittsburg, California, attached ultraviolet blocking film on all of the house's windows to cut down on air conditioning costs during the summer.

Melissa Miller of Concord, California runs her dishwasher only when it is full and at night when the electricity rates go down after 7 p.m.

I have posted on my Web site sources of information about how consumers can reduce their energy consumption and save money and help protect the environment. I invite you to visit my Web site. While you're there, post your own comments about your ideas of saving energy. It's at [www.georgemiller.house.gov](http://www.georgemiller.house.gov).

Small changes have big impacts. Not only are my constituents reducing their own energy bills, but they're also contributing to our future energy independence.

Mr. Speaker, Congress can and must continue to support all of the individuals who are working to reduce energy consumption. We must work to pass legislation that invests in renewable energy, encourages innovation and investment in green technology and supports the creation of green jobs.

Congress is obligated to move America into the future, into a modern energy policy, and stop the reliance on the past fossil fuels policy that has kept this country in bondage to the oil companies and to the suppliers from overseas. Our economy and our environment depend upon it.

It is a tragedy that President Bush and 12 years of a Republican Congress stood in the way of energy independence, stood in the way of a modern energy program. While the President told the Nation and Congress that we're addicted to oil, he did nothing to alter that addiction—nothing other than to call for more oil drilling. Spoken like a true addict.

Now is the time to move forward. The price of gas and oil is at a crisis to America's families, and we must act quickly and boldly to come to grips with this crisis.

Our future depends upon reducing our demand for oil, increasing energy efficiency, and providing sustainable energy sources to relieve consumers of the crippling energy costs that invade their lives on a daily basis and to stimulate the next generation of innovation.

I appreciate the contributions of my constituents, and I look forward to hearing from more of them and to bring them to the attention of the House to see what decisions they're

making about reducing energy costs in their personal daily lives.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2115

#### IN COMMEMORATION OF TIANANMEN SQUARE PROTEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Mr. Speaker, today the world commemorates and mourns the events that happened in Tiananmen Square 19 years ago today. It was then that over 2,000 people were massacred by the Communist regime for the crime of quoting Thomas Jefferson and James Madison, the crime of creating a model of the Statue of Liberty, killed for the crime of wanting their God-given right to liberty.

In these 19 years, many things have changed and, sadly, too many people have forgotten.

But there are 130 people that cannot forget. There are 130 people that remain in the communist Chinese prisons for participating in the pro-democracy demonstrations at Tiananmen Square in 1989.

Today, many are told that the communist Chinese regime will one day change. We've heard this for 19 years. We have seen corporate leaders, we have seen elected officials, and regrettably we will soon see the President of the United States go over to Beijing for the Olympics and meet with the butchers that killed 2,000 people, and they continue to imprison 130 of their fellow human beings.

The arguments that will be made in attending this propaganda fest will be that we have to show our respect to the Chinese people; that we have to show them that somehow the United States of America wants to usher in this communist, nuclear-armed dictatorship into the world stage. I find this logic reprehensible.

The United States is a beacon of liberty and hope for all the world suppressed. When the leaders of the United States, be they in business or, more importantly, in the corridors of Congress or in the halls of the White House, attend these communist Olympics, the Chinese people that I am worried about, the Chinese people that I believe we will not be standing behind will be the people who are rotting in the jails for the crime of yearning to be free.

The question then arises, what can we do as a Nation? Many believe the 21st century will be the century of the communist Chinese regime; that their

economy will pass ours; that their rival model of governance will be adopted throughout the world of the corporate structure where one can make money when allowed by the tyrants and that all of your political rights simply do not exist but for the whim of the communist party.

I believe the people who are writing the obituary of the West and of our free Republic are mistaken, and I believe that over time, the voices and the influence of the communist tyrants in Beijing will ring as hollow in the ears of our fellow human beings as once did the callow calls from the halls of the Polit Bureau that the Soviet Union was going to bury the United States.

So as we go forward toward the Olympics, as we go forward from the 19th commemoration of the butchering in Tiananmen Square of the killing of students my own age for wanting the same God-given rights that I and everyone in this country have, let's not forget the 130. Let's demand their release, for if we do not, we will betray not only their liberty, but our professed commitment to being a beacon of hope for all of the world; and we will have squandered the legacy given to us as the custodians of this last best hope of Earth.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 4, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,917 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone,

and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,917 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 4, 2008, 12,917 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

#### CELEBRATING THE LIFE OF CAMERON ARGETSINGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KUHLE) is recognized for 5 minutes.

Mr. KUHLE of New York. Mr. Speaker, millions of Americans and auto racing enthusiasts around the world look forward to each weekend for the invigorating sights, sounds, and experience of professional sports car racing. These fans owe a great thanks to one of the founding fathers of road racing, Watkins Glen's own Cameron Argetsinger who passed away this last month.

Today I join these fans in mourning the loss of this auto racing pioneer who has left an indelible mark on the automobile world and on the community of Watkins Glen, New York. What Cameron Argetsinger began in 1948 as a road race through and over the streets of Watkins Glen, New York, has grown over the last 60 years to now a private track that has hosted the best drivers in the world, from NASCAR to Formula 1, including the United States Grand Prix.

He has made the small town of Watkins Glen famous throughout the country. Almost every legendary auto racer over the last 60 years has visited Schuyler County to race at the Glen and to pay homage to a man who helped make auto racing what it is today.

Cameron Argetsinger inherited a love for fast cars from his father and in 1947 bought his first sports car so he could become a member of the nascent Sports Car Club of America. With the desire to race his car, he organized a sports car race designed to appear like a European-style road race through the streets of Watkins Glen. That first race in Watkins Glen had only 23 cars participating and followed the route that Cameron Argetsinger laboriously planned on his living room floor.

Ten years later, after the road races moved to a new 2.3-mile course, Argetsinger brought full international races to Watkins Glen. In 1961, he inaugurated the U.S. Grand Prix for Formula 1, which had a successful 20 years' run in the Watkins Glen circuit.

After leaving Watkins Glen in 1970, he was executive vice president of Chaparral Cars and was subsequently director of professional racing and executive director of the Sports Car Club of America, SCCA, from 1971 to 1977. He also served as commissioner of the International Motor Sport Association from 1986 to 1992. Cameron Argetsinger was a member of the inaugural induction class of the Hall of Fame of the Sports Car Club of America in January of 2005. He is also in the Schuyler County, New York, Hall of Fame.

Cameron Argetsinger loved sports cars and never looked back when chasing his dream. He was an attorney, a father, a grandfather, a racer, a husband, and an inspiration. He did what he loved, and he will be missed by the people of Watkins Glen, Schuyler County, and the world.

#### OUR CONSTITUENTS' NUMBER ONE CONCERN IS THE HIGH PRICE OF OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MUSGRAVE. Mr. Speaker, recently in my district of Colorado, I had an opportunity to talk to my constituents firsthand about the high cost of gasoline. I decided to go right to the gas station and go up and offer to pump my constituents' gas. Now, this is a very good way to get an honest opinion from someone who, quite frankly, is caught off guard to see a Member of Congress right there willing to pump their gas; and when I introduced myself, some of them recognized me, but others that don't, I introduce myself and I say, Would you like to talk to me about what is on your mind today? And almost to a person, they said, You mean besides the high cost of gasoline? And I knew, after spending a great deal of time at that gas station, that my constituents' number one concern is the high cost of gasoline.

They told me in various ways how its affecting their lives. I talked to one woman, Mr. Speaker, and she was telling me that she had to drive about 20 miles into Graley where she worked, and her fuel bill was getting so high that she literally thought about staying with relatives in town instead of driving the 20 miles each way to get home every night. It was putting such a financial burden on this lady. She was literally thinking about not going home every night but staying in town during the week and going home on the weekend.

I talked to another individual, and he at one time had a fleet of trucks that he operated. He had a trucking business. So he had firsthand knowledge about what the high cost of fuel is doing to the trucking industry. And as he and I stood there and talked, Mr. Speaker, we were remarking that when you go into stores in Colorado and around the Nation, there's an abundance of things on the shelves that we Americans can purchase and enjoy. But what most people don't think about is every one of those items was hauled in a truck. And truckers are experiencing a great deal of hardship lately with the high cost of fuel, and many of them are going out of business.

Now this gentleman that had the trucking business previously now has a trucking repair business, and he told me that the high cost of fuel had adversely affected this business that he had also.

I talked to another gentleman, and he works in Denver, Colorado, but drives from my district up there, and he was telling me that every week he is seeing the cost of gasoline go up and up and up, and he's thinking about how expensive his commute is becoming.

It is quite a burden on families. I talked to another individual that was

older, and he had an older car, and I would presume that he was on a fixed income, Mr. Speaker. And this gentleman doesn't have the opportunity to get another job and work and earn more income. He has this fixed income. As he sees the price of gasoline going up, the cost to heat his home going up, and he, like many other senior citizens, are very concerned about their future and what they're going to do.

I would like to yield time, as much time as she may consume, to the gentledady from Virginia.

Mrs. DRAKE. Mr. Speaker, first of all, I would like to start by thanking the gentledady from Colorado for hosting us this evening and sharing the stories from her own district and the people that she stopped and talked with.

We've just come off our district work period for Memorial Day, and I know all of us at home over these last few days have heard over and over again from our constituents about the extremely high price of gas and how they just can't make that work in their lives and with their incomes. And I was thinking about tonight and coming down here to join you, and I realized this is my fourth year of serving the Congress. That means this has been 4 years that I have been saying the same thing over and over and over again.

In my first 2 years here, I served on the Natural Resource Committee so I had the opportunity to listen. And one thing I learned right away in 2005 that really upset me, because I didn't know this even though I've lived in Virginia now for 41 years; I grew up in northern Ohio and I grew up on Lake Erie, and I found out in 2005 that Canada has been taking natural gas from under Lake Erie since 1913.

I want you to know I never saw a derrick. I never saw any type of a rig. I never had any indication that that was taking place. And I thought, I really felt that I had been misled and that here we are in America blocking getting our own resources and here all along our neighbors are doing it.

And we know today that the one thing that would change the price of gasoline for our citizens, for our constituents, for America, for our businesses is to increase our own domestic supply. The number one issue that would make a difference.

In the 109th Congress, my first 2 years here, we did vote in this House. We voted to open up ANWR. I was surprised in those years when I learned that the National Wildlife Refuge in Alaska—just for a visual for people across America, when I learned that if you visualized that wildlife refuge as RFK stadium, ANWR, where the actual drilling would take place, would be the size of a postage stamp; and that really upset me because that wasn't the mental picture that I had. And I also learned that we have not built a refinery in this country since 1976. Those were all things that I learned in my first year serving here in Congress.

Serving on the Resource Committee, I listened to our neighbors in Canada who came to the Resource Committee to tell us how they were successfully taking oil products from oil shales and oil sand, and they came to volunteer to help us be able to do the same thing. And we still haven't done anything to increase our own domestic resources using yet a third way to do that.

□ 2130

I was fascinated when I would listen to the hearings about using the technology of liquefied coal, that that's old technology, that we can do jet fuel, diesel, gasoline, that would run in all of our engines today by using coal.

America is the Saudi Arabia of coal. Again I question, why are we doing this and why are we making America less competitive? Why are we putting this burden on our citizens?

I met Alaskan citizens who came to talk to me, to beg us to drill in ANWR, and they are the people that live right there.

I think it's time that we had a strategic energy plan. Now, in 2007 and 2008, the discussions that have taken place on this floor about increasing domestic supply have come not because we've brought any sort of strategic plan to the floor. It's come in other pieces of legislation like you saw tonight, in a bill when Representative CATHY McMORRIS RODGERS stood and did a motion to recommit to try to get at the problem that we're all facing in America.

I know that we can protect our environment. I know that we can encourage conservation, that we can incentivize alternative energies as well.

In the Second District of Virginia, we're very proud of one of our universities, Old Dominion University, that is creating biodiesel out of algae. How exciting and interesting is that. They are also doing significant research in what's called coastal energy: wind, wave, solar. But there again, how do we increase our domestic production in our country?

But I also go back to what about families across America. Just before we went on our Memorial Day break, when I got home, when I was sitting there talking to my husband about what was his week like, what was my week like here in D.C., and he said to me, I know you don't know this, but do you know our water bill was \$88 for last month? \$88 just for water.

We both know that in the last 7 years our real estate taxes have tripled, and we're seeing today what we're paying for gasoline, what we're paying for food, and you've explained very, very well about the higher cost of transportation and that we have to move these products.

And that's us sitting there talking. We've lived in our house for 20 years. Our children are grown. How do families do it today? How do families do it that have to commute any distance be-

cause of the price of housing in our country? And more and more people have had to live further out.

If we want America to be competitive, if we want to grow our economy, if we want our families to be able to feel like that they're getting ahead and succeeding, we have got to join together in this Congress. We have to have a bipartisan solution, and we have to increase our domestic supply.

I'm sure that you were as distressed as I was when I read the newspaper article that our President had gone to Saudi Arabia and asked them to increase the gas production. My first thought was, why didn't he come here to Congress and tell us that we must change the law and allow for this domestic production, to allow for the siting of refineries, and to tell the American people that it is the policies right here in Washington that are stopping that from taking place? That's what I would hope that he would do.

I want to thank you for giving me this opportunity. I know you have other speakers. I think you and I could probably talk half the night to America about this issue, about how important it is, but every single person listening to us tonight knows how critically important it is that we increase our domestic supply and that we're able to drop this price and for American families to be able to feel that they can do something, that they can enjoy life and not have to worry and worry how they're going to pay for all the things that are in their lives today. This is something that I feel we, as Members of Congress, could make a difference and could make those changes.

Mrs. MUSGRAVE. I thank the gentledady. She has spoken very well about the impact on families with the high price of fuel and what we need to address those prices.

It's interesting, too, as we talk about families, we have schools. In my district, it's 7½ hours from one side of my district to the other. We have rural school districts, and buses have to travel long distances, and now schools are trying to ascertain how they're going to pay the high cost of fuel, and there are changes coming up.

When you look at schools, they're doing things like going to the 4-day week. They're changing. They think of the money they can save if they don't have to transport the kids and heat the buildings and do those things during the day. So when they look at the fuel price for transportation, they're thinking they're going to go to this 4-day week.

Sadly, it's impacting sports and schools, and we know that many times sports is what keeps students in schools, and it has such a good role to play in their life, but they're having to curtail their driving for this because they can't afford it anymore and they might drop programs.

So schools that even want to do field trips, and this is especially enriching for students who perhaps may be in



families where they can't afford to do many things, but these kids enjoy these school trips. These outings are very good for them, but schools are saying that students will have to pay for a fee for that or they will have to forgo their field trips.

This is having a huge impact on families and on schools.

I would like to yield now to the gentleman from Tennessee.

Mr. DAVID DAVIS of Tennessee. I would like to thank the gentlelady from Colorado for doing this special hour. I don't think there's anything more important facing Americans right now and facing this Congress than to deal with the high cost of energy, and I thank you for your leadership.

With the national average cost of gasoline at the pump today at \$3.98 a gallon, moms and dads across the country are struggling to balance the family budget. It breaks my heart, and I know of a young family back in northeast Tennessee just trying to make enough money to make it to work or take their child to school. It breaks my heart when we have senior adults that are on a fixed income that don't have the opportunity to have more money, to be able to afford the gasoline to go to the doctor or go to the hospital or go to the grocery store. It breaks my heart when you have a small business that's trying to create those jobs and make life better for their fellow man. It breaks my heart.

This Congress must pass meaningful legislation to reduce the price of gasoline and fuel at the pump, and we need to do it soon.

Just recently, Shell Oil Company Chairman John Hofmeister testified before the Senate on why gas prices are so high. He said, "As repetitive and uninteresting as it may sound, the fundamental laws of supply and demand are at work."

Over the past few weeks, I along with most of my colleagues on this side of the aisle have produced an energy policy, not just a piece of an energy policy, but a true energy policy that addresses our supply of American energy. This energy policy explores all facets of our energy needs, from drilling for American oil and natural gases to using alternative fuels like switchgrass and ethanol. The policy increases American supply, which will effectively lower prices.

This energy policy will help people like Earl Humphreys, who owns and manages Lawn Boyz Lawn Care in Bristol, Tennessee. Earl told me that he may not be able to continue his business much longer because of high fuel prices. He is not making enough money to support his family, purchase his fuel, pay his staff, and keep the doors open on his family-run business. How sad.

People like Earl are relying on Congress to do something. Colleagues on this side of the aisle and I have offered nothing but solutions. On the other side of the aisle, they've offered nothing but excuses.

Congress' Democratic leadership is out of touch with the American people like Earl. Instead of increasing American energy supply so that prices can go down and Earl can continue to support his family, the Democrat leadership wants to tax energy producers, stifle American production, and abandon cars, SUVs and pick-up trucks that we all rely on.

Recently, one Congressman proposed a 50-cent tax increase on gasoline. Now, that makes absolutely no sense to me. We can't tax and regulate our way out of an energy crisis, and we can't tax your pick-up truck from empty to full.

Leadership's energy policies have been to conduct seven investigations into price gouging, conduct four investigations on speculators, and create \$20 billion in new taxes on oil producers. Unfortunately, the leadership of Congress' policies don't save Americans any money at the pump.

In fact, gasoline prices have increased from \$2.33 a gallon to \$3.98 per gallon since Speaker PELOSI and her Democrat colleagues took control of this Congress last year. That's not a solution.

When China and other growing industrialized nations are moving from bicycles to cars, Americans are being made to go from cars to bicycles. That's not a solution.

Currently, China is drilling for oil and natural gas almost in sight off the coast of Key West, Florida. The irony here is that while China is out there drilling, America can't, under the leadership of this Congress.

What is it going to take to make this Congress realize that we need to increase American energy supply and decrease our dependence on foreign energy, our dependence on people that hate us and hate our freedoms?

The majority of the American people understand, East Tennesseans understand and I understand, Earl understands and people from Bristol, Tennessee, understand, we must take immediate action to allow for drilling in an environmentally safe way on American soil and off our coasts. In the Outer Continental Shelf alone, it's estimated that we have over 17 billion barrels of oil, oil that someone else is drilling for. On the Arctic National Wildlife Reserve alone, we have the potential to provide consumers with over 1 million barrels of oil per day. We need solutions.

We must take immediate action to allow for the construction of new refineries, and we can do that on old military bases.

We must take immediate action on production of natural gas where our supply is abundant. Eastman Chemical Company, which is located in my district in northeast Tennessee, has been using clean coal gasification to meet their ever increasing energy needs on a daily basis.

We must take immediate action to allow for the construction of safe nuclear power plants. For instance,

France currently powers 80 percent of their energy needs from safe nuclear power plants.

We must take immediate action using alternative fuel sources, like switchgrass and ethanol from nonfood sources. New technologies like switchgrass and ethanol are exciting and will be part of our solution to lower high energy costs.

We must take immediate action by using clean coal technology, something that the Germans used in World War II. This is not futuristic. They were doing it in World War II. Coal is not some smutty leftover from the Industrial Revolution. We have approximately 250 years worth of coal right here in the United States, and you can take a lump of coal and actually turn it into gasoline and drive your car and fly jet planes. They did it in World War II.

We need solutions. Republican energy policies like the ones I've just listed will save every American at least \$1.82 per gallon of gasoline. That's \$36.40 for each 20-gallon tank full of gasoline. Tennesseans like Earl sure can use a \$1.82 discount at the gas pump.

We need solutions. Americans like Earl are looking for solutions, not excuses. The time for solutions is now. That's why I've cosponsored the No More Excuses Energy Act. It combines all these different types of energy to bring down the price at the pump and make sure we have energy to heat our homes in the winter. We need solutions, not excuses.

Mrs. MUSGRAVE. I would like to yield to the gentleman from Pennsylvania now.

Mr. PETERSON of Pennsylvania. I thank the gentlelady from Colorado and gentlelady from Virginia and the gentleman from Tennessee for the right to join them this evening for an issue that I think is very much on the mind of every American.

I can't talk to a neighbor, a friend, anywhere but what they're talking about energy prices. And it's interesting that it's not being talked about in this House in a productive way.

In fact, 2 weeks ago we passed a bill that attempts to give us the right to get OPEC into our courts to force them to produce more energy, accusing them of not producing enough energy. Now, I don't know how a government who has locked up so much of its own supply—and I'll show you here on this chart—both coasts are off-limits to oil and gas production and a portion of the gulf. And out in the middle part of the country, millions and millions of acres are locked up.

□ 2145

And of course up here in ANWR, that part of Alaska that was set aside by President Carter for energy production, has been locked up. And we passed a bill in the Clinton administration, and he vetoed it. That was 10 years ago. They said it would take 10 years to get production here, but today we would have that energy if it had happened.

Folks, while we lock this up, we pass a bill trying to get us the ability to bring OPEC countries into a court somewhere to force them to produce. Now, people back home kind of laughed at me and they said, well, how do we force a country to produce when we won't produce our own? How do you rationalize that? But it sounds good if you don't look at the facts, I guess. But here we are, and now the Senate, this week, is working on carbon taxes, which will increase energy prices another 20 to 30 percent.

Mr. Speaker, Members of the House, and Americans, listen to the carbon tax debate. It will tax energy further and raise the cost of fossil fuels, hoping, I guess, we won't use them so that we will be forced—and we will get into the renewables in a little bit. But it seems interesting to me that, at a time when every American that I talk to has one thing on their mind, affordable energy, and Congress is the reason. I'm here to say tonight, this body and three Presidents are the reason.

This moratorium on our Outer Continental Shelf, that's from three miles offshore owned by the States to 200 miles that's owned by the Federal Government and us, the taxpayers, we own that. We're the only country in the world that's locked it up. It was locked up 28 years ago by President Bush I for 5 years to study and see where the best was and see if we had some sensitive areas we needed to protect. President Clinton came in, just extended it to 2012 and said they wouldn't explore out there. And then the current President has not supported raising this moratorium. In fact, I wrote him a letter 2 weeks ago, a man I love dearly, but disagree with very much on lack of energy leadership because he understands the energy issue—at least he should, he's from an energy family. But he has spoken three times recently in public about opening up onshore and offshore. So we sent him a letter saying, Mr. President, it seems like if you're serious about opening up offshore, that you would lift the presidential moratorium—because we actually have two moratoriums. We have a presidential decree that's been through three Presidents that says you can't produce out there. We have legislation that Congress passes every year in the Interior bill that says the Federal Government cannot spend one dollar to lease offshore leasing on either coast in the Gulf. Eighty-five percent.

This is where most of the world produces a lot of their energy, these great resources. It's the most environmentally sensitive place. Fishing in the Gulf is better where we produce oil than where we don't produce oil. And when we had the terrible storms in Katrina a few years ago, the fishermen were saying—some of the rigs were really damaged, and the platforms, so they said, you're not going to take them away, are you? They said, no, we're going to repair them and use them. Because that's where the best fishing is.

Now, with those terrible storms, the Minerals and Mines Management said we had no measurable spillage. Actually, we have more spillage on our ocean shores from ships and sporting boats than we have from drilling anywhere. We have not had an offshore incident since 1969 in Santa Barbara. Our technology today is tremendously improved. There is no viable reason that we're not producing energy offshore.

Now, I'll be offering an amendment next Wednesday, the 11th of June, in the Interior Appropriations bill that will open up and remove these moratoriums from 50 miles out for both gas and oil. That will allow us to produce. Now, it's not something that's just going to happen overnight, it still would have to be, once it's opened up and signed by the President, it would have to be part of the 5-year plan.

What's interesting is we know there's huge reserves out here, but has never been measured by modern seismicographic and modern techniques that we use today. And it's like taking an old black and white picture tube, television, and comparing it to one of our beautiful flat screen TVs today of what you can see. Today they can know what's there, what type of energy is there, how deep it is, and how difficult it will be to produce it. But we, by law, this Congress has prohibited anybody from exploring out there, even to look at what's out there. Does that make sense? Of course it makes no sense.

Let's look for a moment at our energy use. This is the interesting part. We are 40 percent petroleum, 23 percent natural gas, 23 percent coal, 8 percent nuclear. Now, that's 94 percent of America's energy. That's fossil fuel, except nuclear.

Then you have the renewables. And, you know, I'm for wind and I'm for solar and I'm for geothermal and I'm for cellulosic ethanol and all of those good things, but we have to look at how small they are. I said to a gentleman on the plane this morning flying in, I said, if we double wind and solar in the next 5 years, how much of our energy do you think—oh, 10 percent? I said, less than three-quarters of 1 percent. Because when you get down here, the only one that's really grown a lot recently is woody biomass.

Now, we have almost a million Americans now, just under a million Americans heats their homes with pellet stoves; that's saw dust pressed into a pellet, and they use it to heat their home. We're heating factories today with saw dust and wood chips. I have a hospital in my district that just put in a new wood boiler that has saved 70 percent on their energy bill by burning sawdust and wood chips and their own cardboard and their own paper. So that's been the one that's been growing. Geothermal has been just constant at a very small fraction.

Wind and solar are fractions; these are fractions. Now, if we double them, they're still fractions. And I'm for them. But I guess the false hope has

been—and I want to share with you who I think is really at fault. Now, Congress is at fault, but who has influenced Congress? Well, there is a group called the Sierra Club. And here is what is on their web page. They're against the oil shale development that's been talked about out west, where we think there's huge reserves. They're against coal liquefaction because we're the Saudi Arabia of coal and we think liquefied coal or coal-to-gas could get us away from the—66 percent of our petroleum now comes from foreign unstable governments. And that's where all our money is going, folks. We're enriching that part of the world who helped furnish us with 9/11.

They're against offshore energy production. Back to the map I had up here. The Sierra Club will lead the fight. I debated a Sierra Club member on NPR last week on a California radio station, and they said we'll be leading the fight to stop Congressman PETERSON's bill from being passed.

Green Peace; you know what they want to do? They want to phase these out. And that's what a lot of Congress wants to do. They say, we can't use fossil fuels anymore. Well, okay, I'll buy that. I would like to be fueling our country down here. I will do anything and everything to fund these. And those who say we haven't spent billions on research in wind and solar are not being honest with you, we're spending billions annually to subsidize those.

So Green Peace wants to phase these out; can't do this anymore. But that's really what we're doing, that's why we have high energy prices; we're phasing out fossil fuels before we have a replacement. We've decided we're not going to produce fossil fuels. Because if we don't produce them—I've talked to Members here on the floor. Well, John, if we continue to produce fossil fuels and they're affordable, Americans will not use renewables. I said, but if you phase out fossil fuels before we have the renewables, we're going to have awfully high energy prices.

Now, we were arguing that when oil was \$30 and \$40 a barrel. I don't think any of us dreamed we would see \$135 oil this year. I thought we might hit \$100 oil this fall. That was my prediction. I did not dream . . .

Now, what's interesting that's happening now, oil I think was \$122 when it closed today; that's not cheap, but it's better than \$135. But natural gas prices, creeping, creeping, creeping. And natural gas is the fuel that I think is the bridge fuel.

Here's what natural gas prices have been doing. Natural gas prices are spiking again. This chart was made on the retail price. Today, natural gas was \$12.40 out of the ground. And now what's ironic about that, this is a time of year when you don't use a lot of natural gas because you're minimizing heating and you're minimizing cooling. You're kind of at the period where we depend on natural temperatures. So we use much less natural gas at this time

of year. So this is when natural gas prices dive. And we put that cheap gas in the ground and we use it next winter because in the winter time, when we're heating the country, we can't produce enough gas for that period of time, so we store it. And my district has many caverns, salt caverns where we store gas for the northeast.

So we're now putting \$12.40 gas in the ground for next winter. Last year at this time we were putting \$6.50 and \$7 gas in the ground. So the American public yet do not realize that we've had—they're paying very high prices for home heating oil, they're paying very high prices for gasoline and diesel, and they're paying very high prices for home heating oil and propane. But natural gas didn't increase much last year; it was kind of a soft year on natural gas prices. But this year, only the good Lord knows how expensive it's going to be because it appears, for some reason, it's going up like a quarter a day; so that's every four days you're up a dollar. I don't know what's causing it, it's increased use.

We have said no to about 50 coal plants that were designed to be built to replace old coal plants in the last 6 months in this country. States have rejected them because of the carbon issue now, or the fear of the carbon issue. So those will all be natural gas plants.

Now, up until about 12 years ago we didn't use natural gas to make electricity, and so we made about 8 percent of our electricity with natural gas. And that was peak power in the morning and the evening because you can turn a gas generator off and on, the rest you can't. Now that we use it unlimitedly, we're at 23 percent of our electric being produced with natural gas. And it's a huge strain on the natural gas system.

Now, natural gas should never be a problem in America. We can't probably produce all the oil we need; we can do a lot better than we're doing. But there's no reason America can't have lots of natural gas. We have reserves onshore, offshore, but unfortunately most of them are owned by government entities and they're locked up. Congress has locked them up. Congress has said we're not going to produce. And these environmental groups—let me go back through them. Green Peace; phase out fossil fuels. Environmental Defense; they're against power plant smokestacks are public health enemy number one, so you can't have a power plant. League of Conservation Voters; coal to liquids, the wrong direction. They're going to fight it. Defenders of Wilderness; every coastal State is put in harm's way when oil rigs go up on our coastal waters.

Folks, I showed you the chart earlier about every country in the world, Norway, Sweden, Denmark, Ireland, Great Britain, Canada, New Zealand, Australia, they all produce offshore, cleanly. The new technology, they turn the wells off when there are storms at the base. There has not been a major spill.

And there has never been a gas spill that spoiled a beach. Gas is a clean fuel.

And in my view, if we had abundant reasonable natural gas, we could fuel a third of our cars with natural gas. In the cities, our buses, all our short-haul vehicles, our construction vehicles, could all be on clean, green natural gas. But the price is so high today, there is no incentive to do that.

To conclude here, here is the Energy Department's charts. The middle is now. This is history. This is what they project for our usage in the future.

Now, not long ago there were commercials on television by oil companies that led me to believe that renewables were ready to take over, they were ready to fuel this country, all we had to do was release them. Well, this is what the Energy Department thinks. Not much changed. Now, I don't quite agree with some of these. I think natural gas will increase measurably out here because the carbon issue is going to restrict coal. It may prevent us from doing coal-to-liquid. And it shouldn't happen, but it's actually happening. Coal plants are being turned down—clean coal technology plants are being turned down by environmental agencies to replace all dirty coal plants that we would like to replace because of the carbon issue.

So I look for gas to be—if we do a carbon tax, every country that has done a carbon tax, everybody has to go to natural gas because it's a third of the carbon when you burn it of any other fossil fuel. It's the cleanest fuel, it's almost the perfect fuel. But folks, we need oil, we need gas, we need coal, we need nuclear. We need all the renewables and hydros. And we need to grow them all as fast as we can. But our environmental groups want to eliminate all of the below and run the country on above. And it actually goes clear up to here, because they're not for nuclear. The environmental groups are not for nuclear, they're not for coal, they're not for gas, they're not for oil. But folks, that's how we run the world.

And with today's clean technology, there is no argument why we can't have affordable energy in America.

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But it is the will of this Congress to open up. I hope next Wednesday on the Interior Subcommittee that we can be successful with our amendment that would open up the Outer Continental Shelf, from 50 miles out, to oil and gas production. Now, that won't change anything, but I just asked some oil company executives, who I don't talk to often but who were at a hearing, if we opened up the Outer Continental Shelf in its entirety, both coasts, and we opened up ANWR, what would that do to energy prices? He said, well, it would take the fear factor out because here is the problem we have in America.

Historically, there was capacity in the world of about 10 million gallons a

day of oil that could be pumped if we needed it, from eight to ten. That has been historic. Recently, as China and India have increased their usage and as many of the countries—Mexico, Chavez, Nigeria, Russia, and all of them—have nationalized their oil companies and are now run by the government, they are not being run as efficiently, and they're not producing as much, so production has actually slipped in many of those countries.

We are down now to where there is about a 1.2-million-extra-barrel-a-day capacity in the world to meet the world demand. So, if you have a storm and when Exxon was arguing with Chavez over producing, the price went up. When we had the oil refinery a short time ago that was only a 78,000-barrel refinery, the price went up. Why? Because that is going to take some supply off the market. There is no slush. So, if you have any one of these countries—these dictatorships—topple and instead of producing 7 million barrels a day they would produce 5, there wouldn't be enough oil. So the fear factor allows Wall Street to play on those fears and run those prices up. If you took the fear factor out, the oil companies told me, it would probably reduce prices at least 20 to 25 percent. That's just theory. That's their thought. Take the fear factor because there is not enough oil in the marketplace.

What has happened and no matter what we do is China's growth in energy use and India's growth in energy use is 15 to 20 percent a year because, as they build a home and buy their first vehicles, they are now in the energy business. Where they used to have a donkey and a hut, they now have a house. Millions of people all over the world are joining our way of life, and to join our way of life, they need heat in their homes; they need a vehicle that needs fuel, and they're part of the energy business. Those are the developing countries in South America, in India, in China, in Malaysia. It's happening everywhere. We are soon going to be the second biggest user of energy because China is about ready to go by us.

I believe, if America continues to refuse to deal with energy and bring available energy to America, we will not compete in the new global economy. We are in an economy today where we have never had competitors like China and India before. We have never had this kind of pressure on us. We have to compete.

I want to make one final point on natural gas. Natural gas is not a world price. We have had one of the highest prices of any country in the world of natural gas now for 8 years. That is why half the fertilizer industry has left this country; they use huge amounts of natural gas. I'll just share with you some data here that's scary.

Dow Chemical announced a 20 percent price increase, but it's what you look at behind that that's scary. In 2002, their natural gas bill was \$8 billion. In 2008, it was \$32 billion. That's

four times. In 2002, 60 percent of their revenues came from American plants. Just a few years later, it was only 34 percent of their revenues. Why? They had to move offshore to compete in the global economy. Over half the fertilizer companies have left America in the last 3 years because of natural gas prices. The increase in the cost of natural gas has caused plastic resin prices to rise to record levels. It has put American-based plastic facilities—and my district is full of plastic plants—at a severe competitive disadvantage, says Josh Young of the American Plastics Council. As a result, the factories are closing or are moving offshore. They are leaving Americans jobless. Over the past 5 years, the plastic industry has lost nearly 4,000 jobs in Florida, which refused to allow us to drill, and more than 300,000 jobs nationwide just in the plastics industry. Petrochemicals have lost hundreds of thousands of jobs, fertilizer thousands of jobs and steel makers, aluminum makers and glass that use huge amounts.

My prediction is that bulk commodities like glass and bricks, that should always be made close to home, will soon be made in Trinidad where gas is \$1.50 instead of \$12 coming out of the ground. We will make our bricks and glass in Trinidad, South America. It will come here in about a day and a half on a ship.

That's not the America I dream for. Available, affordable energy is available to us if this Congress will do what is right: Open up offshore, do coal to liquids, expand the use of nuclear, continue to subsidize the renewables and to incentivize the renewables. I think we also need to incentivize Americans. I mean Americans are conserving. They have to conserve, but we need to incentivize Americans with tax breaks that would help them write off any measurable improvement they made in their homes and in their lifestyles, whether it's heating their homes with more modern appliances or whether it's better insulation or better windows or better doors, so we can conserve the use of energy.

As was talked about here on the floor earlier, there is education. My school districts are getting hammered with energy costs. The hospitals are getting hammered with energy costs as are your agencies that give free aid to the people. I mean every social agency is getting hammered with energy costs.

I talked to a church person tonight who said they weren't sure they were going to be able to keep their church open next winter. The energy bills last year have made it almost prohibitive to keep their church open in the colder months in the winter. They are going to have to find a place to meet somewhere else.

Folks, this is a self-induced problem by this Congress and by three Presidents. In our Presidential debate, the number one issue ought to be who has the best plan for available, affordable energy for America.

Mrs. MUSGRAVE. I thank the gentleman.

I would like to yield to the gentlelady from Virginia.

Mrs. DRAKE. Well, first, I'd like to thank the gentleman for that very thorough explanation to America as to what is really going on. I was very proud to stand beside you several months ago when you did your press conference on your bill. There were several of our colleagues there—original cosponsors on your bill—standing with you.

I'll never forget standing with you as well were representatives from Dow Chemical because they made an announcement, too. They told us that they were doing a \$30 billion expansion in China, Saudi Arabia and Libya, 10,000 jobs that they wished were right here in America. The reason they did it was because you couldn't pay \$10 to \$12 for a unit of gas here that you could pay 85 cents for in Saudi Arabia. I've never forgotten that. I thought it was very, very painful.

Your bill as well does something that is very important. It has a 37½ percent royalty back to the State. Now, the Commonwealth of Virginia desperately needs that kind of funding for our number one issue of transportation. Your bill also fully funds the Chesapeake Bay Commission's request for the bay cleanup. So there are ways that we can be environmentally protective and that we can be environmentally sound.

You brought up various environmental groups, and I wanted to say to you that I was going to speak to the Natural Resources Committee one day about why I support deep sea drilling in the Outer Continental Shelf. I represent the entire Atlantic coast in Virginia. Well, there was someone there from one of our environmental groups whom I knew. I went up to him, and I said, "I know if you're speaking you're going to say the exact opposite of me, but what I really want to ask you is: Do you understand the impact that you have on our economy or is that your point?" He actually acted like I'd hit him. I said, "No, no, no. Wait. I'm really serious. I'm trying to understand what the issue is, but I truly believe you either don't know or you intend to do it." Do you know what? He turned and he walked away and he wouldn't answer me, but we cannot as leaders in our country stand back and allow this to take place.

I just wanted to finish up with a couple of facts that I found very interesting. One is, if we were to increase that nuclear that you have on there, we could keep 200 billion tons of carbon out of our atmosphere annually if we simply had the nuclear capability of France.

Mr. PETERSON of Pennsylvania. That's right.

Mrs. DRAKE. The second thing is that we're 13 times more likely to have a spill if we transport oil product by tanker. I think that's important for America to know.

There is another that you've said, that it has been over 30 years, almost 40, since there has been any significant spill from any sort of deep sea drilling. We all saw what happened with Katrina and Rita. There were no problems there. We know Canada has an oil rig in the north Atlantic, off the coast of Newfoundland, called Hibernia. There have been no problems there. As you have said, the technology is so much better.

The other important thing is the horizon is only 12 miles out. You're talking 50 miles from Virginia Beach. That's half the way to Richmond. So there is no way you would ever see a rig.

I want to thank you because you have done just a tremendous job of bringing this issue to the forefront and of explaining it to America, and I truly believe that when Americans have the facts and Americans understand this issue that Americans will be demanding of us as Members of the House and as Members of the Senate that we deal with this issue. I really hope that they call their Representatives all across America, that they phone and tell their Representatives and demand that we deal with this issue and not make America less competitive.

I keep talking about families. What about single parents? How do you deal with this incredible cost? You have brought it up. It is something that we have been extremely concerned about, the price of natural gas for home heating, and we have been very fortunate in our area to have milder than normal winters. That has not been the case across the country. So thank you.

I would like to thank the gentlewoman and yield back to her as well.

Mrs. MUSGRAVE. I thank you both for your expertise in this area and also Mr. DAVIS as he spoke this evening.

Mr. PETERSON, your charts and the case that you presented tonight are very clear before the American people. We all have a desire to go to alternatives. We all want to lessen our dependence on foreign oil. You talked about that 40 percent. 60 percent of that comes from very unstable areas of the world, and we know that, and we want to lessen that dependence that we have on them and become energy-independent, but this is a long road. We have to start right now, right here today, for the American people who are suffering with the high cost of energy.

I would just challenge my colleagues on the other side of the aisle. We talk about long-range planning. We always have to do long-range planning. We need to look at the big picture. Today are the solutions that the Republicans have come forth with—more domestic exploration. You have spoken so well, Mr. PETERSON, to our Nation's being locked up, but nations around the world do energy exploration off their coasts in an environmentally sound way. There is no reason that America should not be doing that.

Look at the States like I am from, Colorado. There are abundant natural

resources that we have, and there are the technologies that are available now with oil shale, and there is the future we have on that. We need to get to work on that right away.

You and I have talked and all of us have talked this evening about the lack of refinery capacity and how we can look clear back to the 1970s. We have not had any refineries built since then. We need to get away from this failed policy and get real in this country about what we need to do.

When I was at the pump, when I was talking to those people in Greeley, Colorado the other day, I saw firsthand how this is affecting the middle class, people who have to drive back and forth to work. You know, they want to be able to take their children to the baseball games this summer. They want their kids to participate in these things and to enjoy their summer in Colorado, but they are very worried. My folks who are on fixed incomes are very concerned about how they are going to get back and forth to the grocery store and to the doctor and how they will run the errands that they need to do. We need to respond as Members of Congress, on both sides of the aisle, to this crisis that is right here now before our middle class, and we need to bring forth these solutions that we have suggested tonight to bring down the cost of energy.

It is time for Congress to act, and every day that goes by that we do not enact sound policies that will allow us to do domestic exploration in an environmentally sound way—yes, move to alternatives, do these things that we need to do, increase refinery capacity—we are letting the American people down. I am standing tonight with my colleagues to say it is time to address this problem for the middle class and for the United States and to get on the road to energy independence but, in the here and now, to bring down the cost of energy.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHABOT (at the request of Mr. BOEHNER) for today after 12 p.m. on account of his son's high school graduation.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. DAVID DAVIS of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today and June 5.

Mr. POE, for 5 minutes, June 11.

Mr. JONES of North Carolina, for 5 minutes, June 11.

Mr. PENCE, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, June 5.

Mr. KUHL of New York, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 9, 10, and 11.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2162. An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

#### ADJOURNMENT

Mrs. MUSGRAVE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 5, 2008, at 9:30 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6889. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-371, "E.W. Stevenson, Sr. Boulevard Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-372, "Closing Agreement Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-373, "Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-375, "Gerard W. Burke, Jr. Building Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-376, "District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-377, "Bicycle Policy Modernization Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-378, "So Others Might East Property Tax Exemption Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-379, "Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-making Authority Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6897. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-380, "East of the River Hospital Revitalization Tax Exemption Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6898. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-381, "Film DC Economic Incentive Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6899. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-382, "Student Voter Registration Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-383, "Veterans Rental Assistance Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-385, "Vacancy Exemption Repeal Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-384, "Howard Theatre and 7th Street, N.W., Revitalization Grants Authorization Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-386, "Cigarette Stamp Clarification Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6904. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-387, "Supplemental Appropriations Release of Funds Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6905. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-394, "Motor Vehicle Theft Prevention Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6906. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 17-395, "Child Abuse and Neglect Investigation Record Access Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6907. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-396, "Child and Family Services Grant-Making Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6908. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-397, "Abe Pollin Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6909. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-398, "Omnibus Alcoholic Beverage Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6910. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-399, "Pre-k Enhancement and Expansion Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6911. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-400, "Dr. Vincent E. Reed Auditorium Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6912. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-401, "Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126 S.O. 06-4886, Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6913. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-402, "Expanding Opportunities for Street Vending Around the Baseball Stadium Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6914. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-388, "Rev. M. Cecil Mills Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6915. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-389, "Ethel Kennedy Bridge Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6916. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-390, "District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6917. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-374, "Washington Convention Center Authority Advisory Committee Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6918. A letter from the Director, Office of Surface Mining, Department of the Interior,

transmitting the Department's final rule — Texas Regulatory Program [SATS No. TX-058-FOR; Docket No. OSM-2007-0018] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6919. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF62) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6920. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF49) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6921. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH03) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6922. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Amendment 15 to the Pacific Coast Salmon Fishery Management Plan [Docket No. 061219338-7494-03] (RIN: 0648-AU69) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6923. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 071030625-7696-02] (RIN: 0648-XH32) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6924. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2008 Management Measures and a Temporary Rule [Docket No. 080428611-8612-01] (RIN: 0648-AW60) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6925. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing

Limit for the U.S./Canada Management Area [Docket No. 0401120010-4114-02] (RIN: 0648-XH45) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6926. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-Time Category [Docket No. 010319075-1217-02] (RIN: 0648-XF92) received May 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6927. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 5 to the Monkfish Fishery Management Plan [Docket No. 071128763-8490-02] (RIN: 0648-AW33) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6928. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11 [Docket No. 071130780-8013-02] (RIN: 0648-AU32) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6929. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XH35) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6930. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 071106673-8011-02] (RIN: 0648-XH36) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6931. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AW58) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6932. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure [Docket No. 071211828-8448-02] (RIN: 0648-XG90) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6933. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of

Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2008 Commercial Fishery for Tilefishes [Docket No. 040205043-4043-01] (RIN: 0648-XG71) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6934. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

6935. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report of the Attorney General regarding activities initiated pursuant to the Civil Rights of Institutionalized Persons Act during fiscal year 2007, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

6936. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2009, pursuant to 42 U.S.C. 233(o); to the Committee on the Judiciary.

6937. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of draft legislation that would provide for the supervision of those under the United States Parole Commission's jurisdiction after the current authority expires on October 31, 2008; to the Committee on the Judiciary.

6938. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Office of Community Oriented Policing Services (COPS) Fiscal Year 2007 Annual Report, pursuant to the "21st Century Department of Justice Appropriations Authorization Act," Pub. L. 107-273; to the Committee on the Judiciary.

6939. A letter from the Chairman, U.S. Naval Sea Cadet Corps, transmitting the annual and financial reports for the year 2007, pursuant to Public Law 87-655; to the Committee on the Judiciary.

6940. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3284-EM in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

6941. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on budgeting for the Federal navigation improvement project at Akutan Harbor, Alaska; to the Committee on Transportation and Infrastructure.

6942. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on recommendations of the Secretary that have not been provided to Congress, pursuant to Public Law 110-114, section 2033(g)(2); to the Committee on Transportation and Infrastructure.

6943. A letter from the Director of Civil Works, Department of the Army, Department of Defense, transmitting the Department's final rule — Compensatory Mitigation for Losses of Aquatic Resources — received May 22, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6944. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report for hurricane and storm damage reduction at Pawleys Island, South Carolina; to the Committee on Transportation and Infrastructure.

6945. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report on the flood damage reduction opportunities for the communities of Cynthiana, Millersburg, and Paris, in the Licking River Basin, Kentucky; to the Committee on Transportation and Infrastructure.

6946. A letter from the Acting Administrator, FEMA, Department of Homeland Security, transmitting a letter regarding a resolution adopted by the National Dam Safety Review Board; to the Committee on Transportation and Infrastructure.

6947. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 110-120); to the Committee on Ways and Means and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs; with an amendment (Rept. 110-504 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5972. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes (Rept. 110-679). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1343. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; with an amendment (Rept. 110-680). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5669. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States (Rept. 110-681). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5940. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; with an amendment (Rept. 110-682). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5893. A bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; with an amendment (Rept. 110-683 Pt. 1).

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3916. A bill to provide for the next generation of border and maritime security technologies; with an amendment (Rept. 110-684 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5770. A bill to provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality (Rept. 110-685 Pt. 1). Ordered to be printed.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 5893 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY of New York:

H.R. 6175. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and Labor.

By Mr. RODRIGUEZ:

H.R. 6176. A bill to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; to the Committee on Natural Resources.

By Mr. RODRIGUEZ:

H.R. 6177. A bill to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. CANTOR, Mr. PENCE, and Mr. MCCOTTER):

H.R. 6178. A bill to strengthen existing legislation sanctioning persons aiding and facilitating nonproliferation activities by the governments of Iran, North Korea, and Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP of Michigan (for himself, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. PORTER, Mr. ENGLISH of Pennsylvania, Mr. PRICE of Georgia, Mr. GINGREY, Mr. BOUSTANY, Mr. WELLER, Mr. RAMSTAD, and Mr. HULSHOF):

H.R. 6179. A bill to encourage and enhance the adoption of interoperable health information technology to improve health care quality, reduce medical errors, and increase the efficiency of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. PETERSON of Minnesota, Mr. RAHALL,

Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. FILNER, Mr. MURTHA, Ms. DELAURO, Mr. HINCHEY, Mr. DELAHUNT, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. ROSS, Mr. VISLOSKEY, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. GRIJALVA, Ms. WOOLSEY, Mr. DEFAZIO, Mr. SHULER, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. HALL of New York, Mr. RYAN of Ohio, Mrs. BOYDA of Kansas, Mr. CHANDLER, Mr. JOHNSON of Georgia, Mr. SARBANES, Mr. HARE, Ms. SUTTON, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Ms. SOLIS, Ms. KILPATRICK, Ms. MOORE of Wisconsin, Mr. DOYLE, Mr. CLEAVER, Mr. ALLEN, Mr. LYNCH, Mr. JONES of North Carolina, Ms. BALDWIN, Ms. KAPTUR, Mr. KUCINICH, Ms. SHEA-PORTER, Ms. HIRONO, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. KAGEN, and Mr. WILSON of Ohio):

H.R. 6180. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the House of Representatives that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. PUTNAM):

H.R. 6181. A bill to amend the Internal Revenue Code of 1986 to allow certain current and former service members to receive a refundable credit for the purchase of a principal residence; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 6182. A bill to convey the New River State Park campground located in the Mount Rogers National Recreation Area in the Jefferson National Forest in Carroll County, Virginia, to the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 6183. A bill to amend the Harmonized Tariff Schedule of the United States to remove the tariffs on ethanol; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mrs. MALONEY of New York, and Mr. GUTIERREZ):

H.R. 6184. A bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. LATTI:

H.R. 6185. A bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 6186. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; to the Committee on Energy and

Commerce, and in addition to the Committees on Ways and Means, Science and Technology, Natural Resources, Agriculture, Foreign Affairs, Education and Labor, Transportation and Infrastructure, Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. REICHERT, Mr. INSLEE, Mr. SMITH of Washington, Mrs. McMORRIS RODGERS, Mr. HASTINGS of Washington, Mr. BAIRD, and Mr. LARSEN of Washington):

H.R. 6187. A bill to designate the facility of the United States Postal Service located at 424 University Way NE. in Seattle, Washington, as the "Jacob Lawrence Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PERLMUTTER (for himself and Mr. UDALL of Colorado):

H.R. 6188. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 6189. A bill to require the Secretary of Agriculture to conduct a "Charter Forest" demonstration project on all National Forest System lands in the State of Colorado in order to combat insect infestation, improve forest health, reduce the threat of wildfire, protect biological diversity, and enhance the social sustainability and economic productivity of the lands; to the Committee on Natural Resources.

By Mrs. TAUSCHER (for herself, Mr. BRADY of Pennsylvania, Mr. COHEN, and Mr. MCGOVERN):

H.R. 6190. A bill to restore to the Department of State responsibility over the Police Training Teams being used to provide advisory support, training and development, and equipment for the Iraqi Police Service, to require the Department of State to provide the majority of members for the Police Training Teams, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER:

H.J. Res. 90. A joint resolution commending the Barter Theatre on the occasion of its 75th anniversary; to the Committee on Oversight and Government Reform.

By Mr. CARSON:

H. Con. Res. 368. Concurrent resolution recognizing May 2, 2008, as the 88th anniversary of the first National Negro League baseball game; to the Committee on Oversight and Government Reform.

By Mr. BRALEY of Iowa (for himself, Mr. LATHAM, Mr. BOSWELL, Mr. KING of Iowa, and Mr. LOEBSACK):

H. Res. 1236. A resolution expressing the sympathy of the House of Representatives to the citizens of Black Hawk, Buchanan, Butler, and Delaware Counties, Iowa, who were victims of the devastating tornado that struck their communities on May 25, 2008; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. MEEKS of New York, Ms. LEE, Mr. McDERMOTT, Mr. LEWIS of Georgia,

Mr. HONDA, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. BISHOP of Georgia, Mrs. BOSWELL, Mr. SERRANO, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Ms. SUTTON, Mr. AL GREEN of Texas, Mr. CONYERS, Mrs. BOYDA of Kansas, Mr. FATTAH, Mrs. MALONEY of New York, Mr. HINOJOSA, Mr. RUSH, Mr. SNYDER, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. BERMAN, Mr. CARSON, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HIRONO, Mr. HARE, Mr. KUCINICH, Mr. COHEN, Mrs. JONES of Ohio, Mr. DOGGETT, Mr. TOWNS, Mr. PAYNE, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. RANGEL, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. BACA, Mr. FILNER, Mr. REYES, Mr. MOORE of Kansas, Mr. JACKSON of Illinois, Mr. GONZALEZ, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. SCHIFF, Ms. ZOE LOFGREN of California, and Ms. BERKLEY):

H. Res. 1237. A resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON:

H. Res. 1238. A resolution congratulating the University of California, Los Angeles, men's basketball team for its National Collegiate Athletic Association tournament performance; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself and Mrs. CAPPS):

H. Res. 1239. A resolution honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation; to the Committee on Natural Resources.

By Mr. TANCREDO:

H. Res. 1240. A resolution providing for the consideration of the resolution (H. Res. 111) establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. THOMPSON of Mississippi (for himself and Mr. TOM DAVIS of Virginia):

H. Res. 1241. A resolution congratulating Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American female to earn this honor; to the Committee on Transportation and Infrastructure.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

289. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to Senate Concurrent Resolution No. 5 urging the Congress of the United States to pass effective and meaningful immigration reform to enhance the workforce of Utah and continue the economic strength of the state's business environment; to the Committee on the Judiciary.

290. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 179 memorializing the Congress of the United States to enact the Clean Boating



Act of 2008; to the Committee on Transportation and Infrastructure.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. SESTAK.  
 H.R. 111: Mr. KELLER.  
 H.R. 207: Mrs. MALONEY of New York.  
 H.R. 273: Mr. SESTAK.  
 H.R. 303: Mr. ROTHMAN.  
 H.R. 343: Mr. MCHUGH.  
 H.R. 552: Mr. HELLER and Mr. SALLI.  
 H.R. 555: Ms. NORTON.  
 H.R. 643: Mr. THOMPSON of California and Mr. YARMUTH.  
 H.R. 677: Mr. CARSON.  
 H.R. 678: Mr. CARSON.  
 H.R. 688: Mr. CARNEY, Mr. OBERSTAR, Ms. ROS-LEHTINEN, and Mr. MARIO DIAZ-BALART of Florida.  
 H.R. 741: Mr. MCGOVERN and Mr. CRENSHAW.  
 H.R. 826: Mr. CARSON.  
 H.R. 882: Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. BOSWELL, Mr. ROSKAM, Mr. CARDOZA, Ms. SPEIER, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. HODES, Ms. ZOE LOFGREN of California, and Mr. ENGEL.  
 H.R. 1029: Mr. KING of Iowa.  
 H.R. 1108: Mr. YOUNG of Alaska.  
 H.R. 1110: Ms. TSONGAS, and Mr. PUTNAM.  
 H.R. 1111: Mr. CARSON.  
 H.R. 1148: Mr. CARSON.  
 H.R. 1193: Mr. COURTNEY.  
 H.R. 1222: Mr. RODRIGUEZ, and Mr. THOMPSON of Mississippi.  
 H.R. 1223: Mr. RODRIGUEZ.  
 H.R. 1228: Mr. PETERSON of Minnesota.  
 H.R. 1295: Mr. PENCE.  
 H.R. 1306: Mr. BRALEY of Iowa.  
 H.R. 1320: Mr. CARSON.  
 H.R. 1321: Mr. BILBRAY.  
 H.R. 1338: Mr. CARSON.  
 H.R. 1376: Mr. MCDERMOTT, Mr. FATTAH, and Ms. SUTTON.  
 H.R. 1390: Mr. FRANK of Massachusetts.  
 H.R. 1475: Mr. PRICE of North Carolina.  
 H.R. 1524: Mr. SMITH of New Jersey.  
 H.R. 1542: Ms. SOLIS.  
 H.R. 1551: Mr. CARSON.  
 H.R. 1590: Ms. GIFFORDS.  
 H.R. 1755: Mr. INSLEE.  
 H.R. 1801: Mr. CROWLEY, Mr. TOWNS, Ms. BALDWIN, and Ms. HARMAN.  
 H.R. 1884: Mr. HODES and Ms. SOLIS.  
 H.R. 1912: Mr. HONDA.  
 H.R. 2020: Mr. GERLACH.  
 H.R. 2131: Mr. KIND.  
 H.R. 2140: Mr. MORAN of Virginia.  
 H.R. 2233: Mr. CARSON.  
 H.R. 2267: Mr. KUHL of New York.  
 H.R. 2371: Ms. VELÁZQUEZ.  
 H.R. 2493: Mrs. BACHMANN.  
 H.R. 2502: Mr. LEWIS of Georgia.  
 H.R. 2511: Ms. HOOLEY.  
 H.R. 2530: Mr. SMITH of Nebraska.  
 H.R. 2552: Mr. CARSON.  
 H.R. 2580: Mr. NEUGEBAUER.  
 H.R. 2606: Ms. ROYBAL-ALLARD, Mr. HONDA, and Mr. PETERSON of Minnesota.  
 H.R. 2686: Mr. CAZAYOUX.  
 H.R. 2729: Mr. PAYNE.  
 H.R. 2734: Mr. SCALISE and Mr. SMITH of Texas.  
 H.R. 2784: Mrs. BOYDA of Kansas.  
 H.R. 2820: Mr. ALLEN.  
 H.R. 2832: Mr. PETERSON of Minnesota.  
 H.R. 2864: Mr. MORAN of Virginia and Ms. HIRONO.  
 H.R. 2880: Mr. CAMPBELL of California and Mrs. LOWEY.  
 H.R. 2914: Mr. SESTAK.  
 H.R. 3232: Mr. TIAHRT, Mr. BILIRAKIS, and Mr. LUCAS.

H.R. 3234: Mr. SMITH of Texas and Mr. NEUGEBAUER.  
 H.R. 3257: Ms. JACKSON-LEE of Texas.  
 H.R. 3273: Mr. CONAWAY, Mr. MARSHALL, Mr. BOSWELL, Mr. DICKS, Mr. CARDOZA, Mr. TOM DAVIS of Virginia, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. COOPER, Mr. PERLMUTTER, Mr. HILL, and Mr. SALAZAR.  
 H.R. 3326: Mr. ANDREWS.  
 H.R. 3395: Mr. CARSON.  
 H.R. 3457: Mr. HENSARLING and Mrs. CAPITO.  
 H.R. 3543: Mrs. JONES of Ohio and Mr. MURPHY of Connecticut.  
 H.R. 3631: Mr. CARSON.  
 H.R. 3654: Mr. MCINTYRE.  
 H.R. 3663: Mr. GALLEGLEY.  
 H.R. 3686: Mr. WU.  
 H.R. 3700: Ms. SUTTON.  
 H.R. 3717: Mr. ALTMIRE.  
 H.R. 3757: Mr. FILNER.  
 H.R. 3834: Mr. PETERSON of Minnesota.  
 H.R. 3929: Mr. CARSON.  
 H.R. 3934: Ms. GIFFORDS and Ms. TSONGAS.  
 H.R. 4030: Ms. DEGETTE.  
 H.R. 4053: Mr. HINCHEY.  
 H.R. 4055: Mr. MCNERNEY.  
 H.R. 4061: Mr. CALVERT.  
 H.R. 4113: Mr. INSLEE.  
 H.R. 4114: Mr. BISHOP of Georgia.  
 H.R. 4181: Ms. JACKSON-LEE of Texas.  
 H.R. 4188: Mr. CONYERS and Mr. ARCURI.  
 H.R. 4199: Ms. KAPTUR, Mrs. JONES of Ohio, and Mr. REGULA.  
 H.R. 4206: Ms. DELAURO and Mr. ARCURI.  
 H.R. 4207: Mr. SESTAK.  
 H.R. 4236: Mr. ANDREWS, Mr. KIND, Mr. CARSON, and Mr. SHERMAN.  
 H.R. 4251: Mr. SESTAK.  
 H.R. 4318: Mr. LARSON of Connecticut.  
 H.R. 4335: Mr. ISRAEL and Mr. WEXLER.  
 H.R. 4461: Mr. FRANK of Massachusetts.  
 H.R. 4544: Mr. DOYLE, Mr. DONNELLY, Mr. ROGERS of Alabama, and Mr. RODRIGUEZ.  
 H.R. 4651: Mr. MICHAUD and Mr. PETERSON of Minnesota.  
 H.R. 4827: Mrs. CAPITO.  
 H.R. 4897: Mr. LEWIS of Georgia.  
 H.R. 4900: Mr. FLAKE, Mr. LUCAS, Mr. UDALL of Colorado, and Mr. MANZULLO.  
 H.R. 4926: Mr. TIERNEY and Mr. MCHUGH.  
 H.R. 4990: Mr. RUSH.  
 H.R. 5028: Mr. PETERSON of Minnesota.  
 H.R. 5129: Mr. CARSON.  
 H.R. 5179: Mr. PAYNE.  
 H.R. 5244: Mr. BUTTERFIELD, Ms. KILPATRICK, Mrs. CAPPS, Mrs. NAPOLITANO, and Ms. NORTON.  
 H.R. 5265: Mr. PETERSON of Minnesota, Mrs. LOWEY, Mr. RUSH, and Mr. GRIJALVA.  
 H.R. 5315: Mr. HINCHEY and Mr. SESTAK.  
 H.R. 5404: Ms. SOLIS.  
 H.R. 5447: Mr. YARMUTH.  
 H.R. 5454: Mr. BISHOP of Georgia, Mr. PETERSON of Minnesota, and Ms. BORDALLO.  
 H.R. 5461: Mr. ABERCROMBIE.  
 H.R. 5469: Mr. ANDREWS.  
 H.R. 5516: Ms. SCHWARTZ.  
 H.R. 5541: Mr. BLUMENAUER and Mr. ROSS.  
 H.R. 5546: Mr. KING of Iowa.  
 H.R. 5549: Mr. DAVIS of Illinois, Mr. CUELLAR, Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, and Mrs. MALONEY of New York.  
 H.R. 5559: Mr. SESSIONS.  
 H.R. 5573: Mr. WELLER, Ms. ZOE LOFGREN of California, and Mr. SHULER.  
 H.R. 5632: Mr. COHEN and Ms. WOOLSEY.  
 H.R. 5662: Ms. GIFFORDS.  
 H.R. 5673: Mr. SOUDER, Mr. HELLER, and Mr. HENSARLING.  
 H.R. 5674: Mr. CLEAVER.  
 H.R. 5686: Ms. SUTTON, Mrs. CHRISTENSEN, and Mr. CARSON.  
 H.R. 5698: Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. BOOZMAN, and Ms. GRANGER.  
 H.R. 5705: Ms. BORDALLO, Mr. WAXMAN, Mr. CARSON, and Mr. INSLEE.

H.R. 5709: Ms. HERSETH SANDLIN.  
 H.R. 5734: Mr. NADLER and Mr. SESSIONS.  
 H.R. 5737: Mr. GOODE and Mr. MCHENRY.  
 H.R. 5748: Mr. MELANCON.  
 H.R. 5752: Mr. WOLF.  
 H.R. 5755: Mrs. BOYDA of Kansas.  
 H.R. 5762: Mr. STARK.  
 H.R. 5772: Mr. FRANK of Massachusetts and Mr. FILNER.  
 H.R. 5775: Mr. WESTMORELAND.  
 H.R. 5793: Ms. SOLIS, Mr. BOREN, Mr. SULLIVAN, and Mr. SHMKUS.  
 H.R. 5794: Mr. CRENSHAW.  
 H.R. 5797: Mr. MARSHALL.  
 H.R. 5804: Ms. DEGETTE and Mr. UDALL of Colorado.  
 H.R. 5823: Mrs. MALONEY of New York.  
 H.R. 5825: Mr. MCINTYRE.  
 H.R. 5827: Mr. KUHL of New York.  
 H.R. 5833: Mr. BOOZMAN.  
 H.R. 5839: Mr. JEFFERSON and Mr. MEEK of Florida.  
 H.R. 5852: Mr. FILNER.  
 H.R. 5854: Mr. SNYDER, Mr. HOLT, Mr. RODRIGUEZ, Mr. BUYER, Mr. DONNELLY, and Mr. MCCOTTER.  
 H.R. 5892: Mr. FALEOMAVAEGA, Mr. THOMPSON of California, and Mr. DELAHUNT.  
 H.R. 5893: Mr. CONYERS.  
 H.R. 5894: Ms. MCCOLLUM of Minnesota.  
 H.R. 5898: Mr. CRENSHAW, Ms. ESHOO, Mr. HARE, Mr. JACKSON of Illinois, Mr. KLEIN of Florida, Mr. MACK, Mr. MAHONEY of Florida, Mr. MILLER of North Carolina, Mr. STEARNS, Mr. TERRY, Mr. WEXLER, Mr. YOUNG of Alaska, and Mr. BOYD of Florida.  
 H.R. 5901: Mr. COHEN.  
 H.R. 5924: Ms. WASSERMAN SCHULTZ.  
 H.R. 5940: Mr. CARNAHAN, Mr. HONDA, Mr. MCNERNEY, Mr. HILL, Mr. JOHNSON of Illinois, Mr. FORTUÑO, and Mr. GONZALEZ.  
 H.R. 5949: Mr. KAGEN, Mr. PAUL, and Mr. CARTER.  
 H.R. 5954: Mr. ALTMIRE and Mr. RODRIGUEZ.  
 H.R. 5970: Ms. SCHWARTZ and Mr. BILIRAKIS.  
 H.R. 5971: Mr. WHITFIELD of Kentucky, Mr. SAM JOHNSON of Texas, and Mr. MCCARTHY of California.  
 H.R. 5984: Mr. HOEKSTRA, Mr. NEUGEBAUER, Mr. KUHL of New York, Mr. TIBERI, and Mr. BURGESS.  
 H.R. 6002: Ms. WATSON.  
 H.R. 6026: Mr. RYAN of Wisconsin, Mr. BOOZMAN, and Mr. LUCAS.  
 H.R. 6030: Mr. CARNAHAN and Mr. KUHL of New York.  
 H.R. 6034: Mr. STARK.  
 H.R. 6053: Mr. ENGLISH of Pennsylvania.  
 H.R. 6063: Mr. LAMPSON, Mr. CHANDLER, Mr. WU, and Mr. MELANCON.  
 H.R. 6064: Mr. KIND, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. GRIJALVA, Mr. REYES, Mr. RODRIGUEZ, Mr. SIREs, and Mr. NADLER.  
 H.R. 6065: Mr. CARNAHAN and Mrs. BIGGERT.  
 H.R. 6076: Ms. LORETTA SANCHEZ of California and Mr. CARDOZA.  
 H.R. 6078: Mr. SIREs.  
 H.R. 6087: Mr. BROUN of Georgia.  
 H.R. 6092: Mr. SAXTON and Mr. BONNER.  
 H.R. 6101: Mr. FORTENBERRY and Mr. NEUGEBAUER.  
 H.R. 6102: Mr. PAUL.  
 H.R. 6108: Mr. CANNON and Mrs. BACHMANN.  
 H.R. 6122: Mr. PETERSON of Minnesota.  
 H.R. 6160: Ms. SCHAKOWSKY, Mr. SARBANES, Ms. JACKSON-LEE of Texas, and Mr. HODES.  
 H.J. Res. 39: Mr. WOLF.  
 H.J. Res. 79: Mr. SIREs.  
 H.J. Res. 84: Mr. BISHOP of Georgia.  
 H. Con. Res. 223: Ms. HERSETH SANDLIN.  
 H. Con. Res. 285: Mr. SESTAK.  
 H. Con. Res. 299: Ms. CASTOR, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Mr. MOORE of Kansas, Mr. BRALEY of Iowa, Mr. JONES of North Carolina, and Mr. HONDA.  
 H. Con. Res. 338: Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, and Mr. MEEK of Florida.

H. Con. Res. 342: Mr. GRIJALVA, Mr. BERRY, Mr. KUHL of New York, Mr. BISHOP of Utah, Mr. CHANDLER, Mr. SHAYS, Mr. BOOZMAN, Mr. STEARNS, and Mr. WEXLER.

H. Con. Res. 350: Mrs. CAPPS and Mr. KENNEDY.

H. Con. Res. 357: Mr. EHLERS, Mr. BUYER, Mr. BROUN of Georgia, Mr. CANTOR, Mr. HERGER, Mr. JONES of North Carolina, Mr. GINGREY, Mrs. DRAKE, Mr. MCHENRY, Mr. RYAN of Wisconsin, Mrs. MUSGRAVE, Mr. MANZULLO, Mr. ISSA, Mrs. BACHMANN, Mr. MARCHANT, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. WESTMORELAND, and Mr. WILSON of South Carolina.

H. Con. Res. 362: Ms. BERKLEY, Mr. TERRY, Mr. FERGUSON, Mr. SULLIVAN, Mr. ROTHMAN, Mrs. LOWEY, Mr. TIBERI, Mr. MARSHALL, Mrs. BLACKBURN, Mr. SCHIFF, Mr. MCHUGH, Mr. CAMP of Michigan, Mr. POE, Mr. HENSARLING, Mrs. JONES of Ohio, Mr. BARTLETT of Maryland, Mr. PORTER, Mr. CHABOT, Mr. VIS-CLOSKY, Mr. CAMPBELL of California, Mr. MANZULLO, Mr. ROHRABACHER, Mr. BURGESS, Mr. SESSIONS, Mr. RENZI, Mr. UDALL of Colorado, Mrs. MUSGRAVE, Mr. GOODE, Mr. McNULTY, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, Mr. LOBIONDO, Mr. BROUN of Georgia, Mr. STEARNS, Mr. SHADEGG, Mr. HOLDEN, Mr. PLATTS, Mr. TANCREDO, Mr. MCCAUL of Texas, Mr. BILBRAY, Ms. CORRINE BROWN of Florida, Mr. PASTOR, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. SHUSTER, Mr. HAYES, Ms. ROS-LEHTINEN, Mr. GRAVES, Mr. FRELINGHUYSEN, Mr. HOYER, Mr. RODRIGUEZ, and Mr. WAMP.

H. Con. Res. 367: Ms. SCHWARTZ, Mr. ALTMIRE, Mr. SAM JOHNSON of Texas, Mr.

McGOVERN, Mr. SMITH of Washington, Mr. GERLACH, Mr. LANGEVIN, Ms. GRANGER, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. BUTTERFIELD, Mr. MOORE of Kansas, Mr. WALZ of Minnesota, Mrs. CAPPS, Mr. GRAVES, Mr. BILBRAY, Mr. RAMSTAD, Ms. BALDWIN, Mr. KIND, Mrs. MCMORRIS RODGERS, Mr. PORTER, and Mr. WILSON of Ohio.

H. Res. 353: Mr. MILLER of North Carolina, Mr. ISRAEL, Mr. PITTS, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. SHAYS, Mr. GERLACH, and Mr. BERRY.

H. Res. 356: Mr. RYAN of Ohio.

H. Res. 648: Mr. MANZULLO, Mr. DANIEL E. LUNGREN of California, Mr. LAMBORN, Mr. FEENEY, Mr. WELDON of Florida, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. PENCE, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. PITTS, Mr. MARCHANT, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. FORTUÑO, and Mr. DAVID DAVIS of Tennessee.

H. Res. 896: Mr. SESTAK and Mrs. JONES of Ohio.

H. Res. 985: Mr. HILL, Mr. SOUDER, and Mr. DONNELLY.

H. Res. 988: Mr. HALL of Texas, Mrs. BLACKBURN, Mr. ROGERS of Michigan, and Mr. CASTLE.

H. Res. 1010: Mr. MILLER of North Carolina, Mr. ROSS, Mr. BOREN, Mr. SULLIVAN, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mr. BRALEY of Iowa, Mr. SIMPSON, and Mr. COHEN.

H. Res. 1056: Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, and Ms. JACKSON-LEE of Texas.

H. Res. 1105: Mr. LEWIS of Georgia.

H. Res. 1108: Mr. HELLER.

H. Res. 1143: Mr. WOLF.

H. Res. 1187: Mr. WEXLER and Mr. ENGLISH of Pennsylvania.

H. Res. 1191: Mr. ALTMIRE and Mr. ALLEN.

H. Res. 1192: Ms. BALDWIN, Mr. BERMAN, and Ms. SPEIER.

H. Res. 1202: Mr. SOUDER, Mr. PENCE, Mr. INSLEE, Ms. BALDWIN, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. HILL, Ms. HOOLEY, and Mr. DAVIS of Kentucky.

H. Res. 1219: Ms. JACKSON-LEE of Texas, Mr. JORDAN, Mr. LINDER, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. HENSARLING, and Mr. BISHOP of Georgia.

H. Res. 1227: Mr. FATTAH, Mr. HINCHEY, and Mr. McGOVERN.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

252. The SPEAKER presented a petition of the Board of County Commissioners of Douglas County, Nebraska, relative to Resolution No. 143 opposing any cutback of the National Institute of Correction's budget; to the Committee on the Judiciary.

253. Also, a petition of American Bar Association, relative to a resolution regarding prosecutor obligation regarding new exculpatory evidence; to the Committee on the Judiciary.

254. Also, a petition of American Bar Association, relative to a resolution regarding criminal standards on prosecutorial investigations; to the Committee on the Judiciary.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, WEDNESDAY, JUNE 4, 2008

No. 91

## Senate

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

### PRAYER

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

Let us pray:

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

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

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE ASSISTANT MAJORITY LEADER

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

### SCHEDULE

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

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

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

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, equally divided and

controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from North Dakota is recognized.

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

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

### CLIMATE SECURITY

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

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

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

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



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

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

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

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

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

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

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

What do we do for wind energy, solar and other renewable energy tech-

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

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

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

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

Now, I understand some say that, in order to deal with climate change, you are going to have to find a way to wean yourself off of fossil fuels. I understand they say that, but I also understand that is not going to happen in the very near term. Let me tell my colleagues what is happening with respect to energy use in this country. Almost 50 percent of our electricity comes from coal. Without questioning it, we get up in the morning, flick on a switch, turn a knob, and turn a dial. We do all of these things with our hands, and energy flows. One-half of those activities are made possible because of the electricity that comes from coal. Does anybody really think we are not going to use coal in the future? The problem is, when we use coal, we have CO<sub>2</sub> that is emitted into the air. This CO<sub>2</sub> and other greenhouse gases contribute significantly to cause global climate change. So we need to find a way to

capture that CO<sub>2</sub> and to store or sequester CO<sub>2</sub> in geological formations or other means.

How do we use coal in the future? We use coal in the future by being able to capture this emitted CO<sub>2</sub>. So how do we do that? The question isn't whether we are going to use coal. The question is how are we going to use coal in the future.

There are some who say: Well, it is not possible to capture CO<sub>2</sub>. It is possible. Of course it is possible. At this point the technology isn't fully proven, and it is expensive. Yet, we can see several technology options ahead.

Let me describe to my colleagues a plant in North Dakota, the only one of its kind in North America. It produces synthetic gasoline from lignite coal. Let me tell my colleagues what we do with the CO<sub>2</sub> in that plant. We capture the CO<sub>2</sub> and use it for enhanced oil recovery. It is one of the world's largest examples of CO<sub>2</sub> capture at an industrial facility. Half of the CO<sub>2</sub> produced at this facility is now captured. This CO<sub>2</sub> is put in a pipeline under pressure and sent to Saskatchewan, Canada. Oil industry interests there pump it underground to enhance oil recovery. We are successfully using CO<sub>2</sub> by capturing it, keeping it out of the atmosphere, investing it underground in Canada, and enhancing their oil recovery. That makes a lot of sense, and we need more of these types of projects. Is it possible? It is very possible. That one of the world's largest applications is being demonstrated in Beulah, North Dakota.

Now, what else can we do dealing with carbon and the capturing of CO<sub>2</sub>? If you are going to unlock the mystery of how you continue to use fossil fuels that we must use without impacting our environment and our planet, we need to have kind of a moonshot approach. We can't just tiptoe around the issue. We have to decide we are going to significantly commit funding—billions of dollars—to the research and demonstrations in science and technology.

Let me give you some examples. I was in Phoenix, Arizona recently, and I toured an electric utility called the Arizona Public Service. The organization in Arizona is producing CO<sub>2</sub> at a coal-fired electric generating plant. What they are doing with it is very interesting. They are taking a stream of CO<sub>2</sub> off their stack in a coal-fired electric generating plant and putting it in very long greenhouses, and they are producing algae. This pictures shows one example of greenhouses where they are doing it in tubes.

Most of us know what algae is. Algae is single-cell pond scum. Every kid knows what that is. You have been to a little pond where stagnant water has hung around for a while and you see green slime or single-cell pond scum called algae. Algae grows in water. What does it need to grow? It needs two things—sunlight and CO<sub>2</sub>.

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

Let me tell you what they are doing in Arizona. In Arizona, they are trying to demonstrate growing algae in these greenhouses which are next to a coal-fired electric generating plant. They take the CO<sub>2</sub> from the plant and use it to grow this pond scum. In these very long greenhouses where they are producing algae from the plant's CO<sub>2</sub>, they harvest the algae and produce diesel fuel. So what they are doing is taking something that we want to get rid of to grow single-cell pond scum called algae, which increases its bulk in hours.

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

An equivalent acre of algae harvested for diesel fuel produces 3,000 to 4,000 gallons. Think of this. We use much coal to produce electricity and that increased manmade CO<sub>2</sub> is destructive to the atmosphere. Yet capturing the CO<sub>2</sub> and producing fuel is very beneficial.

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

Take a look at this chart. Here is the baking soda, and it contains the CO<sub>2</sub>. Instead of emitting it into the atmosphere, it is embedded in the CO<sub>2</sub>. It can be put in a landfill, but you can also make cookies. I happen to like the idea of eating cookies from this process. They said: Do you want to have some cookies produced from coal? It tasted pretty good because it was produced with, among other things, the baking soda which was a byproduct from coal.

Here is another example of what we can do. I have in my hand some sandstone. You can find this in many geologic formations, including 10,000 to 15,000 feet underground in North Dakota. There also might be a very viable way to capture and store the CO<sub>2</sub> underground. The carbon dioxide under pressure is pumped underground, attaches itself to sandstone and is therefore sequestered. We have examples, as I said previously, of CO<sub>2</sub> being used in marginal oil wells.

We suck out oil all across the planet every single day. We stick straws into the Earth, and we suck out 85 million barrels a day. We use one-fourth of that oil produced every day in the United States. We have a prodigious appetite for this energy. When you

stick a drilling rig into the ground and find oil, in many cases, you are only getting about 30 percent of the oil pool pumped up. At that point, it is difficult to produce any more without some extra help or advanced technology. If you pump CO<sub>2</sub> down into that ground under pressure, you enhance oil recovery. You have a way to get rid of the CO<sub>2</sub> by putting pressure on the oil to bring it up. You have gotten rid of the CO<sub>2</sub>, protected the environment, are still able to use coal and have enhanced the recovery of oil from domestic sources.

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

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

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

to expand technology to use coal in a near zero emissions way, we can not meet the goals outlined in this bill.

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

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

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

I am convinced we can do this. I am convinced that investments in these technology opportunities allow us to address the climate change challenge and still continue to use the most abundant source of energy in this country without injuring our environment. There are people out there who are some of the best and the brightest scientists and engineers in our country. We need these people working on this issue. There are many technological leaps that need to be made. The best minds should be working on ways to take CO<sub>2</sub>, produce baking soda, and make cookies. They should be working on ways to have beneficial use of carbon, which is destructive to our environment, but can be constructive if you invest it in algae and harvest the algae for diesel fuel.

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

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

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

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

I yield the floor.

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

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

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

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

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

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

We clearly understand something is happening to the Earth. The Earth is heating up. Obviously, there are interests that are going to be affected—special interests—if we go about changing the way we are doing business, the kinds of pollutants we are putting in the air, and those business interests will claim that, in fact, they are being harmed. I understand that. That is part of the body politic we have to come together and find a solution on what will be the least detrimental to folks as we are trying to change the Government

policy of all this stuff we are putting in the air. Indeed, we have been putting this in the air ever since we started changing our society in the Industrial Revolution because the burning of fossil fuels is starting to accumulate carbon in the air. That carbon is acting as a shield in the upper atmosphere, creating a greenhouse effect, that when the Sun's rays come in and hit the Earth, and they reflect off; normally, they would radiate out into space. But the fact that we are creating a cap, similar to a greenhouse, with these gases—primarily carbon dioxide—they are trapping that heat and, as a result, the Earth is heating up.

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

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair.

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

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

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

The Senator from Texas is recognized.

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

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

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

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

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

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

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

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

Instead of dealing with that urgent need that affects every man, woman, and child in this country, this Congress

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

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

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

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

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

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

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

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

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

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

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

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

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

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

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

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

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

income tax, or to create a bureaucracy that is going to monitor this complexity throughout the country.

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

The goal of this legislation is to reduce CO<sub>2</sub> emissions in our country, they say, by 71 percent by 2050. That means to reduce the amount of carbon fuels we use by 71 percent by 2050. But the population is increasing in our country during this time significantly, by every poll that I think is accurate, and when you calculate that, it means we are going to reduce carbon emissions per American—per capita—by 90 percent. It means virtually the elimination of coal, natural gas, and gasoline and oil—eliminate those from the American economy. We do not have the science and the technology to get us there as of now, yet this bill would put us on a direct glidepath toward that direction.

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Manufacturing jobs will be one of the hardest hit sectors as the Energy Information Administration projects that manufacturing output will decline by up to 9.5 percent in 2030. This country

has already lost 19 percent of its manufacturing jobs since 2000. This legislation will only help push those jobs outside of our borders.

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

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

This will be devastating to families across the country.

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

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

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

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

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

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

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

The details of the Climate Security Act will greatly affect every American and are extremely important. Have no

doubt about it, a vote for cloture on this bill is a vote to increase gas prices by a minimum of 53 cents per gallon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

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

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

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

I have a chart here I want to share with my friends. For those of you who have not been to Delaware, this is Delaware: About 100 miles end to end, and from east to west, maybe 50 miles here. This is the outline of our coast. This is Lewes. This is Cape Henlopen. This is Rehoboth Beach, Dewey Beach, Bethany Beach, Fenwick Island, the Nation's summer capital. This is where the beach is today. Fifty years from now, if we don't do anything about global warming, sea level rises will have been 2 feet and this will be the beach in Delaware. This is Dover, DE, our State capital. This past Sunday we hosted 150,000 people from all over the

country—NASCAR race. In 50 years from now, if we are not careful, this will not be Dover, it will be Dover Beach. We won't be having NASCAR races at Dover Beach. We may be having sailing regattas, we may have motorboat races, but we will not be having stock car races unless we do something about it, so this is imperative for a lot of reasons, including some that are close to my heart.

Since our last Senate debate on this issue we have seen the scientific community come together on this issue. The Intergovernmental Panel on Climate Change has undeniably affirmed that the warming of our climate system is linked to us, human activity. We also know the United States is one of the world's two largest emitters of greenhouse gases, along with the Chinese. In fact, they may have overtaken us by now. We account, in this country, for almost 20 percent of the world's greenhouse gas emissions and for almost one-quarter of the world's economic output. I believe our Nation has a responsibility to reduce our emissions of CO<sub>2</sub>. In short, we have a responsibility to lead.

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

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

DuPont CEO Chet Holliday has said:

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

Contrary to concerns that combating global warming will hurt American businesses, DuPont's actions have had major positive impacts on its bottom

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sequestration for coal-fired generation of electricity.

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

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

Unfortunately, this bill still continues on the same old paradigm of rewarding the historical polluters by distributing pollution allowances on an "input" basis. This means allowances to emit CO<sub>2</sub> in this bill are allocated based on historic emissions and the fuel being used rather than with respect to the efficiency with which power is generated.

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

It seems to me, colleagues, here we are trying to figure out how to apportion those allowances to emit CO<sub>2</sub>. Why not provide more allowances to those utilities that create more electricity by using less energy? That is what we should be doing. Unfortunately, what we do in this bill is we provide more allocation to emit CO<sub>2</sub> to powerplants that use more energy rather than less energy. We should really provide the allocation and distribution of allowances—to some extent, at least—to reward those that provide a lot of electricity without using a lot of energy.

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

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

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

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

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

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

Let's look at this chart here on my left. This line right here shows what CO<sub>2</sub> emissions are from our car, truck, and van fleet starting in 2005 by incorporating the new CAFE standards for 35 miles per gallon by 2020. Here is where we end up in CO<sub>2</sub> emissions for cars, trucks, and vans. Great progress. Unfortunately, if we keep driving more and more every year, the great reductions in CO<sub>2</sub> which could be recognized here are going to end up with no reduction at all unless we do something about vehicle miles traveled and reduce the amount of time we spend in our cars, trucks, and vans rather than continue to see that grow as we have over the last decades.

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

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

While this provision is important, we need to find a way to give communities a greater say in how they can spend their transit dollars. Transit is needed across our Nation. However, many communities would benefit from improved bike and pedestrian infrastructure, be they sidewalks, crosswalks, traffic calming, bike lanes—you name it. In rural areas, increasing freight

rail capacity might be the most effective way to reduce vehicle pollution. Ideally, I think we ought to leave it to the local communities to determine which strategy works best for them and therefore allow all communities to take steps to address this portion of transportation pollution. Having said that, the provisions in this bill are a good first attempt to address this problem. We ought to do those, but we can do more and should do more.

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

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

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. CARPER. I thank the Chair.

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

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

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

President John Kennedy once said:

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

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

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

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

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

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

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

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

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

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

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

Over the recess, as part of my six-city tour of Missouri I mentioned ear-

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

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

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

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

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

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

The PRESIDING OFFICER. There is 17 minutes.

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

Mr. VITTER. I need about 8 minutes.

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

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

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

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

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

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

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

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

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

Mr. VITTER. Thank you, Mr. President.

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

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

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

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

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

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

part of other industrialized powers such as China and India.

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

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

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

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

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

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

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

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

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

Mr. VITTER. Thank you, Mr. President.

Switching from coal plants to natural gas will drive job loss, particularly

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

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

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

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

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

The PRESIDING OFFICER. The Senator has used 8 minutes.

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

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

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

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

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

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

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

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

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

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

Another cause for concern on the economic side is the estimate of the

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

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

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

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

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

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

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

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

gage crisis, and maybe this bill creates that blueprint for carbon.

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

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

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

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

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

Who yields time?

The Senator from North Dakota is recognized.

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

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

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

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

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

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

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

We will hear a lot from the other side about spending in this budget and we will hear claims that this takes spending through the roof. Let's compare the spending in this conference report with what the President proposed. In this conference report, total spending is \$3.07 trillion in 2009. The President has \$3.04 trillion. That is a difference of 1 percent. Again, the conference report shows spending of \$3.07 trillion, the

President proposed \$3.04 trillion, a difference of 1 percent. Where did the difference go? Well, it went in those areas I have discussed: energy, education, and infrastructure, all of them critical needs.

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

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

Mr. GREGG. Will the Senator yield?

Mr. CONRAD. Momentarily.

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

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

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

Here is what happened. There was no tax increase.

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

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

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

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

As everyone knows, Senator KENNEDY is ill. He has had brain surgery. He is now in a hospital in North Carolina. Senator BYRD has taken ill. He is

in a hospital in Virginia. My Republican colleagues stepped forward. Senator WARNER said: I will pair with Senator KENNEDY. That is something we used to do a lot. We don't do it as much as we used to. But I will pair, said Senator WARNER, with Senator KENNEDY. That way he is recorded as if Senator KENNEDY were here, he would vote opposite of Senator WARNER and therefore it cancels out the votes.

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

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

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

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

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

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

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



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

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

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

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

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

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

This budget has buried in it a \$1.2 trillion tax increase. Yes, it would not occur this year, but it is assumed in the budget. That is how they get to balance in the budget. It is assumed in the outyears. That tax increase will translate, when it kicks in, in 2011, into real increases in taxes for Americans. Although most of us cannot un-

derstand \$1 trillion, we can understand the fact that for families earning \$50,000, with two children, their taxes, under this proposal, over the next 5 years will go up \$2,300. For retired people—and there are 18 million of them—their taxes will go up over \$2,000. For 47 million small businesses in America today—the engines of the economy, of economic growth, the people who create the jobs in this economy—their taxes will go up \$4,000. That is a lot of money. That is money they should be able to keep, and it should not come to the Federal Government. That tax increase should not go into place.

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

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

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

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

Let me tell you, there are programs we can eliminate, and we should have made that tough decision. So we have strong opinions that this budget doesn't go where it should go. It fails in the issues of tax policy, entitlement policy, and spending policy. Obviously, the other side of the aisle is the majority—and, remember, they were in the majority last year too—so they have the right to pass their budget. I point

out that last year they claimed they were going to give us a tax cut, and they didn't do it. They took credit for the amendment that said they were going to give a tax cut, but it was never passed. This year, they are taking credit for the same amendment, and I suspect it would not pass again.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

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

The legislative clerk called the roll.

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

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

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

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

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

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

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

[Rollcall Vote No. 142 Leg.]

YEAS—48

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

NAYS—45

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

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

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

Domenici,  
against

Warner, against

NOT VOTING—5

Biden

Clinton

Byrd

Kennedy

McCain

The conference report was agreed to. Mr. CONRAD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

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

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

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

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

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

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

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

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

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

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

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

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

simply reduce the rate of growth. This conference report rejects even slowing the growth in entitlements. For these reasons alone, the conference report ought to be rejected.

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

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

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

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

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

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

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

FISCAL YEAR 2009

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

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

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

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

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

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

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

This budget rejects the President's failed policy of paying for tax cuts by

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

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

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

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

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

I am also pleased that this conference report retains an amendment I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is no excuse for us, in the wealthiest nation on Earth, to watch a

child die for lack of access to basic dental care. It is difficult to find dentists to treat low-income children for two reasons. First, because there is a shortage of pediatric dentists—only 4.3 percent of dental school graduates in 2001 reported pediatric dentistry as their specialty of choice; and second, because the reimbursement from public programs such as Medicaid and SCHIP is low.

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I ask unanimous consent—

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

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

#### MORNING BUSINESS

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

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

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

The PRESIDING OFFICER. The Senator from Mississippi.

#### CLIMATE SECURITY ACT

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

According to projections by the Energy Information Administration and the Environmental Protection Agency, energy costs are projected to rise because of this legislation. Energy prices are already at an all-time high. We cannot afford to increase these costs even further. By 2030, increased costs for delivered coal could range between

405 percent and 804 percent, natural gas prices could rise between 34 percent and 107 percent, and gasoline prices could go up between 17 percent and 41 percent. Although the substitute amendment we are considering imposes yearly cost ceilings, these high prices will still be realized unless improbable advancements in alternative energy production, such as 70 new nuclear reactors and 68 billion gallons of ethanol, are produced.

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

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

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

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

nues for Department of the Interior adaptation activities or to allocate 3.1 percent of auction revenues in 2030 for cellulosic biomass programs.

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

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

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

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

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

The PRESIDING OFFICER. There remains 14 minutes.

#### OIL SPECULATION

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

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

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

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

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

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

The price of oil should be about \$50-55 per barrel.

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

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

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

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

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

This is from the Newark Star Ledger on January 8.

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

Again, an oil company executive.

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

There is absolutely no shortage of oil. I'm convinced that oil prices shouldn't be a dime above \$55 a barrel.

I call it the world's largest gambling hall.

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

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

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

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

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

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

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

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

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

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

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

What can we do to end and wring out the speculation? Let me say, first, we need oil. I am not here to trash oil. We

need oil. I understand that. We put in place in 1960 generous tax breaks that are permanent to say: If you are looking for oil or gas, we want to give you some tax incentives to do that. That is what this country did a long time ago.

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

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

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

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

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

\$5,000 to \$7,000. If you want to control \$100,000 worth of stock on margin, it will cost you \$50,000.

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

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

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

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

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

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

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

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

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

**LIEBERMAN-WARNER CLIMATE  
SECURITY ACT OF 2008**

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

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

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

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

The clerk will read the bill by title. The assistant legislative clerk read as follows:

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

AMENDMENT NO. 4825

(Purpose: In the nature of a substitute)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read.

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

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

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read.

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

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

The PRESIDING OFFICER. The Senator from California.

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

The PRESIDING OFFICER. Is there objection?

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

I do object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. CORNYN. Regular order, Mr. President.

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the amendment.

The journal clerk continued with the reading of the amendment.

The PRESIDING OFFICER. The Senator from California.

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

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

Mr. ALLARD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the reading of the amendment.

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

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

Mr. SALAZAR. Addressed the Chair.

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

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

The PRESIDING OFFICER. Is there objection?

Mr. CORKER. I object, Madam President.

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

Mr. SALAZAR. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado.

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

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

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

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

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

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

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

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



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

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

I suggest the absence of a quorum.

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

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

[Quorum No. 2 Leg.]

Boxer Reid Salazar

The PRESIDING OFFICER. A quorum is not present.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

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

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah

(Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Alaska (Mr. STEVENS).

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

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

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

[Rollcall Vote No. 143 Leg.]

YEAS—27

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

NAYS—28

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

NOT VOTING—45

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

The motion was rejected.

The PRESIDING OFFICER. A quorum is present.

The majority leader is recognized.

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

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

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

As I said earlier this week, manmade pollution is causing the Earth to warm. The science is crystal clear. We have for more than 100 years been taking

carbon out of the Earth and putting it into the sky. It is causing our Earth to have a fever. Our Earth is sick, and we must look at the sickness and try to do something about it.

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

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

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

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

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

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

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

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

Let me repeat the last sentence:

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

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

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

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

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

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

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

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

Again, as they say, they want to make political points. Anybody watching this debate will know the Republicans have fully executed this strategy. What did they do today to execute in making political points? That is some political point. It is routine here to not read the amendments, but they said "we object." So we proceeded to have the amendment read. They executed this strategy and they have done it well, and they tried to make political points. I have no reason to doubt

that they are prepared to go the final mile to stretch out the final consideration of this bill before finally killing it.

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

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

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

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

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

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

I want everybody here to know what I have gone through a little bit. Listen to this. The Thursday before we went out, I worked very long and hard and spent hours working with the President's Chief of Staff, to work out some

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

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

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

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

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

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

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

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4826 TO AMENDMENT NO. 4825

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the end of title XIII, insert the following:

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

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

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

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

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

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic

shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support

for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4827 TO AMENDMENT NO. 4826

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Climate-friendly technologies can improve air quality by reducing harmful pollut-

ants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained eco-

nomical growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

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

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

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

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

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

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

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

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

AMENDMENT NO. 4828

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the end of the bill, add the following:

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4829 TO AMENDMENT NO. 4828

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

## CLOTURE MOTION

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

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

The legislative clerk read as follows:

## CLOTURE MOTION

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

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

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

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

## AMENDMENT NO. 4830

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

At the end, insert the following:

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 4831

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 4832 TO AMENDMENT NO. 4831

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

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

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

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

Mr. President, the amendment I am filing to S. 3036, the Lieberman-Warner

Climate Security Act of 2008, is designed to use the revenues generated from the auctioning of the greenhouse gas allowances for tax relief.

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

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

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

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

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

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

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

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

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

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

#### RURAL COOPERATIVES

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

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

As the Senator from Connecticut knows, many rural electric cooperatives in this country serve the role of local distribution companies. The committee-reported version of the Climate Security Act included rural electric cooperatives among the local distribution

companies that receive emission allowances over the entire 42-year life of the program. In Florida, electric cooperatives serve more than 1,000,000 Floridians in 58 of our 67 counties. Most of these rural electric cooperatives own fossil fuel-fired powerplants.

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

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

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

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

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

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

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

#### CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

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

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

#### CLOTURE MOTION

Mr. REID. Mr. President, in light of that objection, I now move to proceed

to Calendar No. 743, S. 3044, and send a cloture motion to the desk.

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

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

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

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

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

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 6124

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

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

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

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

The PRESIDING OFFICER. The Republican leader.

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

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

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

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

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

Other efforts will be made to drive that point home.

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

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

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

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

An interesting parallel—and I see my good friend the Senator from Virginia, who is actually a supporter of this bill and a cosponsor of it, sitting here in the Chamber. He and I were here in 1990, as was the majority leader, when we did the clean air amendments, which was a major piece of legislation. It was not as big as this bill but a big, important bill. The Democrats were in control of the House and Senate. There was a Republican in the White House. How did we handle the clean air amendments of 1990 under George Mitchell, then the Democratic leader? We had 5 weeks of debate on the floor of the Senate and we had 180 amendments. Everybody knew it was an important measure. It deserved the attention and the participation of 100 Members of the Senate, not 1 Member—the majority leader—determining which amendments would get to be offered and in the end asking the Senate to ac-

cept a procedure under which no amendments would be offered. Now, Mr. President, by any objective standard, that is not a serious effort to legislate. You can't cram a measure of this magnitude down the throat of the Senate or the American people with that little scrutiny or observation.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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

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

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

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

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

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

I stated explicitly that we couldn't guarantee—and that is in the record—I couldn't guarantee the outcome because it depended on factors beyond my control. The Senate did in fact confirm Virginia Supreme Court Judge Steven

Agee to the Fourth Circuit Court of Appeals in May. In addition, Chairman LEAHY expedited Judiciary Committee consideration of two seats to the Michigan Sixth Circuit Court of Appeals in light of the pledge I made. These nominations were the result of many years of negotiations between the White House and Michigan Senators. This has been going on for 6 years.

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

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

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

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

Mr. LEAHY. If the Senator will yield without losing his right to the floor, nobody has. In fact, as I listen to this colloquy, I was wondering what was going on until I read in the Washington Times the Republican fixation on

judges is part of an effort to bolster Senator JOHN MCCAIN's standing among conservatives—which is unfortunate; to bring in the judiciary, the independent Federal judiciary, and make them a political tool.

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

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

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

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

Mr. LEAHY. If I can answer my question—

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

Mr. LEAHY. To further answer the question.

Mr. MCCONNELL. Is it permissible to yield—

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

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

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

Mr. REID. There is no question about that.

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

Mr. REID. I very definitely am.

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



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

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

Mr. REID. I will be happy to.

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

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

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

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

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

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

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

Mr. MCCONNELL. I would ask my friend further, are district judges now

controversial, too, particularly those who have been reported out of the committee and been on the calendar for 6 weeks or so?

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

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

Mr. REID. Yes.

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

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

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

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

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

Mr. REID. Of course.

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

Mr. REID. The Republican leader said we want to work the way we used

to in the Senate. Take our word for it. We are not trying to deep six these people. This is the first time I ever heard about it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. LEAHY. He is right.

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

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

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

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

Mr. REID. That is what I said.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

Corporation for National and Community Service: Eric Tannenblatt,

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

The PRESIDING OFFICER. Is there objection?

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### UNITED STATES POSTAL SERVICE

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

#### DEPARTMENT OF STATE

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

#### POSTAL REGULATORY COMMISSION

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

## DEPARTMENT OF COMMERCE

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

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

## DEPARTMENT OF STATE

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

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

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

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

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

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

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

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

Robert Stephen Beecroft, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

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

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

Patricia McMahon Hawkins, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of espe-

cially distinguished service over a sustained period.

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

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

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

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

## IN THE AIR FORCE

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

*To be major general*

Col. Kimberly A. Siniscalchi

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Mark D. Shackelford

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Philip M. Breedlove

The following named officer for appointment as the Chief of Air Force Reserve and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8038:

*To be lieutenant general*

Maj. Gen. Charles E. Stenner, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Brig. Gen. John F. Mulholland, Jr.

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brigadier General Stephen E. Bogle  
Brigadier General James G. Champion  
Brigadier General Joseph J. Chaves  
Brigadier General Myles L. Deering  
Brigadier General Mark E. Zirkelbach

*To be brigadier general*

Colonel Roma J. Amundson  
Colonel Mark E. Anderson  
Colonel Ernest C. Audino  
Colonel David A. Carrion-Baralt  
Colonel Jeffrey E. Bertrang  
Colonel Timothy B. Britt  
Colonel Lawrence W. Brock, III  
Colonel Melvin L. Burch  
Colonel Scott E. Chambers  
Colonel Donald J. Carrier

Colonel Cecilia I. Flores  
Colonel Sheryl E. Gordon  
Colonel Peter C. Hinz  
Colonel Robert A. Mason  
Colonel Bruce E. Oliveira  
Colonel David C. Petersen  
Colonel Charles W. Rhoads  
Colonel Rufus J. Smith  
Colonel James B. Todd  
Colonel Joe M. Wells

The following named officer for appointment as the Vice Chief of Staff of the Army and to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

*To be general*

Lt. Gen. Peter W. Chiarelli

## IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Harry B. Harris, Jr.

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral*

Rear Adm. (lh) Julius S. Caesar  
Rear Adm. (lh) Wendi B. Carpenter  
Rear Adm. (lh) Garland P. Wright

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. William H. McRaven

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Michael C. Vitale

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Raymond E. Berube

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Richard R. Jeffries  
Rear Adm. (lh) David J. Smith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. David F. Baucom  
Capt. Vincent L. Griffith

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. David C. Johnson  
Capt. Thomas J. Moore

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Maude E. Young

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Michael H. Anderson

Capt. William R. Kiser

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Norman R. Hayes

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. William E. Leigher

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. William E. Gortney

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Melvin G. Williams, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. David J. Dorsett

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. (lh) Kevin M. McCoy

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. William D. Crowder

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Peter H. Daly

#### DEPARTMENT OF JUSTICE

Elisabeth C. Cook, of Virginia, to be an Assistant Attorney General.

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

#### DEPARTMENT OF HOMELAND SECURITY

Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

#### HOUSING AND URBAN DEVELOPMENT

Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development.

#### INSTITUTE OF PEACE

Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Iqram U. Khan, of Nevada, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

J. Robinson West, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

Nancy M. Zirkin, of Maryland, to be a Member of the Board of Directors of the

United States Institute of Peace for a term expiring January 19, 2011.

Kerry Kennedy, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Eric J. Tanenblatt, of Georgia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

Layshae Ward, of Minnesota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2012.

Hyepin Christine Im, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE AIR FORCE

PN1465 AIR FORCE nominations (5) beginning LONNIE B. BARKER, and ending JERRY P. PITTS, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1615 AIR FORCE nominations (2) beginning ERIC L. BLOOMFIELD, and ending DEBORAH L. MUELLER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1670 AIR FORCE nominations (3) beginning MARY J. BERNHEIM, and ending KELLI C. MACK, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1671 AIR FORCE nominations (8) beginning JAMES E. OSTRANDER, and ending FRANK J. NOCILLA, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

##### IN THE ARMY

PN1603 ARMY nomination of Cheryl Amyx, which was received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1604 ARMY nomination of Deborah K. Sirratt, which was received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1605 ARMY nominations (2) beginning MARK A. CANNON, and ending MICHAEL J. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1606 ARMY nominations (2) beginning GENE KAHN, and ending JAMES D. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1607 ARMY nominations (7) beginning LOZAY FOOTES III, and ending MARGARET L. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1608 ARMY nominations (5) beginning PHILLIP J. CARAVELLA, and ending PAUL S. LAJOS, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

PN1616 ARMY nomination of Jimmy D. Swanson, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1617 ARMY nomination of Ronald J. Sheldon, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1663 ARMY nominations (11) beginning BRIAN M. BOLDT, and ending CHRISTOPHER L. TRACY, which nominations were received by the Senate and appeared in the Congressional Record of May 8, 2008.

PN1672 ARMY nomination of James K. McNeely, which was received by the Senate

and appeared in the Congressional Record of May 13, 2008.

#### IN THE FOREIGN SERVICE

PN1563 FOREIGN SERVICE nominations (300) beginning Craig Lewis Cloud, and ending Kimberly K. Ottwell, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1594 FOREIGN SERVICE nominations (7) beginning Carmine G. D'Aloisio, and ending Judy R. Reinke, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2008.

#### IN THE NAVY

PN1613 NAVY nominations (21) beginning STANLEY A. OKORO, and ending DAVID B. ROSENBERG, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2008.

PN1618 NAVY nomination of Robert S. McMaster, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1619 NAVY nomination of Christopher S. Kaplafka, which was received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1673 NAVY nomination of David R. Eggleston, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1674 NAVY nominations (6) beginning KATHERINE A. ISGRIG, and ending JASON C. KEDZIERSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1675 NAVY nominations (6) beginning ROBERT D. YOUNGER, and ending JEFFREY W. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2008.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from California.

#### CLIMATE SECURITY

Mrs. BOXER. I was hoping that I could engage my friend the majority leader as the chairman of the Environment and Public Works Committee. He has entrusted me, and my colleagues have, and I do not think we should leave here without me asking you a couple of questions because I think people who were watching this debate were very confused. I wanted to make sure I ask a series of questions to my friend, and then we will all go home because it is time to go home.

We expected to have a robust debate on the global warming bill and finally get this country off of fossil fuel, off of foreign oil, off of big oil. And we found that although my understanding was the majority leader had no idea about this, the Republican side, of course, forced the clerks to read the amendment, which took us 6 to 7 hours or so and took us all the way into the night; is that correct?

Mr. REID. I say to my friend, I have had the good fortune to be chairman of your committee twice; one of them was a very short period of time because we were in the majority for a little while. It is a wonderful committee, and I do

not know of a better committee in the whole Congress—so many important things to do and deal with. Not only is the distinguished Senator from California, who represents almost 40 million people—she is a person who is suited to be the chairman of this committee like no other committee chairman we have ever had. I know where your heart is. I have known you for 26 years. We came here in 1982 together. And this piece of legislation—you worked on it on a bipartisan basis—is a good piece of legislation. Is it perfect? The chairman acknowledged it is not a perfect bill.

But I would only say to the chairman of the Committee, I do not think the American people are confused at all. I think they know what has happened. We have seen today a situation where we have read into the RECORD the Republican's play book; that is, they are playing political games, they are stalling, they do not want to deal with the most important issues we face in the world today—global warming. They want to wait, hoping above hope that something will happen in November and that they will be in the majority.

Mrs. BOXER. Isn't it true that as a result of these dilatory tactics and slowing us down and making us waste 30 hours to proceed, to get to a motion to proceed and then doing all this, isn't it true it puts us into a terrible bind here? We know the days have to be filled with legislative work. They have stopped work to fight for the status quo. They have stopped us in our tracks on this issue. I guess what I would like to say, yes, we will go to a vote. Because the Republicans don't seem—there is a few of them over there who help us, but most of them won't help us. We may not be able to move forward on this bill. At this late time of night, I ask the majority leader to comment, and that will be the end of my questions, I know there are a lot of people out there who are still up and watching, believe me, especially a lot of people in your home State and my home State. They understand this. They understand what is happening. Eighty-nine percent of the people polled said: Do something about global warming. The faith-based groups want it. The scientists are telling us this is right.

Tomorrow or I should say later today, we will have an amazing press conference with John Warner, myself and others, with former military people testifying to the fact that global warming is one of the looming threats to our national security. Still, the other side would stop us from getting to energy independence, stopping us from getting off foreign oil, stopping us from getting off big oil and using these ludicrous arguments about gas prices when, under George Bush's watch and their watch, gas prices went up 250 percent in 7 years and, in less than 1 year, 82 cents. It is ridiculous.

I hope the people hearing us tonight will pick up their phones and call their

Senators first thing in the later hours of the morning and tell them to vote yes to allow this debate to move forward.

I thank my leaders, my majority leader and the assistant majority leader, for their courage in scheduling this, for standing up for the American people, and for doing everything they could to get us to a full debate. If we don't have it now, we will have it when we have a President in the White House—and you know where I come down on that one—who is going to send over a bill here, and we will get started on this work and get it done.

I guess, because I have to ask the question, I will ask you, my friend, if you look forward to that day.

Mr. REID. I say to my friend, if not now, when? If not now, when are we going to debate this most important issue? I feel very good that this committee, led by Senator BOXER, was able to report out of that committee, under the most trying circumstances, because of the courage of one Republican by the name of JOHN WARNER of Virginia, was able to get enough votes to put this bill on the floor. I go to the playbook of the Republicans on this. Listen to this:

The focus is much more on making political points than amending the bill.

I didn't make this up. That is what they said.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Because it is after midnight and the staff has gone through so much today reading this bill, I will make my comments brief. It is hard to believe how much time we wasted today when we could have been considering the global warming bill and passing and considering important amendments. Now we find ourselves past midnight, after wasting hour after hour, when the Republican minority asked the amendment be read, every word of it read into the record, when that was totally unnecessary, an amendment which was available to us days ago, at least in summary form weeks ago, a total waste of time. It is a continued effort by the Republican side of the aisle to slow down and stop any effort to make progress on legislation people care about across America.

It is all their party has left. GOP stands for graveyard of progress. They don't want us to do anything. Today they wasted an entire day of the Senate.

I will close by saying, what troubles me the most is that the Republican minority leader would come to the floor with this sense of urgency about three district court Federal judges, a sense of urgency, yet does not share that same sense of urgency about the global warming that is changing the world we live in. The world will little note nor long remember those three judges, as good as they may be individually, but it will remember that we wasted an entire day and perhaps wasted our best efforts this session to take up the sin-

gle most important issue for the survival of the planet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will add my thoughts that it is an important issue for us to deal with, global warming, and energy security and elimination of pollution and a healthy economy not being damaged by excessive imports of oil or high prices of oil. We wish to deal with that. This bill is a tremendously large bill that dwarfs the prior Clean Air Act of 1990 in significance. I wish to say what happened tonight was the majority leader, utilizing the power of his recognition, has now filled the tree and not one amendment can be offered, as I understand the procedures, he does not agree to. When we did the Clean Air Act, some 200 or more amendments were offered, 5 weeks was spent on it, and 130 amendments, as I recall, were disposed of in some fashion. So we have this tremendous bill we want to talk about.

I would suggest it is as plain as day that as people learn more about it, they are going to be even more concerned than they are today and less supportive of it and hostile to it. That is why it looks to me like an effort is under way to put the Republican Members who would like to offer amendments and discuss the bill in a position where they have no realistic possibility to do so in a meaningful way. This will end with a whimper. The bill can be withdrawn because the majority does not want to stay on it because they can't defend the massive nature of it, the incredible intervention into the economy by Washington bureaucracies that will be created, the trillions of dollars that will have to be raised through this cap and trade, which is nothing more than a way to tax carbon. I wish to protest a moment. We know what is happening. Anybody who is sophisticated here knows this bill is not going to pass. It is losing what support it had. An effort is underway by the Democratic majority to figure a way to pull the bill and then blame the Republicans because we want to talk about it, and we want to entertain a discussion about it. We wish to offer amendments to make it better. That is the truth.

It disturbs me a little bit to hear the comments that have been made earlier. I know we have had a long day. But I wish to make clear this is not an itty-bitty issue. This is a tremendous issue of great importance, both to the world, our economy, and to the environment. We need to do better. We can do better. I hope maybe in the morning things will be in a better posture. I don't think, with regard to the cap-and-trade bill, that the majority is going to want to see it go forward. That indicates a lack of confidence in their own legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. The RECORD speaks for itself. First, the Republicans insisted on the entire 30 hours, that the 30 hours be set aside for general debate on the bill before we could reach an amendment. We gave them their 30 hours for general debate and asked them during that period of time to produce the list of amendments that they wanted to consider on the bill. We gave them a list of amendments we would start with. The first was a bipartisan amendment, Senators BIDEN and LUGAR. When we asked them for amendments to the bill, once again, they failed to produce the list. It was very clear what was going on.

Then they proceeded, unfortunately, to tax the energy and stamina of the staff by having them read every word of the bill into the record, a complete waste of time. First, we burned off 30 hours in general debate with no amendments being produced by the Republican side. Then they came to the floor and took another 5 or 6 hours, maybe more, for the staff to read this into the record. This was not a good-faith effort in amending the bill or even debating the bill. That, unfortunately, is a reflection of what we have seen over and over and over, a record number of filibusters, a record number of Republican attempts to stop or slow down the debate on pending legislation. It is because, of course, they don't want us to see us enact legislation. They don't want to see us address the issues of the day. They are hoping this Congress will be as unproductive as the last Republican Congress.

We are not going to let that happen. We are still going to fight for important legislation. On this particular bill, on a global warming bill, we will have another vote. But if it goes down, if it doesn't move forward, it is because the Republicans are following their strategy that has been read into the RECORD, a strategy which focuses, as they say, "much more on making political points than amending the bill."

That is their strategy. It has been made a part of the RECORD. It is very clear what has happened.

#### MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### 2016 SUMMER OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN. Mr. President, I am pleased to acknowledge a significant milestone this week in Chicago's bid to host the 2016 Summer Olympic and Paralympic Games.

On Wednesday, June 4, the International Olympic Committee announced that it had selected Chicago as one of the four finalists for 2016.

The Chicago 2016 organizers, the U.S. Olympic Committee, and the people of Chicago deserve praise for a job well done.

Because of their fine efforts, Chicago is well prepared to face stiff competition from the three remaining cities—Madrid, Rio de Janeiro, and Tokyo.

Chicago is a diverse city with culture and history to inspire people around the world. From our beautiful downtown parks to magnificent lakefront to terrific sports venues, Chicago is a world-class city that has what it takes to bring the Olympics back to the Midwest for the first time in over 100 years.

Last October, Chicago demonstrated its ability to host a major international sporting event, when 557 boxers and several thousand other visitors from more than a hundred countries traveled to Chicago for the World Boxing Championships, a qualifying event for this summer's Beijing Olympics.

Many of these people were first-time visitors who hadn't known what to expect going in, but who fell in love with the city. Those of us who know Chicago, who have lived and worked there, were not at all surprised by the visitors' rave reviews.

As the Chicago 2016 organizing committee has so eloquently put it:

Chicago is built on a bold tradition of dreams that we turn into reality. From rebuilding our city to even greater glory after the 1871 Fire, hosting the World's Columbian Exposition and the 1933 World's Fair and transforming an old rail yard into Millennium Park, dreaming and achieving is part of Chicago's DNA.

The U.S. Government is working on several fronts to help support the U.S. bid. The Departments of State and Homeland Security are working to make the travel of legitimate Olympic athletes, coaches, and fans as smooth and hassle-free as possible.

The Senate Foreign Relations Committee recently held a hearing on ratification of the United Nations Convention Against Doping in Sport. The International Olympic Committee expects adherence to this Convention by countries that will host future Olympic Games.

I look forward to working with the Chicago 2016 organizing committee, the U.S. Olympic Committee, and my colleagues here in Congress as we move forward over the next 16 months preparing for the IOC's final decision in October 2009.

Again, I congratulate the great city of Chicago on its achievements to date, and I look forward to welcoming the 2016 Olympics to Illinois.

WILLIAM T. McLAUGHLIN

Mr. BIDEN. Mr. President, I am pleased that the Senate passed the budget plan this morning. I was hoping to be here in time to cast my vote in favor of this agreement, but I was a few minutes late. I want my colleagues to know, and the record to reflect, that I

was paying last respects to one of Delaware's finest citizens and a man who was a good friend to me for the past four decades. I am speaking of William T. "Bill" McLaughlin, also known as "Mr. Mayor," who passed away last Friday. He presided as Mayor of Wilmington from 1977 to 1984 and shaped it as the financial center it is today. This morning I attended the mass in his honor and presented the eulogy.

#### FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 308(a) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels and limits in the resolution for energy legislation that meets certain conditions, including that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that SA 4825, a complete substitute for S. 3036, the Lieberman-Warner Climate Security Act of 2008, satisfies the conditions of the deficit-neutral reserve fund for energy legislation. Therefore, pursuant to section 308(a), I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Environment and Public Works Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

#### CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21, FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(A) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

(In billions of dollars)

Section 101	
(1)(A) Federal Revenues:	
FY 2007 .....	1,900.340
FY 2008 .....	2,016.793
FY 2009 .....	2,115.952
FY 2010 .....	2,171.611
FY 2011 .....	2,372.021
FY 2012 .....	2,605.697
(1)(B) Change in Federal Revenues:	
FY 2007 .....	- 4.366
FY 2008 .....	- 34.003
FY 2009 .....	9.026
FY 2010 .....	7.890
FY 2011 .....	- 22.529
FY 2012 .....	8.601
(2) New Budget Authority:	
FY 2007 .....	2,371.470
FY 2008 .....	2,501.726
FY 2009 .....	2,521.803
FY 2010 .....	2,574.006
FY 2011 .....	2,709.419
FY 2012 .....	2,833.058
(3) Budget Outlays:	
FY 2007 .....	2,294.862
FY 2008 .....	2,473.063
FY 2009 .....	2,569.070
FY 2010 .....	2,601.608
FY 2011 .....	2,715.269
FY 2012 .....	2,796.763

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21, FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 308(a) DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION

(In millions of dollars)

Current Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority .....	42,426
FY 2007 Outlays .....	1,687
FY 2008 Budget Authority .....	43,535
FY 2008 Outlays .....	1,753
FY 2008–2012 Budget Authority .....	181,487
FY 2008–2012 Outlays .....	9,668
Adjustments:	
FY 2007 Budget Authority .....	0
FY 2007 Outlays .....	0
FY 2008 Budget Authority .....	0
FY 2008 Outlays .....	0
FY 2008–2012 Budget Authority .....	134,696
FY 2008–2012 Outlays .....	114,402
Revised Allocation to Senate Environment and Public Works Committee:	
FY 2007 Budget Authority .....	42,426
FY 2007 Outlays .....	1,687
FY 2008 Budget Authority .....	43,535
FY 2008 Outlays .....	1,753
FY 2008–2012 Budget Authority .....	316,183
FY 2008–2012 Outlays .....	124,070

REMEMBERING JOHN W. KEYS, III

Mr. BINGAMAN. Mr. President, I rise today on a sad note—to inform the Senate of the recent death of a model public servant who served our country well. John W. Keys, III, was the 16th Commissioner of the Bureau of Reclamation. He served in that capacity from July 17, 2001, to April 15, 2006, and worked closely with the Committee on Energy and Natural Resources which I have the privilege of chairing. Commissioner Keys retired 2 years ago to return to Utah and pursue his favorite pastimes which included flying. Tragically, he was killed on May 30, 2008, when the airplane he was piloting crashed in Canyonlands National Park, UT, with one passenger aboard.

Commissioner Keys' appointment by President Bush to lead the Bureau of Reclamation was actually his second stint with the agency. He returned to Federal service after previously retiring from a 34-year career with reclamation. During that time, he worked as a civil and hydraulic engineer in various positions throughout the western United States. Ultimately, he served as reclamation's Pacific Northwest regional director for 12 years before his initial retirement in 1998.

Commissioner Keys was a dedicated public servant whose knowledge, experience, and demeanor were key factors in his successful leadership of the Bureau of Reclamation. Those same skills, combined with his willingness to work with Congress on a bipartisan basis, were instrumental in addressing a wide range of water resource issues across the West. He will be sorely missed, but left a legacy of accomplishments that will ensure that he is long-remembered. I offer my condolences to his wife, Dell, and their daughters, Cathy and Robyn.

Mr. SMITH. Mr. President, I rise today to honor the memory of John W. Keys, III, who died tragically in a plane

crash on Friday, May 30, 2008. John was a long-time Federal official, and a kind and thoughtful man.

John Keys was born in Sheffield, AL. He earned a bachelor's degree in civil engineering from the Georgia Institute of Technology and a master's degree from Brigham Young University. John was dedicated to his community, and spent much of his spare time serving as a search-and-rescue pilot for Utah County and as a college and high school football referee.

The majority of John Keys' life, however, was centered on his marriage to his wife Dell and his professional career at the Bureau of Reclamation, an agency of the Department of the Interior. John spent nearly 40 years working with Reclamation. From 1964 to 1979, he worked as a civil and hydraulic engineer in the Great Basin, Missouri River Basin, Colorado River Basin, and Columbia River Basin. I first met John when he served as Reclamation's Pacific Northwest regional director. In 1995, he was awarded Interior's highest honor—the Distinguished Service Award—for maintaining open lines of communication and keeping interest groups focused on solutions. After 12 years as Northwest regional director, John retired in 1998.

In 2001, John emerged from retirement to take a position as the 16th Commissioner of the Bureau of Reclamation. As Commissioner, John oversaw a venerable agency charged with the operation and maintenance of water storage, water distribution, and electric power generation facilities in 17 Western States. John placed great emphasis on operating and maintaining Reclamation projects to ensure continued delivery of water and power benefits to the public, consistent with environmental and other requirements. He was committed to honoring State water rights, interstate compacts, and contracts with Reclamation's users. This commitment helped the agency develop creative solutions to address the water resource challenges of the West.

John had retired as Commissioner in 2006. He was a highly respected and dedicated public servant. I stand today to express my appreciation for his service to the Northwest and to our country. I want to offer my sincere condolences to his wife, his daughters, and those he leaves behind.

PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, starting last year, I started looking at the financial relationships between physicians and drug companies. I first began this inquiry by examining payments from Astra Zeneca to Dr. Melissa DelBello, a professor of psychiatry at the University of Cincinnati.

In 2002, Dr. DelBello published a study that found that Serquel worked for kids with bipolar disorder. The study was paid for by Astra Zeneca, and the following year that company

paid Dr. DelBello around \$100,000 for speaking fees and honoraria. In 2004, Astra Zeneca paid Dr. DelBello over \$80,000.

Today, I would like to talk about three physicians at Harvard Medical School—Drs. Joseph Biederman, Thomas Spencer, and Timothy Wilens. They are some of the top psychiatrists in the country, and their research is some of the most important in the field. They have also taken millions of dollars from the drug companies.

Out of concern about the relationship between this money and their research, I asked Harvard and Mass General Hospital last October to send me the conflict of interest forms that these doctors had submitted to their institutions. Universities often require faculty to fill these forms out so that we can know if the doctors have a conflict of interest.

The forms I received were from the year 2000 to the present. Basically, these forms were a mess. My staff had a hard time figuring out which companies the doctors were consulting for and how much money they were making. But by looking at them, anyone would be led to believe that these doctors were not taking much money. Over the last 7 years, it looked like they had taken a couple hundred thousand dollars.

But last March, Harvard and Mass General asked these doctors to take a second look at the money they had received from the drug companies. And this is when things got interesting. Dr. Biederman suddenly admitted to over \$1.6 million dollars from the drug companies. And Dr. Spencer also admitted to over \$1 million. Meanwhile, Dr. Wilens also reported over \$1.6 million in payments from the drug companies.

The question you might ask is: Why weren't Harvard and Mass General watching over these doctors? The answer is simple: They trusted these physicians to honestly report this money.

Based on reports from just a handful of drug companies, we know that even these millions do not account for all of the money. In a few cases, the doctors disclosed more money than the drug companies reported. But in most cases, the doctors reported less money.

For instance, Eli Lilly has reported to me that they paid tens of thousands of dollars to Dr. Biederman that he still has not accounted for. And the same goes for Drs. Spencer and Wilens.

What makes all of this even more interesting is that Drs. Biederman and Wilens were awarded grants from the National Institutes of Health to study the drug Strattera.

Obviously, if a researcher is taking money from a drug company while also receiving Federal dollars to research that company's product, then there is a conflict of interest. That is why I am asking the National Institutes of Health to take a closer look at the grants they give to researchers. Every year, the NIH hands out almost \$24 billion in grants. But nobody is watching

to ensure that the conflicts of interest are being monitored.

That is why Senator KOHL and I introduced the Physician Payments Sunshine Act. This bill will require companies to report payments that they make to doctors. As it stands right now, universities have to trust their faculty to report this money. And we can see that this trust is causing the universities to run afoul of NIH regulations. This is one reason why industry groups such as PhRMA and Advamed, as well as the American Association of Medical Colleges, have all endorsed my bill. Creating one national reporting system, rather than relying on a hodge-podge of state systems and some voluntary reporting systems, is the right thing to do.

Before closing, I would like to say that Harvard and Mass General have been extremely cooperative in this investigation, as have Eli Lilly, Astra Zeneca and other companies. I ask unanimous consent that my letters to Harvard, Mass General, and the NIH be printed the RECORD.

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

U. S. SENATE,  
COMMITTEE ON FINANCE,  
Washington, DC, June 4, 2008.

ELIAS A. ZERHOUNI, M.D.  
*Director, National Institutes of Health,  
Bethesda, Maryland.*

DEAR DIRECTOR ZERHOUNI: As a senior member of the United States Senate and the Ranking Member of the Committee on Finance (Committee), I have a duty under the Constitution to conduct oversight into the actions of executive branch agencies, including the activities of the National Institutes of Health (NIH/Agency). In this capacity, I must ensure that NIH properly fulfills its mission to advance the public's welfare and makes responsible use of the public funding provided for medical studies. This research often forms the basis for action taken by the Medicare and Medicaid programs.

Over the past number of years, I have become increasingly concerned about the lack of oversight regarding conflicts of interest relating to the almost \$24 billion in annual extramural funds that are distributed by the NIH. In that regard, I would like to take this opportunity to notify you about five problems that have come to my attention on this matter.

First, it appears that three researchers failed to report in a timely, complete and accurate manner their outside income to Harvard University (Harvard) and Massachusetts General Hospital (MGH). By not reporting this income, it seems that they are placing Harvard and MGH in jeopardy of violating NIH regulations on conflicts of interest. I am attaching that letter for your review and consideration.

Second, I am requesting an update about a letter I sent you last October on problems with conflicts of interest and NIH extramural funding regarding Dr. Melissa DelBello at the University of Cincinnati (University). In that letter, I notified you that Dr. DelBello receives grants from the NIH, however, she was failing to report her outside income to her University.

Third, the Inspector General for the Department of Health and Human Services Office (HHS OIG) released a disturbing report last January which found that NIH provided almost no oversight of its extramural funds.

But your staff seemed to show little interest in this report. In fact, Norka Ruiz Bravo, the NIH deputy director of extramural programs was quoted in The New York Times saying, "For us to try to manage directly the conflict-of-interest of an NIH investigator would be not only inappropriate but pretty much impossible."

Fourth, I am dismayed to have read of funding provided to several researchers from the Foundation for Lung Cancer: Early Detection, Prevention & Treatment (Foundation). Dr. Claudia Henschke and Dr. David Yankelevitz are two of the Foundation's board members. As reported by The New York Times, the Foundation was funded almost entirely with monies from tobacco companies, and this funding was never fully disclosed. Monies from the Foundation were then used to support a study that appeared in The New England Journal of Medicine (NEJM) back in 2006 regarding the use of computer tomography screening to detect lung cancer. The NEJM disclosure states that the study was supported also by NIH grants held by Drs. Henschke and Yankelevitz.

Regarding the lack of transparency by Dr. Henschke and Dr. Yankelevitz, National Cancer Institute Director John Niederhuber told the Cancer Letter, "[W]e must always be transparent regarding any and all matters, real or perceived, which might call our scientific work into question."

The NEJM later published a clarification regarding its earlier article and a correction revealing that Dr. Henschke also received royalties for methods to assess tumors with imaging technology. There is no evidence that the Foundation's tobacco money or Dr. Henschke's royalties influenced her research. But I am concerned that the funding source and royalties may have not been disclosed when the NIH decided to fund Dr. Henschke.

Fifth, I sent you a letter on April 15, outlining my concerns about a report on the National Institute of Environmental Health Sciences (NIEHS). That report found 45 cases at the NIEHS where extramural grants had not receiving sufficient peer review scores but were still funded. This finding is yet another example that the NIH provides little oversight for its extramural program.

Dr. Zerhouni, you faced similar scandals back in 2003 when it came to light that many NIH intramural researchers enjoyed lucrative arrangements with pharmaceutical companies. It took you some time, but you eventually brought some transparency, reform and integrity back to NIH. As you told Congress during one hearing, "I have reached the conclusion that drastic changes are needed as a result of an intensive review by NIH of our ethics program, which included internal fact-finding as well as an external review by the Blue Ribbon Panel."

NIH oversight of the extramural program is lax and leaves people with nothing more than questions—\$24 billion worth of questions, to be exact. I am interested in understanding how you will address this issue. American taxpayers deserve nothing less.

In the interim, I ask you to respond to the following requests for information and documents. In responding to each request, first repeat the enumerated question followed by the appropriate response. Your responses should encompass the period of January 1, 2000 to April 1, 2008. I would appreciate receiving responses to the following questions by no later than June 18, 2008:

1. Please explain what actions the NIH has or will initiate to provide better oversight and transparency for its extramural funding program.

2. Please explain how often the NIH has investigated and/or taken action regarding a

physician's failure to report a "significant financial interest," as defined by NIH regulation. For each investigation, please provide the following information:

a. Name of the Doctor(s) involved;  
b. Date investigation began and the date ended;

c. Specific allegations which triggered investigation;

d. Findings of the investigation; and

e. Actions taken by the NIH, if any.

3. Since receiving notice that the University of Cincinnati was provided incomplete information from Dr. DelBello regarding her outside income, what steps has/will NIH take to address this issue? Please be specific.

4. Please provide a list of all NIH grants received by Dr. DelBello. For each grant, please provide the following:

a. Name of grant;  
b. Topic of grant; and  
c. Amount of funding for grant.

5. Please provide a list of any other interactions that Dr. DelBello has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

6. Since reports appeared in the press regarding the undisclosed funding of the Foundation for Lung Cancer: Early Detection, Prevention & Treatment, what steps has/will NIH take to address this issue? Please provide all external and internal communications regarding this issue.

7. Please provide a list off all NIH grants received by Dr. Claudia Henschke. For each grant, please provide the following:

a. Name of grant;  
b. Topic of grant; and  
c. Amount of funding for grant.

8. Please provide a list of any other interactions that Dr. Henschke has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

9. Please provide a list off all NIH grants received by Dr. David Yankelevitz. For each grant, please provide the following:

a. Name of grant;  
b. Topic of grant; and  
c. Amount of funding for grant.

10. Please provide a list of any other interactions that Dr. Yankelevitz has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

11. Please provide a list off all NIH grants received by Dr. Joseph Biederman. For each grant, please provide the following:

a. Name of grant;  
b. Topic of grant; and  
c. Amount of funding for grant.

12. Please provide a list of any other interactions that Dr. Biederman has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

13. Please provide a list off all NIH grants received by Dr. Timothy Wilens. For each grant, please provide the following:

a. Name of grant;  
b. Topic of grant; and  
c. Amount of funding for grant.

14. Please provide a list of any other interactions that Dr. Wilens has had with the NIH to include membership on advisory boards, peer review on grants, or the like.

I request your prompt attention to this matter and your continued cooperation. I also request that the response to this letter contain your personal signature. If you have any questions please contact my Committee staff, Paul Thacker at (202) 224-4515. Any formal correspondence should be sent electronically in PDF searchable format to brian-downey@finance-rep.senate.gov.

Sincerely,

CHARLES E. GRASSLEY,  
*Ranking Member.*



U.S. SENATE,  
COMMITTEE ON FINANCE,  
Washington, DC, June 4, 2008.

Dr. DREW GILPIN FAUST,  
President, Harvard University,  
Massachusetts Hall, Cambridge, MA.  
Dr. PETER L. SLAVIN,  
President, Massachusetts General Hospital  
(Partners Healthcare), Boston, MA.

DEAR DRs. FAUST AND SLAVIN: The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs and, accordingly, a responsibility to the more than 80 million Americans who receive health care coverage under these programs. As Ranking Member of the Committee, I have a duty to protect the health of Medicare and Medicaid beneficiaries and safeguard taxpayer dollars appropriated for these programs. The actions taken by thought leaders, like those at Harvard Medical School who are discussed throughout this letter, often have a profound impact upon the decisions made by taxpayer funded programs like Medicare and Medicaid and the way that patients are treated and funds expended.

Moreover, and as has been detailed in several studies and news reports, funding by pharmaceutical companies can influence scientific studies, continuing medical education, and the prescribing patterns of doctors. Because I am concerned that there has been little transparency on this matter, I have sent letters to almost two dozen research universities across the United States. In these letters, I asked questions about the conflict of interest disclosure forms signed by some of their faculty. Universities require doctors to report their related outside income, but I am concerned that these requirements are disregarded sometimes.

I have also been taking a keen interest in the almost \$24 billion annually appropriated to the National Institutes of Health to fund grants at various institutions such as yours. As you know, institutions are required to manage a grantee's conflicts of interest. But I am learning that this task is made difficult because physicians do not consistently report all the payments received from drug companies.

To bring some greater transparency to this issue, Senator Kohl and I introduced the Physician Payments Sunshine Act (Act). This Act will require drug companies to report publicly any payments that they make to doctors, within certain parameters.

I am writing to try and assess the implementation of financial disclosure policies of Harvard University (Harvard) and Massachusetts General Hospital (MGH/Partners), (the Institutions). In response to my letters of June 29, October 25, and October 26, 2007, your Institutions provided me with the financial disclosure reports that Drs. Joseph Biederman, Thomas Spencer, and Timothy Wilens (Physicians) filed during the period of January 2000 through June 2007.

My staff investigators carefully reviewed each of the Physicians' disclosure forms and detailed the payments disclosed. I then asked that your Institutions confirm the accuracy of the information. In March 2008, your Institutions then requested additional information from the Physicians pursuant to my inquiry. That information was subsequently provided to me.

In their second disclosures to your Institutions, the Physicians revealed different information than they had disclosed initially to your respective Institutions. On April 29, 2008, I received notification from Harvard Medical School's Dean for Faculty and Research Integrity that he has referred the cases of these Physicians to the Standing Committee on Conflicts of Interest and Commitment ("Standing Committee"). The Chief

Academic Officer (CAO), Partners HealthCare System, also wrote me that Partners will look to the Standing Committee to conduct the initial factual review of potential non-compliance that are contained in both the Harvard Medical School Policy and the Partners Policy. In addition, the CAO stated that, in addition to the Standing Committee's review process, Partners will conduct its own independent review of conflicts of interest disclosures these Physicians submitted separately to Partners in connection with publicly funded research and other aspects of Partners Policy. I look forward to being updated on these reviews in the near future.

In addition, I contacted executives at several major pharmaceutical companies and asked them to list the payments that they made to Drs. Biederman, Spencer, and Wilens during the years 2000 through 2007. These companies voluntarily and cooperatively reported additional payments that the Physicians do not appear to have disclosed to your Institutions.

Because these disclosures do not match, I am attaching a chart intended to provide a few examples of the data that have been reported to me. This chart contains three columns: payments disclosed in the forms the physicians filed at your Institutions, payments revealed in March 2008, and amounts reported by some drug companies.

I would appreciate further information to see if the problems I have found with these three Physicians are systemic within your Institutions.

#### INSTITUTIONAL AND NIH POLICIES

Both Harvard and MGH/Partners have established an income de minimus limit. This policy forbids researchers working at your Institutions from conducting clinical trials with a drug or technology if they receive payments over \$20,000 from the company that manufactures that drug or technology. Prior to 2004, the income de minimus limit established by your institutions was \$10,000.

Further, federal regulations place several requirements on a university/hospital when its researchers apply for NIH grants. These regulations are intended to ensure a level of objectivity in publicly funded research, and state in pertinent part that NIH investigators must disclose to their institution any "significant financial interest" that may appear to affect the results of a study. NIH interprets "significant financial interest" to mean at least \$10,000 in value or 5 percent ownership in a single entity.

Based upon information available to me, it appears that each of the Physicians identified above received grants to conduct studies involving atomoxetine, a drug that sells under the brand name Strattera. For example:

In 2000, the NIH awarded Dr. Biederman a grant to study atomoxetine in children. At that time, Dr. Biederman disclosed that he received less than \$10,000 in payments from Eli Lilly & Company (Eli Lilly). But Eli Lilly reported that it paid Dr. Biederman more than \$14,000 for advisory services that year—a difference of at least \$4,000.

In 2004, the NIH awarded Dr. Wilens a 5-year grant to study atomoxetine. In his second disclosure to your Institutions, Dr. Wilens revealed that he received \$7,500 from Eli Lilly in 2004. But Eli Lilly reported to me that it paid Dr. Wilens \$27,500 for advisory services and speaking fees in 2004—a difference of about \$20,000.

It is my understanding that Dr. Wilens' NIH-funded study of atomoxetine is still ongoing. According to Eli Lilly, it paid Dr. Wilens almost \$65,000 during the period January 2004 through June 2007. However, as of March 2008, and based upon the documents

provided to us to date, Dr. Wilens disclosed payments of about half of the amount reported by Eli Lilly for this period. Dr. Wilens also did three other studies of atomoxetine in 2006 and 2007.

I have also found several instances where these Physicians apparently received income above your institutions' income de minimus limit. For instance, in 2003, Dr. Spencer conducted a study of atomoxetine in adolescents. At the time, he disclosed no significant financial interests related to this study. But Eli Lilly reported paying Dr. Spencer over \$25,000 that year.

In 2001, Dr. Biederman disclosed plans to begin a study sponsored by Cephalon, Inc. At the time; Dr. Biederman disclosed that he had no financial relationship with the sponsor of this study. Yet, on his conflict of interest disclosure, he acknowledged receiving research support and speaking fees from Cephalon, Inc., but did not provide any information on the amounts paid. In March 2008, Dr. Biederman revealed that Cephalon, Inc. paid him \$13,000 in 2001.

In 2005, Dr. Biederman began another clinical trial sponsored by Cephalon, Inc., which was scheduled to start in September 2005 and end in September 2006. Initially, Dr. Biederman disclosed that he had no financial relationship with the sponsor of this study. But in March 2008, Dr. Biederman revealed that Cephalon, Inc. paid him \$11,000 for honoraria in 2005 and an additional \$24,750 in 2006.

In light of the information set forth above, I ask your continued cooperation in examining conflicts of interest. In my opinion, institutions across the United States must be able to rely on the representations of its faculty to ensure the integrity of medicine, academia, and the grant-making process. At the same time, should the Physician Payments Sunshine Act become law, institutions like yours will be able to access a database that will set forth the payments made to all doctors, including your faculty members. Indeed at this time there are several pharmaceutical and device companies that are looking favorably upon the Physician Payments Sunshine Bill and for that I am gratified.

Accordingly, I request that your respective institutions respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer.

1. For each of the NIH grants received by the Physicians, please confirm that the Physicians reported to Harvard and MGH/Partners' designated official "the existence of [his] conflicting interest." Please provide separate responses for each grant received for the period from January 1, 2000 to the present, and provide any supporting documentation for each grant identified.

2. For each grant identified above, please explain how Harvard and MGH/Partners ensured "that the interest has been managed, reduced, or eliminated?" Please provide an individual response for each grant that each doctor received from January 2000 to the present, and provide any documentation to support each claim.

3. Please report on the status of the Harvard Standing Committee and additional Partners reviews of the discrepancies in disclosures by Drs. Biederman, Spencer and Wilens, including what action, if any, will be considered.

4. For Drs. Biederman, Spencer, and Wilens, please report whether a determination can be made as to whether or not any doctor violated guidelines governing clinical trials and the need to report conflicts of interest to an institutional review board (IRB). Please respond by naming each clinical trial for which the doctor was the principal investigator, along with confirmation that conflicts of interest were reported, if possible.

5. Please provide a total dollar figure for all NIH monies annually received by Harvard and MGH/Partners, respectively. This request covers the period of 2000 through 2007.  
 6. Please provide a list of all NIH grants received by Harvard and MGH/Partners. This request covers the period of 2000 through 2007. For each grant please provide the following:

- a. Primary Investigator;
- b. Grant Title;

- c. Grant number;
- d. Brief description; and
- e. Amount of Award.

Thank you again for your continued cooperation and assistance in this matter. As you know, in cooperating with the Committee's review, no documents, records, data or information related to these matters shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.

I look forward to hearing from you by no later than June 18, 2008. All documents responsive to this request should be sent electronically in PDF format to Brian\_Downey@finance.rep.senate.gov. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224-4515.

Sincerely,  
 CHARLES E. GRASSLEY,  
*Ranking Member.*

SELECTED DISCLOSURES BY DR. BIEDERMAN AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company Reported
2000	GlaxoSmithKline	Not reported	\$2,000	\$3,328
	Eli Lilly & Company	<\$10,000	3,500	14,105
2001	Pfizer Inc.	Not reported	7,000	7,000
	Cephalon	No amount provided	13,000	n/a
2002	GlaxoSmithKline	No amount provided	5,500	4,428
	Eli Lilly & Company	No amount provided	6,000	14,339
2003	Johnson & Johnson	Not reported	3,500	58,169
	Medical Education Systems	Not reported	21,000	n/a
2004	Pfizer Inc.	No amount provided	5,625	5,625
	Bristol-Myers Squibb	No amount provided	2,000	2,000
2005	Cephalon	No amount provided	3,000	n/a
	Colwood	Not reported	14,000	n/a
2006	Eli Lilly & Company	No amount provided	11,000	2,289
	Johnson & Johnson	Not reported	Not reported	706
2007	Pfizer Inc.	No amount provided	4,000	2,000
	Bristol-Myers Squibb	No amount provided	500	250
2008	Cephalon	<10,000	4,000	n/a
	Eli Lilly & Company	<10,000	8,250	18,347
2009	Johnson & Johnson	<10,000	2,000	2,889
	Medlearning	Not reported	26,500	n/a
2010	Pfizer Inc.	<10,000	1,000	1,000
	Bristol-Myers Squibb	No amount provided	6,266	6,266
2011	Cephalon	Not reported	4,000	n/a
	Eli Lilly & Company	No amount provided	8,000	15,686
2012	Johnson & Johnson	Not reported	Not reported	902
	Medlearning	Not reported	26,000	n/a
2013	Pfizer Inc.	Not reported	3,000	4,000
	Cephalon	Not reported	11,000	n/a
2014	Eli Lilly & Company	<20,000	12,500	7,500
	Johnson & Johnson	Not reported	Not reported	962
2015	Pfizer Inc.	Not reported	3,000	3,000
	Medlearning	Not reported	34,000	n/a
2016	Cephalon	Not reported	24,750	n/a
	Johnson & Johnson	Not reported	Not reported	750
2017	Primedia	Not reported	56,000	n/a
	Primedia	Not reported	30,000	n/a

Note 1: Dr. Biederman revealed in March 2008 that his outside income totaled about \$1.6 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Biederman's disclosures.  
 Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

SELECTED DISCLOSURES BY DR. SPENCER AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2000	GlaxoSmithKline	Not reported	\$3,000	\$1,500
	Eli Lilly & Company	Not reported	12,345	11,463
2001	GlaxoSmithKline	Not reported	4,000	1,000
	Eli Lilly & Company	Not reported	8,500	10,859
2002	Strategic Implications	Not reported	16,800	n/a
	GlaxoSmithKline	Not reported	3,000	3,369
2003	Eli Lilly & Company	Not reported	14,000	14,016
	Strategic Implications	Not reported	29,000	n/a
2004	Eli Lilly & Company	Not reported	6,000	25,500
	Johnson & Johnson	Not reported	1,250	0
2005	Thomson Physicians World	Not reported	46,500	n/a
	Eli Lilly & Company	Not reported	Not reported	23,000
2006	Pfizer Inc.	Not reported	3,500	3,500
	Eli Lilly & Company	<\$20,000	6,000	7,500
2007	Johnson & Johnson	Not reported	1,500	227
	Medlearning	Not reported	28,250	n/a
2008	Eli Lilly & Company	No amount provided	15,688	8,188
	Johnson & Johnson	Not reported	5,500	0
2009	Primedia	Not reported	44,000	n/a
	Eli Lilly & Company	No amount provided	6,000	16,188

Note 1: Dr. Spencer revealed in March 2008 that his outside income totaled about \$1 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Spencer's disclosures.  
 Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

SELECTED DISCLOSURES BY DR. WILENS AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2000	GlaxoSmithKline	Not reported	\$5,250	\$12,009
	Eli Lilly & Company	Not reported	2,000	2,057
2001	Pfizer Inc.	Not reported	1,250	2,250
	TVG	Not reported	11,000	n/a
2002	GlaxoSmithKline	<\$10,000	n/a	2,269
	Eli Lilly & Company	No amount provided	3,952	952
2003	J.B. Ashtin	Not reported	14,500	n/a
	GlaxoSmithKline	Not reported	7,500	10,764
2004	Eli Lilly & Company	Not reported	4,500	3,000
	Pfizer Inc.	Not reported	1,500	1,500
2005	Phase 5	Not reported	20,000	n/a

SELECTED DISCLOSURES BY DR. WILENS AND RELATED INFORMATION REPORTED BY PHARMACEUTICAL COMPANIES—Continued

Year	Company	Disclosure filed with institution	Payments revealed in March 2008	Amount company reported
2003	Eli Lilly & Company	Not reported	12,000	0
	Phase 5	Not reported	90,500	n/a
	TVG	Not reported	31,000	n/a
2004	Medlearning	Not reported	24,000	n/a
	Eli Lilly & Company	Not reported	7,500	27,500
	Phase 5	Not reported	84,250	n/a
2005	Medlearning	Not reported	46,000	n/a
	Eli Lilly & Company	<20,000	9,500	9,500
	Promedix	Not reported	70,000	n/a
2006	Advanced Health Media	Not reported	37,750	n/a
	Eli Lilly and Physician World (Lilly)	No amount provided	5,963	12,798
	Advanced Health Media	Not reported	56,000	n/a
2007	Primedia	Not reported	32,000	n/a
	Eli Lilly & Company	Not reported	9,000	14,969
	Veritas	Not reported	25,388	n/a

Note 1: Dr. Wilens revealed in March 2008 that his outside income totaled about \$1.6 million during the period January 2000 through June 2007. Information reported by the pharmaceutical companies indicate that they made additional payments that are not reflected in Dr. Spencer's disclosures.

Note 2: When a Physician named a company in a disclosure but did not provide an amount, the text reads "no amount reported." When a Physician did not list the company in the disclosure, the column reads "not reported." The Committee contacted several companies for payment information and the notation n/a (not available) reflects that a company was not contacted.

MINNESOTA'S 150TH BIRTHDAY

Ms. KLOBUCHAR. Mr. President, in May, I joined Governor Pawlenty, Senator COLEMAN and our Minnesota Congressional Delegation, our State legislators and thousands of Minnesotans in celebrating Minnesota's 150 years as a State.

We are proud to be a State where—in the words of our unofficial poet laureate Garrison Keillor—all the women are strong, all the men are good-looking, and all the sesquicentennials are above average.

For 150 years, our State has been built by people who knew they had to work hard, had to be bold, and had to persevere—to overcome the adversities and hardships that confronted them.

Each one of us here is a part of Minnesota's illustrious history. And each one of us has our own story about our Minnesota heritage.

Mine has its roots in the rough and tumble Iron Range, where my grandpa worked 1,500 feet underground in the mines of Ely. He and my grandma graduated from high school, but they saved money in a coffee can to send my dad to college. The little house they lived in all their lives they got when the mine closed down in Babbitt. They loaded it on the back of a flatbed truck and dynamited out a hole for the basement in Ely. The only problem was my grandpa used too much dynamite and the neighbor's wash went down a block away from all the flying rocks.

I told the story up north a while back and some old guy stood up and yelled out, "As if we don't remember!" They have long memories up on the Range.

Today is a day to remember that Minnesota is recognized and admired both for our natural beauty and our hard-working people.

We are home to the headwaters of the Mississippi River and to Lake Superior, the "greatest" of the Great Lakes.

We are home to native peoples whose history stretches far before our statehood.

We are the State that mined the iron ore for America's ships and skyscrapers.

We are the home to Fortune 500 companies that lead the way in innovation—bringing the world everything from the pacemaker to the Post-It Note.

We are home to hospitals and medical institutions that heal the sick from around the world.

And we are now a national leader in the renewable energy that will power our future.

For 150 years, we have served our country with great honor. Back in the Civil War, it was the First Minnesota that held the line during the Battle of Gettysburg, preventing a breach in the Union lines. The price this volunteer unit paid was the highest casualty rate of any military unit in American history, and today their flag flies here in the Capitol rotunda as a reminder of their bravery and sacrifice.

Now, the Minnesota National Guard's 34th Infantry Regiment—the famed Red Bulls—traces its roots to the 1st Minnesota Volunteers and they continue to honor that tradition of service to country.

On the sports field, we are home to the 1987 and 1991 World Series Champion Minnesota Twins.

It was a Minnesotan, Herb Brooks, who coached the U.S. Hockey Team to the gold medal in the 1980 Winter Olympics—the "Miracle on Ice."

Of course, after years of anguish, my dad, still an avid sports fan, continues to ask if the Vikings will ever win the Super Bowl.

We brought the world music legends from Bob Dylan to Prince to "Whoopie John," the King of Polka from New Ulm.

And speaking of culture, Darwin, MN, is home to the world's largest ball of twine built by one person (my husband made me add the "by one person!"). He saw a documentary about some other ball of twine.

Then we have our many colorful politicians, from Senator James Shields, who challenged Abraham Lincoln to a saber duel, to Senator Magnus Johnson, whose Swedish accent was so thick that his nickname going into the Senate was "Yenerally Speaking Yohnson", to Governor Rudy Perpich and his polka-mass; to Governor Ventura and his feather boa, to Paul Wellstone and his green bus, to two of America's most beloved Vice Presidents.

In fact, I read in a national magazine way back that ours is the only State

where parents bounce their babies on their knees and say, "One day you could grow up to be Vice President."

But, Minnesota's celebration is not just about our history. It is also about our future. That is why the involvement of young people is so important—especially our young essay winners.

I always think of our State as a "work in progress."

We are a State whose people have always believed—despite the cold, the snow, the windswept prairies . . . Despite all that, we have always believed that anything was possible.

We are a State that is defined by the optimism of our people. We look to the future and we believe that—with hard work, education and good values—we can make tomorrow better than today.

I am reminded of an Ojibwe prayer passed down from the ages—the prayer that our leaders and our people make decisions not for their own generation but for those seven generations from now.

That is what that ragtag brigade of Minnesota citizen soldiers did in 1863 when they held the line at the Battle of Gettysburg.

That is what Sigurd Olson was thinking as he wrote about the beauty of our State and this Earth and its stewardship.

And that is what an Iron Range miner was hoping for as he saved those dollars in that coffee can, never dreaming his granddaughter would end up in the United States Senate.

After 150 years, we celebrate the courage and forethought of those who came before us and pray that we can live up to their expectations.

Happy birthday, Minnesota!

CONGRATULATING CARRIS REELS

Mr. LEAHY. Mr. President, I rise today to congratulate Carris Reels of Rutland, VT, for receiving the 2008 ESOP Association's "Company of the Year" award.

Founded in 1951 by Henry Carris, and bought by his son, Bill Carris, in 1980, Carris Reels sells a full line of manufactured reel products for a wide variety of industries. Today, Carris Reels has about 550 employee owners and

eight locations nationwide. The company became 100-percent employee owned in January 2008.

One of the unique characteristics of Carris Reels is the company's steering committee, which goes beyond the basic functions of most ESOP committees and takes responsibility for allocations of benefits, quality of work-life issues, communications, training, and governance. Made up of both management and corporate employees, the Committee keeps alive the vision of former owner Bill Carris who moved the company toward employee ownership in 1995. Bill has said that organizations consist of three dimensions: spiritual, emotional, and physical. The strong business his family built and the employees now own is proof positive that these dimensions will remain a legacy at Carris Reels.

Carris Reels also is a strong supporter of the Vermont Employee Ownership Center, VEOC, a statewide nonprofit organization founded in 2001 to provide information and resources to owners interested in selling their business to their employees, employee groups interested in purchasing a business, and entrepreneurs who wish to start up a company with broadly shared ownership. To date, the VEOC has given direct assistance to over 60 Vermont businesses, employing over 1,700 Vermonters. I applaud the VEOC for holding its Sixth Annual Employee Ownership Conference in Burlington later this week.

Once again, I congratulate all of the employees at Carris Reels for this well-deserved recognition. They make great reels; they do business well; and they treat their employees right—all of these accomplishments, I believe, are related.

Mr. President, I ask unanimous consent that a copy of an article about the award from the June 2, 2008, Rutland Herald be printed in the RECORD so that all Senators can read about the success and admirable business practices of this visionary Vermont company.

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

[From the Rutland Herald, June 2, 2008]  
CARRIS REELS WINS 'COMPANY OF YEAR'  
AWARD

(By Bruce Edwards)

Carris Reels will occupy a special place at this week's sixth annual Vermont Employee Ownership Conference in Burlington.

The Rutland-based company was recently presented with the national 2008 ESOP Company of the Year award by the ESOP Association—the national trade association for companies with employee stock ownership plans.

"Carris Reels is an example of the value and potential that employee ownership can bring to (a) company," J. Michael Keeling, president of The ESOP Association, said in a statement. "The employee owners of Carris Reels strive to make their company stronger each day and it shows in the work they do and in the value they place on the individuals who make up their company."

Founded in 1951 by Henry Carris, the company manufactures a line of reels for the

wire, cable and rope industries. The 100-percent employee-owned company has 550 workers at eight locations around the country.

According to Don Jamison of the Vermont Employee Ownership Center, the state has the highest number of employee-owned companies per capita in the country. Jamison said there are approximately 10,000 ESOPs in the country, with 30 such companies in Vermont and another 10 companies that are workers co-operatives.

Jamison said one important benefit of an employee-owned company is that it ensures the company stays local. "If an owner is exiting (selling) and is concerned about his or her employees, it can ensure that the company will continue as it has been, provided there is a new group of managers to take over responsibilities."

He said employee-owned companies also give a direct stake to employees who reap the profits when the company performs well. "With a combination of participation and ownership, you see a pretty significant boost in productivity gains," Jamison said.

He also said there are tax advantages for an owner who sells their company to employees with the potential of getting a rollover in the capital gains tax.

As an example of the productivity gains that are realized with an ESOP, Jamison said two recent winners of the Deane C. Davis Outstanding Vermont Business Award, Resource Systems Group and King Arthur Flour Co., are both majority-owned by their employees.

Jamison said while setting up an ESOP is a complex process, it can be well worth the effort in the long run for the company, its employees and the owner.

One of the conference's workshops this week is based on a Carris Reels initiative called "Inclusive Decision-Making."

"They're really trying very hard to make their company 100 percent employee governed," Jamison said.

According to the national ESOP Association, a unique component of Carris Reels is its steering committee which goes beyond most ESOP committees and assumes decision-making for a number of functions including: allocation of benefits, quality of work-life issues, communications, training and governance. The committee meets twice a year to review financial information and receives operational updates from the various departments.

The Carris committee is made up of management and employees who serve three-year terms. In addition, the ESOP Association points out that the committee keeps alive the vision of Bill Carris, the son of founder Henry Carris, who moved the company toward employee ownership in 1995. Bill Carris' long-term plan is that "organizations consist of three dimensions: spiritual, emotional, and physical."

The keynote speaker at the Vermont conference at Champlain College is Veda Clark, CEO of Lite Control, an ESOP-owned company in Massachusetts that is known for its employee participation programs.

The conference agenda also includes the following workshops:

Social responsibility and the employee-ownership movement, How to successfully lead an employee-owned company, Balancing short- and long-term rewards in companies with an ESOP, How to leverage employee ownership as a marketing tool, Structuring an employee-owned company for inclusive decision-making, The differences between ESOPs and worker co-operatives and which is best suited for their company, The basics of financing an ESOP; and the keys to business valuation, How to manage an established ESOP, Coping with growth in worker cooperatives, Long-term ESOP sustain-

ability; and renewing the spirit of employee ownership.

For more information, visit [www.veoc.org](http://www.veoc.org); e-mail [info@veoc.org](mailto:info@veoc.org); or call 861-6611.

## ADDITIONAL STATEMENTS

### RETIREMENT OF THOMAS E. BARTON

● Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing Dr. Thomas E. Barton on the occasion of his retirement as president of Greenville Technical College.

Dr. Barton graduated from Clemson University in 1953 with a bachelor of science degree and received his doctorate in higher education administration from Duke University in 1972. While at Clemson, Dr. Barton played football under legendary coach Frank Howard. In 1987, he was honored for his athletic achievements by being elected to both the South Carolina Athletic Hall of Fame and the Clemson University Athletic Hall of Fame.

After 9 years of service in the public schools of South Carolina and Georgia as teacher, coach, and school superintendent, he became president of Greenville Technical College in 1962. When Dr. Barton began his term as president, Greenville Tech consisted of one building serving 800 students. Forty-six years later, the college boasts a 42-building, four-campus system, offering university transfer and technical programs to more than 60,000 students annually.

Dr. Barton was named Business Person of the Year by Greenville Magazine in 1995, and has consistently been chosen as one of the 50 most influential residents of Greenville by the publication. He was also named one of the top 25 community leaders by the Greenville News in 2000, 2001, and 2002. He has been awarded honorary doctorate degrees from Winthrop University, the University of South Carolina, and Clemson University. In January 2003, he was presented with the Order of the Palmetto, the State's highest award for a civilian.

A leader in community affairs, Barton has served on the governing boards of the Greater Greenville Chamber of Commerce, the Historic Greenville Foundation, and the YMCA. He is a commissioner for the Southern Association of Colleges and Schools and has chaired the board of directors of the Donaldson Air Force Base Museum and the South Carolina Technical College Presidents' Council. He has served on the Executive Committee for Friends of the Greenville Hospital System, on the Governor's Task Force on Education in South Carolina, and as honorary chairman of the March of Dimes Team Walk for Greenville. He is also an active member of the Greenville Rotary Club.

Dr. Barton has served his State and his community well as an educator and civic leader. I wish him the very best in

his retirement and ask that the U.S. Senate join me in thanking Dr. Barton for his lifelong career of service.●

#### 125TH ANNIVERSARY OF THE FOUNDING OF PIERRE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I wish today to recognize the 125th anniversary of the founding of one of South Dakota's great cities, Pierre. Pierre is the capital of the State, and the county seat of Hughes County. Pierre boasts a robust economy and exceptional quality of life, and things are only getting better for this dynamic city.

Pierre was founded in July of 1878, preceding the arrival of the Chicago and North Western Railroads 2 years later. Taking its name from the French fur trader, Pierre Chouteau, Pierre was designated the State capital in 1889. Pierre's citizens are justly proud of their city's history, and they have undertaken numerous successful projects designed to preserve and celebrate this heritage.

Today, Pierre is the major trade center of central South Dakota and enjoys an economy mixed with government, agriculture, and plenty of good hunting and fishing with nearby Oahe Dam. The Capitol's many attractions include the Capitol Building, built in 1910, and the Fighting Stallions, World War II, Korean, and Vietnam Memorials.

The 125th anniversary celebrations are to be held June 18-22, and include the 19th Annual Dakota Duck Derby, parade, fireworks, watermelon eating contest, and antique car show. The Anniversary Gala will bring together the current and past mayors of Pierre to reminisce and appreciate the history of the South Dakota capital.

Pierre combines the warmth and friendliness of a small town with the vibrancy associated with larger communities. I am pleased to recognize the achievements of Pierre and to offer my congratulations to the residents of the city on this historic milestone.●

#### 125TH ANNIVERSARY OF THE FOUNDING OF ONIDA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the city of Onida, SD. As the county seat of Sully County, this vibrant, progressive community has been a center of commercial and civic activity since its inception.

The site which Onida is built on was chosen by Charles Agar, Charles Holmes, and Frank Brigham of Oneida NY. Within a month of raising the single place of lodging in Onida for land-seekers, the city gained a grocer, hardware store, and post office. When declared the seat of Sully County, a courthouse, permanent hotel, multiple grocers, and a bank were soon to follow.

Today, Onida is a prime example of the natural beauty and recreation in

South Dakota that follows the Louis and Clark Trail up the Missouri River. Its business sector encompasses a wide variety of trades from agriculture, automotive, finance, and tourist amenities. Hunting and fishing are significant draws of the area, and support many local resorts based on such recreational activity.

Onida will be celebrating its quasiquicentennial during the Oahe Days in early August. Even 125 years after its founding, Onida continues to be a vital community and a great asset to South Dakota. I am proud to publicly honor Onida on this memorable occasion. The citizens of Onida are continuing to live up to their motto: miles and miles of sunflower smiles.●

#### 125TH ANNIVERSARY OF ROSCOE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to recognize the community of Roscoe, SD, on reaching the 125th anniversary of its founding. Located in Edmunds County, Roscoe is a rural community infused with hospitality, beauty, and an exceptional quality of life.

Having come far since Sam Basford and Charles Purchase Morgan used a tent as a hotel in April 1883, Roscoe was named after Charles Morgan's good friend Roscoe Conkling. The combination of Basford, Morgan, Engle, and Elliot's land toward the creation of Roscoe led to its importance as a transportation center in 1886 for the Chicago, Milwaukee & St. Paul Railroad. From the boom of migration westward, Roscoe persevered and prospered through life's trials in the great frontier.

Today, Roscoe is still a thriving community. There are upwards of 30 active businesses operating in Roscoe, including one of the largest honeybee farms in the Nation, two farm equipment dealerships, seed dealerships, and a post. Roscoe's school is still running, and the town boasts several churches and a public library.

The people of Roscoe celebrated this momentous occasion on the weekend of July 4-6. A parade, car show, and local entertainment kick off the celebration, with picnics, art, and games in the beautiful city park. One hundred and twenty five years after its founding, Roscoe remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Roscoe on this historic milestone.●

#### 125TH ANNIVERSARY OF THE FOUNDING OF GETTYSBURG, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor the city of Gettysburg, SD, and to recognize the 125th anniversary of its founding. Situated in Potter County, Gettysburg's history and success is a testament to the great State of South Dakota.

Gettysburg was settled in 1883 by 200 Civil War veterans, thus sharing its

name with the historical Pennsylvania battle. In fact, many street, township, and community names in Potter County mimic Civil War history. The Chicago and Northwestern Railroads were a significant boost to the Gettysburg economy, and promoted a thriving agricultural and economic community. Gettysburg even boasts of the first swimming pool in the State of South Dakota being nearby.

The 125th anniversary celebration will be held June 27-29, kicking off with an all class reunion. The festivities include a parade, ping-pong ball drop, antique car show, and banquet. For activities outside the celebration weekend, the Gettysburg Country Club's fantastic golf course and Dakota Sunset Museum are a testament to the city's progressive nostalgia.

Mr. President, it has been my honor to represent the citizens of Gettysburg as a Member of Congress since 1986. I am proud to publicly recognize Gettysburg and congratulate the community on this achievement. As the people of Gettysburg take this opportunity to appreciate how far the city has come from its beginnings, I know they will understand the important role Gettysburg plays in making South Dakota the great State that it is.●

#### 125TH ANNIVERSARY OF THE FOUNDING OF HOVEN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Hoven, SD. After 125 years, this progressive community in the Blue Blanket Valley will have a chance to reflect on its past and future, and I congratulate the people of Hoven for all that they have accomplished.

Dating back to the Louisiana Purchase in 1803, the establishment of the Dakota Territory in 1861, and the Homestead Act of 1862, Hoven is located in Potter County of northeast South Dakota. Settled in 1883 east of Swan Lake, the enterprising prairie town boasted two general stores, a bank, a newspaper, a jewelry store, and two saloons to name only a few businesses. The grand "Cathedral of the Prairies" has graced the skyline of Hoven since its completion in the early 20th century.

The quasiquicentennial festivities over the Fourth of July weekend commence at twilight with a fireworks display. Additionally, the celebration will include a 5K, softball and golf tournaments, a parade, and a "Missed" Hoven Pageant, for any males desiring to compete for a pageant crown.

Known today as the "little town with the big church," Hoven has grown into a credit to the State of South Dakota with its business prosperity. The people of Hoven will celebrate their achievements July 4-6. I am proud to join with the community members of Hoven in celebrating the last 125 years and looking forward to a promising future.●

## HONORING JOEL SOUTHERN

• Ms. MURKOWSKI. Mr. President, today I bid farewell to a broadcast journalist who has done more to keep Alaskans informed of the happenings in Washington, DC, over the past 21 years than any other single journalist in the State. I rise to honor Joel Southern, the Washington, DC, correspondent for the Alaska Public Radio Network, and to wish him well in his future endeavors.

I entered politics in Alaska only in 1998, but by that time I had been listening to Joel's radio reports on Washington developments for nearly a decade. Most of my early knowledge of the political battle over the opening of the coastal plain of the Arctic National Wildlife Refuge to potential oil and gas development came from Joel's reports, starting in 1987—the year when the environmental impact statement on ANWR first was released by the Department of the Interior.

My understanding of the efforts in Washington to change oil spill regulations in the wake of the Exxon Valdez oil spill of 1989 came from Joel's reporting. Growing up in Wrangell, I knew a good deal about Alaska's southeast timber industry, still Joel's reporting over efforts to pass the Tongass Timber Reform Act in 1991 gave me a breadth of understanding that has been invaluable during my 6 years in the U.S. Senate. I could go on and on and on with other examples.

Joel Southern has been the eyes in the Nation's Capital for tens of thousands of Alaskans who live across the far-flung reaches of our State; where local newspaper coverage is sparse, where TV coverage consists of cable coverage sometimes lacking in statewide or local news, and where only public radio is the source of information and public affairs.

Joel, a native of Winston-Salem, NC, moved to Washington in 1986, earning his master's degree in journalism and public affairs from American University. While an undergrad student he worked as a student announcer starting in 1981 at WFDD-FM, the Wake Forest University radio station, where he learned to pronounce the names of classical composers for his DJ stints, a skill that served him well when pronouncing Inupiat and Native names, such as Tuntutaliak or Atqasuk or Atmautluak.

Formerly an employee of the famed Berns—News—Bureau, a starting point for a number of great journalists, he moved onto the full-time staff of the Alaska Public Radio Network in 1991 and since has provided more radio reports for the network's main news program, Alaska News Nightly, than any other single individual. Over time Joel has learned more about the arcane areas of Alaska public land law, more about oil and gas production, more about commercial fishing and mining and more about the complex arena of politics in the 49th State than most anyone else.

Rather than show off his expertise simply to promote his own ego, Joel uses his knowledge to constantly explain complex stories in simple, understandable terms. While he always asks tough, probing questions of politicians and newsmakers, Joel asks them in a fair, balanced and nonopinionated way. He does better at separating his personal opinions from his reporting than most anyone. He has been fair, unbiased and totally objective for the entirety of his two decades of Washington reporting—and that is a record he can be proud of.

Over the past 21 years Joel has covered everything from the impeachment of a President to the contamination of Senate buildings by anthrax spores. He has covered the swearing in of three different Presidents, and reported on more changes in political leadership in Congress than veteran journalists twice his age. His range has been shown by both covering more congressional hearings than most any congressional correspondent and by working in subzero degree temperatures while covering the 1996 Iditarod Trail Sled Dog Race in Alaska.

Along the way he has covered the Supreme Court and specialized in agricultural news, producing the European Community Farm Line in conjunction with the European Union, produced stories for CBC Radio affiliates and the Australian Broadcasting Corp., provided pieces to National Public Radio on a variety of topics, and done some stringing for the AP. He has done interviews for C-SPAN and Canadian Broadcasting Corporation radio stations. And he has written columns on Alaska oil and natural gas/energy policy for a Canadian publication, *Far North Oil and Gas Journal*.

In between working seemingly constantly, he has found time to marry his charming wife Helene, to be a devoted dad to two beautiful children, and still do more to inform Alaskans about the events in Washington that affect their future and the future of their children and grandchildren than most any other single journalist. And he has done it while displaying a keen curiosity, an impressive intellect, an insightful mind, a balanced sense of fairness and decency and a never-failing sense of good humor that is far too lacking both inside the U.S. Capitol and outside its walls.

I will miss his presence in Washington, but I know Alaskans from Kaktovik to Adak and from Ketchikan to Point Hope will miss him even more. I can only wish Joel and his family the very best on their coming European adventure and thank him for having done the best possible service to his adopted State; that of informing the citizens of Alaska with wisdom and wit for over two decades.

Thank you, Joel, and God's speed. I suspect I will be hearing your voice from Copenhagen during next year's climate change COP 15 negotiations. Just remember while Alaska is cold,

the wind in Denmark's Jutland Peninsula blowing in from the North Sea can be almost as biting as Alaska's North Slope. Again, best wishes and good luck in the future. •

## HONORING DOLPHIN MINI GOLF

• Ms. SNOWE. Mr. President, today I recognize a small business from my home State of Maine that recently hosted the 2008 U.S. ProMiniGolf Association's U.S. Open Tournament. Dolphin Mini Golf, an 18-hole, par 50 miniature golf course located in the charming Midcoast town of Boothbay, is the first location in the Northeast to host this exciting annual event.

Dolphin Mini Golf is no ordinary miniature golf course. A nautical theme pervades the landscape, with each hole having a unique decoration. Laden with challenging obstacles, from a fisherman's house to a whale's eye, and dotted with dolphins, lighthouses, and anchors, the course is a taxing test for even the most advanced miniature golfer. Additionally, the rotating ship's wheel and spinning lobster buoys provide the course with an added level of difficulty.

A perfect attraction for tourists to the Maine coast and locals alike, Dolphin Mini Golf has earned its reputation as one of the country's premier miniature golf entertainment complexes. In fact, Dolphin has been rated as one of the top 10 mini golf courses nationwide by several professionals on multiple occasions in *USA Today*. This made Dolphin Mini Golf an ideal location for the recent 11th annual U.S. Open Tournament, which was held on May 17 and 18 and organized by the U.S. ProMiniGolf Association, which promotes the increased play of miniature golf and sanctions several tournaments each year. This year's U.S. Open featured entrants from across the United States and Europe and consisted of six separate events, including a junior tournament, as well as senior and amateur divisions.

Dolphin's owner, Lee Stoddard, decided to use the opportunity of hosting the event to highlight something bigger than sports. He selected Operation Recognition, a non-profit organization that recognizes America's servicemembers by providing them with a week of relaxation in Maine, to receive proceeds from the U.S. Open. Operation Recognition was founded in May 2007, and its vacations provide military families with all-expense-paid trips, including lodging, scenic boat tours, and, naturally, passes to play at Dolphin Mini Golf.

In addition to this year's U.S. Open, Dolphin Mini Golf hosts its own tournament each September. This 14-year tradition draws players from near and far to benefit a good cause: the tournament raises money for Shriners Hospitals for Children in New England. These crucial facilities provide treatment for children with a variety of illnesses and ailments, including burn

victims, orthopedic care, and spinal cord injury rehabilitation. Mr. Stoddard's commitment to the welfare of the region's neediest children is truly admirable.

Dolphin Mini Golf is a fitting symbol of Maine's creative entrepreneurship. But under Lee Stoddard's leadership, it also represents a sincere kindness and compassion. Through sheer hard work and dedication, Mr. Stoddard has turned Dolphin into an exemplary miniature golf course and a standout small business. I congratulate everyone at Dolphin Mini Golf for earning the honor of playing host to this year's U.S. Open Tournament and thank them for their considerable generosity to our Nation's veterans and children.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### CAPS EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a treaty and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 6049. An act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

At 3:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1734. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

H.R. 3774. An act to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service.

H.R. 4106. An act to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

H.R. 4791. An act to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the "Chi Mui Post Office Building".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution supporting National Men's Health Week.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1734. An act to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3774. An act to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4106. An act to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4791. An act to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5477. An act to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the "Chi Mui Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 138. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6454. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, notification of the status of a report on a plan to increase the usage of environmentally friendly products at all of the Department's facilities; to the Committee on Armed Services.

EC-6455. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease: Quarantine Restrictions" (Docket No. APHIS-2006-0036) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6456. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Livestock Mandatory Reporting; Reestablishment and Revision of the Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef" ((RIN0581-AC67) (Docket No. AMS-LS-07-0106)) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6457. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 8365-2) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6458. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluopicolide; Pesticide Tolerances" (FRL No. 8363-7) received on May 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6459. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 21049) received on June 3, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6460. A communication from the Chairman, Federal Financial Institutions Examination Council, Appraisal Subcommittee, transmitting, pursuant to law, the Subcommittee's Annual Report for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-6461. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Long Range Identification and Tracking of Ships" ((RIN1625-AB00) (USCG-2005-22612)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6462. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo" ((RIN1625-AB12) (USCG-2001-9046)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6463. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Implementation of Vessel Security Officer Training and Certification Requirements—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended" ((RIN1625-AB26) (USCG-2008-0028)) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6464. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 3 regulations beginning

with USCG–2008–0074)” (RIN1625–AB08) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6465. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Operation Regulations (including 8 regulations beginning with USCG–2008–001)” (RIN1625–AA09) received on May 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6466. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report of a rule entitled “2008–2009 Refuge-Specific Hunting and Sport Fishing Regulations” (RIN1018–AU61) received on June 3, 2008; to the Committee on Energy and Natural Resources.

EC–6467. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts in the State of Illinois have exceeded the \$5,000,000 limit; to the Committee on Environment and Public Works.

EC–6468. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Method 207—Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources” ((RIN2060–AO39)(FRL No. 8572–1)) received on May 29, 2008; to the Committee on Environment and Public Works.

EC–6469. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration’s Annual Report on the Supplemental Security Income Program for fiscal year 2008; to the Committee on Finance.

EC–6470. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Medicare Part D Claims Data” ((RIN0938–AO58)(CMS–4119–F)) received on May 22, 2008; to the Committee on Finance.

EC–6471. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Amendment to Revenue Procedure 2006–9” (Rev. Proc. 2008–31) received on May 29, 2008; to the Committee on Finance.

EC–6472. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–69–2008–83); to the Committee on Foreign Relations.

EC–6473. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on Health Care Worker Training in the President’s Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6474. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on Food Security in the President’s Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6475. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on the use of generic drugs in the President’s Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–6476. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6477. A communication from the Secretary of Energy, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6478. A communication from the Attorney General, transmitting, pursuant to law, the semiannual reports of the Attorney General and the Inspector General for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6479. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6480. A communication from the Chairman of the Postal Regulatory Commission, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6481. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6482. A communication from the Secretary of Labor, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6483. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Letter Report: Results of Auditor’s Review of Quality Assurance Practices Related to Certain Congregate Care Providers”; to the Committee on Homeland Security and Governmental Affairs.

EC–6484. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Change” (RIN3150–AI39) received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6485. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report along with the Corporation’s Report on Final Action for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6486. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report as well as the Chairman’s Report on Final Action for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6487. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for

the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6488. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6489. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Annual Privacy Activity Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6490. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–397, “Abe Pollin Way Designation Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6491. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–396, “Child and Family Services Grant-Making Amendment Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6492. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–395, “Child Abuse and Neglect Investigation Record Access Amendment Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6493. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–402, “Expanding Opportunities for Street Vending Around the Baseball Stadium Temporary Amendment Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6494. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–401, “Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6125 S.O. 06–4886, Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6495. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–398, “Omnibus Alcoholic Beverage Amendment Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6496. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–394, “Motor Vehicle Theft Prevention Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6497. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–390, “District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6498. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–389, “Ethel Kennedy Bridge Designation Act of 2008” received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6499. A communication from the Chairman, Council of the District of Columbia,



transmitting, pursuant to law, a report on D.C. Act 17-388, "Rev. M. Cecil Mills Way Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6500. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-385, "Vacancy Exemption Repeal Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6501. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-382, "Student Voter Registration Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6502. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-383, "Veterans Rental Assistance Temporary Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6503. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-373, "Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6504. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-381, "Film DC Economic Incentive Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6505. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-380, "East of the River Hospital Revitalization Tax Exemption Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6506. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-379, "Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-Making Authority Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6507. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-378, "So Others Might Eat Property Tax Exemption Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6508. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-377, "Bicycle Policy Modernization Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6509. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-376, "District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6510. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-374, "Washington Convention Center Authority Advisory Committee Amendment Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6511. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-375, "Gerard W. Burke, Jr. Building Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6512. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-372, "Closing Agreement Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6513. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-371, "E.W. Stevenson, Sr. Boulevard Designation Act of 2008" received on June 3, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6514. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6515. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6516. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6517. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6518. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Survivors' and Dependents—Educational Assistance Program Period of Eligibility for Eligible Children and Other Miscellaneous Issues" (RIN2900-AL44) received on June 3, 2008; to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 781. A bill to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam".

H.R. 1019. A bill to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3986. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 4140. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the "Richard B. Anderson Federal Building".

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse".

S. 2837. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2942. A bill to authorize funding for the National Advocacy Center.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3009. A bill to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building".

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 3079. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. CANTWELL, Mr. ALLARD, and Ms. COLLINS):

S. 3080. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

By Mr. KERRY:

S. 3081. A bill to establish a Petroleum Industry Antitrust Task Force within the Department of Justice; to the Committee on the Judiciary.

By Mrs. McCASKILL (for herself and Mr. BOND):

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. CASEY, and Mr. WHITEHOUSE):

S. 3083. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policy-making should be strengthened, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. Res. 582. A resolution recognizing the work and accomplishments of Mr. Herbert Saffir, inventor of the Saffir-Simpson Hurricane Scale, during Hurricane Preparedness Week; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. FEINSTEIN, Mr. COLEMAN, Mr. KENNEDY, Mr. CRAPO, Ms. LANDRIEU, Mr. GREGG, Mr. SCHUMER, Mr. SPECTER, Mrs. BOXER, and Mr. ALLARD):

S. Res. 583. A resolution designating June 20, 2008, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 388

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 899

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 899, a bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount.

S. 937

At the request of Mr. CASEY, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to non-discrimination on the basis of national origin.

S. 2498

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2606

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2619

At the request of Mr. COBURN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2723

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2938

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2957

At the request of Mr. LIEBERMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2957, a bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes.

S. 2991

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. 2994

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2994, a bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern.

S. 3044

At the request of Mr. REID, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 3044, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S.J. RES. 24

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S.J. Res. 24, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4822

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 4822 intended to be proposed to S. 3036, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. CANTWELL, Mr. ALLARD, and Ms. COLLINS):

S. 3080. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Imported Ethanol Parity Act of 2008.

This legislation is cosponsored by Senators GREGG, CANTWELL, ALLARD and COLLINS.

First, let me explain what this bill does. The Imported Ethanol Parity Act instructs the President to lower the ethanol import tariff, so that it is no higher than the subsidy for blending ethanol into gasoline.

This legislation is necessary because the Farm Bill extended the tariff for two more years at \$0.54 per gallon, even though the Farm Bill reduced the ethanol blending subsidy to \$0.45 per gallon.

In effect, the Farm Bill has turned the tariff from an "offset" into a true trade barrier of at least \$0.09 per gallon.

The Ethanol tariff poses many problems.

It increases the cost of Gasoline in the United States by making ethanol more expensive.

It prevents Americans from importing ethanol made from sugarcane. Sugar ethanol is the only available transportation fuel that works in today's cars and emits considerably less lifecycle greenhouse gas than gasoline.

It taxes imports from our friends in Brazil, India, and Australia, while oil and gasoline imports from OPEC enter the United States tax free.

It hinders the emergence of a global biofuels marketplace through which

countries with a strong biofuel crop could sell fuel to countries that suffered drought or other agricultural difficulties in the same crop year. Such a global market would permit mutually beneficial trade between producing regions and stabilize both fuel and food prices.

It makes us more dependent on the Middle East for fuel when we should be increasing the number of countries from whom we buy fuel. When it comes to energy security for the United States, which has less than 3 percent of proven global oil reserves and 25 percent of demand, we must diversify supply.

Bottom Line: until the tariff is lowered, the United States will tax the only fuel it can import that increases energy security, reduces greenhouse gas emissions, and lowers gasoline prices.

In 2006 I introduced legislation to eliminate the ethanol tariff entirely, and in 2007 I cosponsored an amendment to the Energy Bill which would have eliminated the tariff.

The Imported Ethanol Parity Act is a different proposal that I believe addresses the concerns of tariff defenders.

The advocates of the \$0.54 per gallon tariff on ethanol imports have always argued that the tariff is necessary in order to offset the blender subsidy that applies to the use of all ethanol, whether produced domestically or internationally. They argue that the ethanol subsidy exists to support American farmers who produce ethanol at higher cost than foreign producers.

For instance, on May 6, 2006, the Chairman of the Senate Finance Committee stated on the Senate floor that, "the U.S. tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol."

On May 9, 2006, the Renewable Fuels Association stated in a press release: "the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin."

In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the "(blender) tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff."

Just this month, the Renewable Fuels Association's Executive Director asserted that "The tariff is there not so much to protect the industry but the U.S. taxpayer."

Bottom Line: the tariff cannot be justifiably maintained at \$0.54 per gal-

lon if its intent is to offset a \$0.45 per gallon blender subsidy, and it should be reduced.

Ethanol from Brazil or Australia should not have to overcome a trade barrier that no drop of OPEC oil must face.

Tariff defenders either should support this legislation or explain how a tariff can justifiably be higher than the subsidy it is designed to offset.

Climate Change is the most significant environmental challenge we face, and I believe that lowering the ethanol tariff will make it less expensive for the United States to combat global warming.

The fuel we burn to power our cars is a major source of the greenhouse gas emissions warming our planet. To reduce this impact, we need to increase the fuel efficiency of our vehicles and lower the lifecycle carbon emissions of the fuel itself.

For this reason, in March 2007, I introduced the Clean Fuels and Vehicles Act with Senators OLYMPIA SNOWE and SUSAN COLLINS.

The legislation proposed a "Low Carbon Fuels Standard," which would require each major oil company selling gasoline in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy in their gasoline by 3 percent by 2015 and by 3 percent more in 2020.

The legislation was modeled on the state of California's Low Carbon Fuels Standard, which also requires a reduction in the lifecycle greenhouse gas emissions from transportation fuels.

This concept became a major aspect of the Energy Independence and Security Act of 2007, in which Congress required oil companies to use an increasing quantity of "advanced biofuels" that produce at least 50 percent less lifecycle greenhouse gas than gasoline.

Unfortunately the ethanol tariff puts a trade barrier in front of the lowest carbon fuel available, making it considerably more expensive for the United States to lower the lifecycle carbon emissions of transportation fuel.

The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks, and these differences will impact the degree to which ethanol may be used to meet "low-carbon" fuel requirements under California law and the Energy Independence and Security Act of 2007.

For instance, sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes. By comparison, researchers at the University of California concluded that "only 5 to 26 percent of the energy content (in corn ethanol) is renewable. The rest is primarily natural gas and coal," which are used in the production process.

The 2007 California Energy Commission Report entitled Full Fuel Cycle Assessment: Well-to-Wheels Energy Inputs, Emissions, and Water Impacts

concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 68 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 15 to 28 percent lower than gasoline.

Further research released in 2008 suggests that the lifecycle greenhouse gas emissions of corn based ethanol may be higher than gasoline, when land use change is factored into the equation.

The bottom line: biofuels that protect our planet may be produced abroad, and we should not put tariffs in front of these fuels, while we import crude oil and gasoline tariff free.

Energy and food prices are both rising at unprecedented rates, and there is a great deal of debate about whether the renewable fuels standard mandating ethanol use is causing the problem.

I have always opposed corn ethanol mandates. But I remain concerned that the blending subsidy and the ethanol tariff have as much to do with rising corn prices as the ethanol mandate.

Corn ethanol production has considerably exceeded the renewable fuels standard every year since its adoption in 2005. With oil prices this high, it is profitable to produce ethanol at record corn prices with or without the mandate. The low value of renewable fuels standard credits, known as RINs, confirms that using ethanol is not a burden for oil companies.

To address the rising cost of corn, we have to address the underlying economics of corn ethanol production, and effectively increasing the tariff on imports, as the Farm Bill has done, is a step in the wrong direction.

This legislation corrects the Farm Bill's mistaken policy that imposed a real trade barrier on clean and climate friendly ethanol imports, giving gasoline imports a competitive advantage over cleaner fuel that simply should not exist at a time we are trying to combat climate change.

It prevents ethanol producers abroad from receiving American ethanol subsidies, which is supposedly the intent of the ethanol tariff.

I think it strikes the right balance, and I urge Congress to pass this legislation.

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

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

S. 3080

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Imported Ethanol Parity Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) On May 6, 2006, the Chairman of the Finance Committee of the Senate stated on the Senate floor that, "the United States tariff

on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol."

(2) On May 9, 2006, the Renewable Fuels Association stated: "the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin." In May 2008, the Renewable Fuels Association's Executive Director asserted that "The tariff is there not so much to protect the industry but the United States taxpayer."

(3) In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the "(blender) tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent United States taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff."

(4) The Food, Conservation, and Energy Act of 2008, as contained in the Conference Report to accompany H.R. 2419 in the 110th Congress, proposes to decrease the excise tax credit for blending ethanol from \$0.51 to \$0.45 per gallon, but extend the \$0.54 per gallon temporary duty on imported ethanol, increasing the competitive disadvantage of ethanol imports in the United States marketplace. The legislation would transform a tariff designed to offset a domestic subsidy into a real import barrier of at least \$0.09 per gallon.

(5) The State of California is adopting a Low Carbon Fuels Standard that requires a reduction in the lifecycle greenhouse gas emissions from transportation fuels, and the Energy Independence and Security Act of 2007 requires the United States to use increasing quantities of "advanced biofuels" that have lifecycle greenhouse gas emissions that are at least 50 percent less than lifecycle greenhouse gas emissions from gasoline.

(6) The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks. These differences will impact the degree to which ethanol may be used to meet "low-carbon" fuel requirements under California law and the Energy Independence and Security Act of 2007.

(7) Sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes.

(8) The 2007 California Energy Commission Report, entitled "Full Fuel Cycle Assessment: Well-to-Wheels Energy Inputs, Emissions, and Water Impacts", concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 68 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 15 to 28 percent lower than gasoline.

(9) The cost to ship ethanol by sea from foreign production areas to California is competitive with the cost to ship ethanol by rail from the American Midwest, according to ethanol producers and importers.

(10) Ethanol production will vary from region to region each year based on crop performance, and a global biofuels marketplace would permit mutually beneficial trade between producing regions capable of stabilizing both fuel and food prices.

(11) In March 2007, the United States and Brazil entered into a strategic alliance to cooperate on advanced research for biofuels, develop biofuel technology, and expand the production and use of biofuels throughout

the Western Hemisphere, especially in the Caribbean and Central America.

(12) On March 9, 2007, President Bush stated "it's in the interest of the United States that there be a prosperous neighborhood. And one way to help spread prosperity in Central America is for them to become energy producers."

(13) According to a February 2008 study by the Massachusetts Institute of Technology, titled "Biomass to Ethanol: Potential Production and Environmental Impacts", the current ethanol distribution system in the United States is not capable of efficiently supplying ethanol to the East Coast markets.

#### SEC. 3. ETHANOL TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986 and take any other action necessary to ensure that the temporary duty imposed on ethanol under such subheading 9901.00.50 is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

By Mr. KERRY:

S. 3081. A bill to establish a Petroleum Industry Antitrust Task Force within the Department of Justice; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, from the skyrocketing price of crude oil, now hovering well above \$120 a barrel, to the \$4.00 per gallon being sold at gas stations across the country, Americans are frustrated and there appears to be no end in sight.

I've talked to school superintendents who have had to cut academic programs because the cost of fueling school buses has gone through the roof. I have met with constituents who are pleading for the Federal Government to take some kind of action to provide relief. Just last week, I held a field hearing in Pittsfield, Massachusetts to examine how gas prices were impacting small business owners, and the testimony was striking. Businesses that have been sustainable for decades are now wondering whether they'll be forced to shut their doors for good.

Congress has received testimony from energy market experts and major oil company executives that the price of oil and gas can no longer be explained or predicted by normal market dynamics or their historic understanding of supply and demand forces. An executive from Exxon Mobil recently testified before Congress under oath that the price of crude oil should be about \$50 to \$55 per barrel based on the supply and demand fundamentals he had observed. Yet current crude oil prices are more than double that.

We are all owed a clearer understanding as to why prices are so disconnected from what normal supply and demand would indicate. Why has the price of oil nearly doubled in the last year? Prices should not skyrocket like this in a properly functioning, competitive market. Twice I have written to

the Bush Administration demanding an investigation and twice I have received a response of “we’re working on it”. Well, this response rings awfully hollow to Americans struggling to understand what’s going on.

How the Federal Government responds to the changing dynamics of energy markets is vital to our continued national and economic security. If the Enron energy crisis taught us anything it is that consumers are best protected when energy markets are subject to aggressive oversight and enforcement. Unless there is a cop on the beat vigilantly policing energy markets—especially when supplies are tight in markets with extremely inelastic demand—sophisticated companies can fleece consumer pocketbooks without fear of penalty.

Therefore, I am introducing legislation today to establish a new interagency Oil and Gas Market Fraud Task Force under the leadership of the Department of Justice to ensure that energy markets are free from illegal market manipulation or corporate corruption. This legislation will allow us to root out fraud and manipulation in all corners of the oil and gas marketplace, and restore consumer confidence. When that happens, everyone wins. I urge my colleagues to support this legislation.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 3082. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the “Reverend Earl Abel Post Office Building”; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MCCASKILL. Mr. President, when I was a local elected official in Kansas City, MO, I had the distinct honor of getting to know many of the dedicated community leaders whose sole purpose for being involved was to improve the lives of their fellow citizens. One of the best and most beloved of these leaders was the Reverend Earl Abel.

Reverend Abel was born on September 12, 1930. He attended University of Kansas and went on to receive his Doctor of Divinity Degree from Western Baptist Bible College. Reverend Abel worked as a U.S. Postal Service mail carrier until he organized the Palestine Missionary Baptist Church in 1959.

Under Reverend Abel’s leadership, what started out as a modest church of 11 members grew into a thriving ministry, touching the lives of thousands of community members across Kansas City, Missouri. While he was pastor, Palestine Church built two senior citizens residences, a Senior Activity Center, and a church camp for both youth and adults. Even as he worked tirelessly to reach out through these programs, Reverend Abel’s involvement in the community did not end with his efforts at Palestine Church. Reverend Abel served as Chaplain for the Kansas

City Police Department, President of the Baptist Ministers Union, member of the Kansas City Council on Crime Prevention, and authored a book entitled *If a Church is to Grow*. In 1999, Missouri Governor Mel Carnahan appointed Reverend Abel to the Appellate Judicial Commission.

On May 17, 2005, Reverend Abel passed away after 46 years of service at Palestine Missionary Baptist Church of Jesus Christ and more than 48 years as a minister of God.

Today I rise to offer a bill to honor this man by naming a post office facility in Kansas City after him. Given his early career as a mail carrier, it is only fitting for the location at 1700 Cleveland Avenue, in the heart of Kansas City, to carry his name. It is my hope that this small gesture helps ensure that the legacy of Rev. Abel lives on. A companion bill in the House of Representatives will be filed today by Rep. Cleaver, a fellow minister and selfless public servant who represents Kansas City.

I hope my fellow colleagues will join me and my colleague Senator BOND in recognizing Reverend Earl Abel for his loving ministry and limitless dedication to serving the Kansas City, MO, community.

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

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

S. 3082

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

**SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the “Reverend Earl Abel Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Reverend Earl Abel Post Office Building”.

By Mr. BROWN (for himself, Mr. DORGAN, Mr. FEINGOLD, Mr. CASEY, and Mr. WHITEHOUSE):

S. 3083. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Finance.

Mr. BROWN. Mr. President, the goal of our trade policy should be to promote fair competition and lift up workers at home and abroad.

Americans support trade that allows responsible businesses to thrive, fueling good-paying jobs and a strong, resilient economy.

But wrong-headed trade pacts following the failed NAFTA-model have betrayed middle class families across

the country, destabilizing our economy and destroying communities in rural and urban areas alike.

In my state of Ohio, more than 200,000 manufacturing jobs have been eliminated since 2001. Across the country, more than 3 million manufacturing jobs have been eliminated in that time.

Our failures to modernize our Nation’s trade policy, to learn from our mistakes, and to respond to changing dynamics in the global arena, hurt communities like Toledo and Steubenville and Dayton.

That is why voters in my state of Ohio and across the country have sent a message loud and clear demanding a new direction, a very different direction, for our nation’s trade policy.

Over the last 8 years, our approach to trade has been haphazard at best.

In the last 2 years, since voters elected candidates who support fair trade, Congress has reasserted itself in trade policy-making, with some improvements to proposed deals with Peru, Panama, Colombia, and South Korea.

We also have chosen not to grant President Bush a renewal of Fast Track.

But our approach to trade has not evolved from reactive to proactive. We have not forged a new approach to trade that is results-oriented, an approach focused squarely on the goals of economic strength, job creation, and U.S. self-sufficiency.

Not surprisingly, polls show that Americans reject current trade policy as misguided.

That is because it is.

It is time to learn from our mistakes.

It is time for a change. The Trade Reform, Accountability, Development and Employment, TRADE, Act, which Senator DORGAN, Senator FEINGOLD, Senator CASEY, Senator WHITEHOUSE and I are introducing today, is a step towards that change.

This legislation will serve as a template for how to craft a trade agreement that works for workers, for business owners, for our country.

This legislation will mandate a review of all existing trade agreements and will require the President to submit renegotiation plans for those agreements before pursuing new trade agreements.

The TRADE Act will create a committee comprised of House and Senate leaders who will review the President’s plan for renegotiation.

This bill spells out standards for future trade agreements, standards based on fostering fair competition, promoting good-paying jobs, and addressing unethical behavior by multinational corporations, including the exploitation of people and natural resources in developing nations.

Trade is an exchange that relies on the integrity of its participants. We must not trade away our fundamental belief in basic human rights and our responsibility to fight the kind of exploitation that threatens vulnerable peoples and vulnerable nations.

That is why our trade policy must not sidestep the impact of lax trade agreements and unethical corporations on developing nations.

The TRADE Act also sets out criteria for a new negotiating process—one that would do away with the fundamentally-flawed Fast Track process and return power to Congress when considering our nation's trade pacts.

We take for granted our clean air, safe food, and safe drinking water. But these blessings are not by chance: they result from laws and rules that foster fair wages, protect the public health, and promote environmental stewardship.

Flawed trade policy accelerates the import of toxic toys, contaminated toothpaste, and poisonous pet food into this country.

It does not have to be this way.

We have a choice.

We can continue a race to the bottom in wages, worker safety, environmental protection, and health standards.

Or, we can use trade agreements to lift standards abroad—not threaten workers and consumers.

We can continue down the path of the failed NAFTA model, or we can write trade agreements that sustain and grow our Nation's manufacturing self-sufficiency, create good-paying jobs and reduce the trade deficit by providing fair and transparent market access.

We can forsake U.S. standards and U.S. values and ignore trade abuses in order to mass produce trade agreements, or we can write trade agreements that fulfill their promises, that hold our trading partners accountable for abiding by the rules, and that build on the hard-fought battles waged to build a strong middle class, reward good corporate citizens, preserve our natural resources, and ensure that the food and products Americans purchase are safe.

We can continue to use trade deals to lock in protections for Wall Street, the drug companies, and oil companies, or we can create a predictable structure for international trade without providing corporations with overreaching privileges and rights of private enforcement that undermine our laws.

Middle class families, American manufacturers and farmers, and community leaders across the country all know that we need a new direction for trade.

I am going to ask my leadership, and my caucus, to work with me on this legislation. And I look forward to working with my allies on the other side of the aisle to modernize U.S. trade policy.

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

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

S. 3083

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Trade Reform, Accountability, Development, and Employment Act of 2008” or the “TRADE Act of 2008”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **CORE LABOR STANDARDS.**—The term “core labor standards” means the core labor rights as stated in the International Labour Organization conventions dealing with—

(A) freedom of association and the effective recognition of the right to collective bargaining;

(B) the elimination of all forms of forced or compulsory labor;

(C) the effective abolition of child labor; and

(D) the elimination of discrimination with respect to employment and occupation.

(2) **MULTILATERAL ENVIRONMENTAL AGREEMENTS.**—The term “multilateral environmental agreements” means any international agreement or provision thereof to which the United States is a party and which is intended to protect, or has the effect of protecting, the environment or human health.

(3) **TRADE AGREEMENTS.**—

(A) **IN GENERAL.**—The term “trade agreement” includes the following:

(i) The United States-Australia Free Trade Agreement.

(ii) The United States-Morocco Free Trade Agreement.

(iii) The United States-Singapore Free Trade Agreement.

(iv) The United States-Chile Free Trade Agreement Implementation Act.

(v) The North American Free Trade Agreement.

(vi) The Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area.

(vii) The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act.

(viii) The United States-Bahrain Free Trade Agreement Implementation Act.

(ix) The United States-Oman Free Trade Agreement Implementation Act.

(x) The Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel.

(xi) The United States-Peru Trade Promotion Agreement.

(B) **URUGUAY ROUND AGREEMENTS.**—The term “trade agreement” includes the following Uruguay Round Agreements:

(i) The General Agreement on Tariffs and Trade (GATT 1994) annexed to the WTO Agreement.

(ii) The WTO Agreement described in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

(iii) The agreements described in section 101(d) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)).

(iv) Any multilateral agreement entered into by the United States under the auspices of the World Trade Organization dealing with information technology, telecommunications, or financial services.

#### SEC. 3. REVIEW AND REPORT ON EXISTING TRADE AGREEMENTS.

(a) **REVIEW AND REPORT.**—

(1) **IN GENERAL.**—Not later than June 30, 2010, the Comptroller General of the United States shall conduct a review of all trade agreements described in section 2(3) and submit to the Congressional Trade Agreement Review Committee established under section 6 a report that includes the information described under subsections (b) and (c) and the recommendations required under subsection

(d). The review shall concentrate on the effective operation of the United States trade agreements program generally.

(2) **COOPERATION OF AGENCIES.**—The Department of State, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of the Treasury, the United States Trade Representative, and other executive departments and agencies shall cooperate with the Comptroller General and the Government Accountability Office in providing access to United States Government officials and documents to facilitate preparation of the report.

(b) **INFORMATION WITH RESPECT TO TRADE AGREEMENTS.**—The report required by subsection (a) shall, with respect to each trade agreement described in section 2(3), to the extent practical, include the following information covering the period between the date on which the agreement entered into force with respect to the United States and the date on which the Comptroller General completes the review:

(1) An analysis of indicators of the economic impact of each trade agreement, such as—

(A) the dollar value of goods exported from the United States and imported into the United States by sector and year;

(B) the employment effects of the agreement on job gains and losses in the United States by sector and changes in wage levels in the United States in dollars by sector and year; and

(C) the rate of production, number of employees, and competitive position of industries in the United States significantly affected by the agreement.

(2) A trend analysis of wage levels on a year-to-year basis in—

(A) each country with which the United States has a trade agreement described in section 2(3)(A);

(B) each country that is a major United States trading partner, including Belgium, Brazil, China, France, Germany, Hong Kong, India, Ireland, Italy, Japan, South Korea, Malaysia, Netherlands, Taiwan, and the United Kingdom;

(C) each country with which the United States has considered establishing a free trade agreement, including South Africa and Thailand;

(D) each country with respect to which the United States has extended preferential trade treatment under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) and the Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(3) The effect on agriculture, including—

(A) the trend of prices in the United States for agricultural commodities and food products that are imported into the United States from a country that is a party to an agreement described in section 2(3);

(B) an analysis of the effects, if any, on the cost of farm programs in the United States; and

(C) the number of farms operating in the United States and the number of acres under production for agricultural commodities that are exported from the United States to a country that is a party to such an agreement on a year-by-year basis.

(4) An analysis of the progress in implementing trade agreement commitments and the record of compliance with the terms of each agreement in effect between the United States and a country listed in paragraph (2).

(5) A description of any outstanding disputes between the United States and any country that is a party to an agreement listed in section 2(3), including a description of laws, regulations, or policies of the United States or any State that any country that is a party to such an agreement has challenged,

or threatened to challenge, under such agreement.

(6) An analysis of the ability of the United States to ensure that any country with which the United States has a trade agreement described in section 2(3) complies with United States laws and regulations, including—

(A) complying with the customs laws of the United States;

(B) making timely payment of duties owed on goods imported into the United States;

(C) meeting safety and inspection requirements with respect to food and other products imported into the United States; and

(D) complying with prohibitions on the transshipment of goods that are ultimately imported into the United States.

(7) A analysis of any privatization of public sector services in the United States or in any country that is a party to the an agreement listed in section 2(3), including any effect such privatization has on the access of consumers to essential services, such as health care, electricity, gas, water, telephone service, or other utilities.

(8) An assessment of the impact of the intellectual property provisions of the trade agreements listed in section 2(3) on access to medicines.

(9) An analysis of contracts for the procurement of goods or services by Federal or State government agencies from persons operating in any country that is a party to an agreement listed in section 2(3).

(10) An assessment of the consequences of significant currency movements and a determination of whether the currency of a country that is a party to an agreement is misaligned deliberately to promote a competitive advantage in international trade for that country.

(C) INFORMATION ON COUNTRIES THAT ARE PARTIES TO TRADE AGREEMENTS.—With respect to each country with respect to which the United States has a trade agreement in effect, the report required under subsection (a) shall include information regarding whether that country—

(1) has a democratic form of government;

(2) respects core labor standards, as defined by the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards of the International Labour Organization;

(3) respects fundamental human rights, as determined by the Secretary of State in the annual country reports on human rights of the Department of State;

(4) is designated as a country of particular concern with respect to religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1));

(5) is on a list described in subparagraph (B) or (C) of section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) (commonly known as tier 2 or tier 3 of the Trafficking in Persons List of the Department of State);

(6) has taken effective measures to combat and prevent public and private corruption, including measures with respect to tax evasion and money laundering;

(7) complies with the multilateral environmental agreements to which the country is a party;

(8) has in force adequate labor and environmental laws and regulations, has devoted sufficient resources to implementing such laws and regulations, and has an adequate record of enforcement of such law and regulations;

(9) adequately protects intellectual property rights;

(10) provides for governmental transparency, due process of law, and respect for international agreements;

(11) provides procedures to promote basic democratic rights, including the right to hold clear title to property and the right to a free press; and

(12) poses potential concerns to the national security of the United States, including an assessment of transfer of technology, production, and services from one country to another.

(d) RECOMMENDATIONS.—Each report required under subsection (a) shall include recommendations of the Comptroller General for addressing the problems with respect to an agreement identified under subsections (b) and (c). The recommendations shall include suggestions for renegotiating the agreement based on the requirements described in section 4(b) and for negotiations with respect to new trade agreements.

(e) CITATIONS.—The Comptroller General shall include in the report required under subsection (a) citations to the sources of data used in preparing the report and a description of the methodologies employed in preparing the report.

(f) PUBLIC COMMENT.—In preparing each report required under subsection (a), the Comptroller General shall—

(1) hold at least 2 hearings that are open to the public; and

(2) provide an opportunity for members of the public to testify and submit written comments.

(g) PUBLIC AVAILABILITY.—The report required under subsection (a) shall be made available to the public not later than 14 days after the Comptroller General completes that report.

#### SEC. 4. INCLUSION OF CERTAIN PROVISIONS IN TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country that is introduced in Congress after the date of the enactment of this Act shall be subject to a point of order pursuant to subsection (c) unless the trade agreement meets the requirements described in subsection (b).

(b) REQUIREMENTS.—Each trade agreement negotiated between the United States and another country shall meet the following requirements:

(1) LABOR STANDARDS.—The labor provisions shall—

(A) be included in the text of the agreement;

(B) require that a country that is party to the agreement adopt and maintain as part of its domestic law and regulations (including in any designated zone in that country), the core labor standards and effectively enforce laws directly related to those standards and to acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(C) prohibit a country that is a party to the agreement from waiving or otherwise derogating from its laws and regulations relating to the core labor standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(D) require each country that is a party to the agreement to adopt into domestic law and enforce effectively core labor standards;

(E) provide that failures to meet the labor standards required by the agreement shall be subject to dispute resolution and enforcement mechanisms and penalties that are at least as effective as the mechanisms and penalties that apply to the commercial provisions of the agreement;

(F) strengthen the capacity of each country that is a party to the agreement to promote and enforce core labor standards; and

(G) establish a commission of independent experts who shall receive, review, and adjudicate any complaint filed under the labor provisions of the trade agreement, and vest the commission with the authority to establish objective indicators to determine compliance with the obligations set forth in subparagraphs (B), (C), (D), (E), and (F).

(2) ENVIRONMENTAL AND PUBLIC SAFETY STANDARDS.—The environmental provisions shall—

(A) be included in the text of the agreement;

(B) prohibit each country that is a party to the agreement from weakening, eliminating, or failing to enforce domestic environmental or other public safety standards to promote trade or attract investment;

(C) require each such country to implement and enforce fully and effectively, including through domestic law, the country's obligations under multilateral environmental agreements and provide for the enforcement of such obligations under the agreement;

(D) prohibit the trade of products that are illegally harvested or extracted and the trade of goods derived from illegally harvested or extracted natural resources, including timber and timber products, fish, wildlife, and associated products, mineral resources, or other environmentally sensitive goods;

(E) provide that the failure to meet the environmental standards required by the agreement be subject to dispute resolution and enforcement mechanisms and penalties that are at least as effective as the mechanisms and penalties that apply to the commercial provisions of the agreement; and

(F) allow each country that is a party to the agreement to adopt and implement environmental, health, and safety standards, recognizing the legitimate right of governments to protect the environment and public health and safety.

(3) FOOD AND PRODUCT HEALTH AND SAFETY STANDARDS.—If the agreement contains health and safety standards for food and other products, the agreement shall—

(A) establish that food, feed, food ingredients, and other related food products may be imported into the United States from a country that is a party to the agreement only if such products meet or exceed United States standards with respect to food safety, pesticides, inspections, packaging, and labeling;

(B) establish that nonfood products may be imported into the United States from a country that is a party to the agreement only if such products meet or exceed United States health and safety standards with respect to health and safety, inspection, packaging and labeling;

(C) allow each country that is a party to the agreement to impose standards designed to protect public health and safety unless it can be clearly demonstrated that such standards do not protect the public health or safety;

(D) authorize the Commissioner of the Food and Drug Administration (in this Act, referred to as the "Commissioner") and the Consumer Product Safety Commission (in this Act, referred to as the "Commission") to assess the regulatory system of each country that is a party to the agreement to determine whether the system provides the same or better protection of health and safety for food and other products as provided under the regulatory system of the United States;

(E) if the Commissioner or the Commission determines that the regulatory system of

such a country does not provide the same or better protection of health and safety for food and other products as provided under the regulatory system of the United States, prohibit the importation into the United States of food and other products from that country;

(F) provide a process by which producers from countries whose standards are not found by the Commissioner or the Commission to meet United States standards may have their facilities inspected and certified in order to allow products from approved facilities to be imported into the United States;

(G) if harmonization of food or product health or safety standards is necessary to facilitate trade, such harmonization shall be based on standards that are no less stringent than United States standards; and

(H) establish mandatory end-use labeling of imports of milk protein concentrates.

(4) SERVICES PROVISIONS.—If the agreement contains provisions related to the provision of services, such provisions shall—

(A) preserve the right of Federal, State, and local governments to maintain essential public services and to regulate, for the benefit of the public, services provided to consumers in the United States by establishing a general exception to the national treatment commitments in the agreement that allows distinctions between United States and foreign service providers and qualifications or limitations on the provision of services;

(B)(i) require each country that is a party to the agreement to establish a list of each service sector that will be subject to the obligations of the country under the agreement; and

(ii) apply the agreement only to the service sectors that are on the list described in clause (i);

(C) establish a general exception to market access obligations that allows a country that is a party to the agreement to maintain or establish a ban on services the country considers harmful, if the ban is applied to domestic and foreign services and service providers alike;

(D) require service providers in any country that is a party to the agreement that provide services to consumers in the United States to comply with United States privacy, transparency, professional qualification, and consumer access laws and regulations;

(E) require that services provided to consumers in the United States that are subject to privacy laws and regulations in the United States may only be provided by service providers in other countries that provide privacy protections and protections for confidential information that are equal to or exceed the protections provided by United States privacy laws and regulations;

(F) require that financial and medical services be subject to United States privacy laws and be performed only in countries that provide protections for confidential information that are equal to or exceed the protections for such information under United States privacy laws;

(G) not require the privatization of public services in any country that is a party to the agreement, including services related to national security, social security, health, public safety, education, water, sanitation, other utilities, ports, or transportation; and

(H) provide for local governments to operate without being subject to market access obligations under the agreement.

(5) INVESTMENT PROVISIONS.—If the agreement contains provisions related to investment, such provisions shall—

(A) preserve the ability of each country that is a party to the agreement to regulate

foreign investment in a manner consistent with the needs and priorities of the country;

(B) allow each such country to place reasonable restrictions on speculative capital to reduce global financial instability and trade volatility;

(C) not be subject to an investor-state dispute settlement mechanism under the agreement;

(D) ensure that foreign investors operating in the United States have rights no greater than the rights provided to domestic investors by the Constitution of the United States;

(E) provide for government-to-government dispute resolution relating to a government action that destroys all value of the real property of a foreign investor rather than dispute resolution between the government that took the action and the foreign investor;

(F) define the term “investment” to mean not more than a commitment of capital or acquisition of real property and not to include assumption of risk or expectation of gain or profit;

(G) define the term “investor” to mean only a person who makes a commitment or acquisition described in subparagraph (F);

(H) define the term “direct expropriation” as government action that does not merely diminish the value of property but destroys all value of the property permanently;

(I) not provide a dispute resolution system under the agreement for the enforcement of contracts between foreign investors and the government of a country that is a party to the agreement relating to natural resources, public works, or other activities under government control; and

(J) define the standard of minimum treatment to provide no greater legal rights than United States citizens possess under the due process clause of section 1 of the 14th amendment to the Constitution of the United States.

(6) PROCUREMENT STANDARDS.—If the agreement contains government procurement provisions, such provisions shall—

(A) require each country that is a party to the agreement to establish a list of industry sectors, goods, or services that will be subject to the national treatment and other obligations of the country under the agreement;

(B) with respect to the United States, apply only to State and local governments that specifically agree to the agreement and only to the industry sectors, goods, or services specifically identified by the State government and not apply to local governments; and

(C) include only technical specifications for goods or services, or supplier qualifications or other conditions for receiving government contracts that do not undermine—

- (i) prevailing wage policies;
- (ii) recycled content policies;
- (iii) sustainable harvest policies;
- (iv) renewable energy policies;
- (v) human rights; or
- (vi) labor project agreements.

(7) INTELLECTUAL PROPERTY REQUIREMENTS.—If the agreement contains provisions related to the protection of intellectual property rights, such provisions shall—

(A) promote adequate and effective protection of intellectual property rights;

(B) include only terms relating to patents that do not, overtly or in application, limit the flexibilities and rights established in the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001; and

(C) require that any provisions relating to the patenting of traditional knowledge be

consistent with the Convention on Biological Diversity, concluded at Rio de Janeiro June 5, 1992.

(8) AGRICULTURAL STANDARDS.—If the agreement contains provisions related to agriculture, such provisions shall—

(A) protect the right of each such country to establish policies with respect to food and agriculture that require farmers to receive fair remuneration for management and labor that occurs on farms and that allow for inventory management and strategic food and renewable energy reserves, to the extent that such policies do not contribute to or allow the dumping of agricultural commodities in world markets at prices lower than the cost of production;

(B) protect the right of each country that is a party to the agreement to prevent dumping of agricultural commodities at below the cost of production through border regulations or other mechanisms and policies;

(C) ensure that all laws relating to anti-trust and anti-competitive business practices remain fully in effect, and that their enforceability is neither pre-empted nor compromised in any manner;

(D) ensure adequate supplies of safe food for consumers;

(E) protect the right of each country that is a party to the agreement to encourage conservation through the use of best practices with respect to the management and production of crops; and

(F) ensure fair treatment of farm laborers in each such country.

(9) TRADE REMEDIES AND SAFEGUARDS.—If the agreement contains trade remedy provisions, such provisions shall—

(A) preserve fully the ability of the United States to enforce its trade laws, including antidumping and countervailing duty laws and safeguard laws;

(B) ensure the continued effectiveness of domestic and international prohibitions on unfair trade, especially prohibitions on dumping and subsidies, and domestic and international safeguard provisions;

(C) allow the United States to maintain adequate safeguards to ensure that surges of imported goods do not result in economic burdens on workers, firms, or farmers in the United States, including providing that such safeguards go into effect automatically based on certain criteria; and

(D) if the currency of a country that is a party to the agreement is deliberately misaligned, establish safeguard remedies that apply automatically to offset substantial and sustained currency movements.

(10) RULES OF ORIGIN PROVISIONS.—If the agreement contains provisions related to rules of origin, such provisions shall—

(A) ensure, to the fullest extent practicable, that goods receiving preferential treatment under the agreement are produced using inputs from a country that is a party to the agreement; and

(B) ensure the effective enforcement of such provisions.

(11) DISPUTE RESOLUTION AND ENFORCEMENT PROVISIONS.—If the agreement contains provisions related to dispute resolution, such provisions shall—

(A) incorporate the basic due process guarantees protected by the Constitution of the United States, including access to documents, open hearings, and conflict of interest rules for judges;

(B) require that any dispute settlement panel, including an appellate panel, dealing with intellectual property rights or environmental, health, labor, and other public law issues include panelists with expertise in such issues; and

(C) provide that dispute resolution proceedings are open to the public and provide



timely public access to information regarding enforcement, disputes, and ongoing negotiations related to disputes.

(12) **TECHNICAL ASSISTANCE.**—If the agreement contains technical assistance provisions, such provisions shall—

(A) be designed to raise standards in developing countries by providing assistance that ensures respect for diversity of development paths;

(B) be designed to empower civil society and democratic governments to create sustainable, vibrant economies and respect basic rights;

(C) provide that technical assistance shall not supplant economic assistance; and

(D) promote the exportation of goods produced with methods that support sustainable natural resources.

(13) **EXCEPTIONS FOR NATIONAL SECURITY AND OTHER REASONS.**—Each agreement shall—

(A) include an essential security exception that permits a country that is a party to the agreement to apply measures that the country considers necessary for the maintenance or restoration of international peace or security, or the protection of its own essential security interests, including regarding infrastructure, services, manufacturing, and other sectors; and

(B) include in its list of general exceptions the following language: “Notwithstanding any other provision of this agreement, a provision of law that is nondiscriminatory on its face and relates to domestic health, consumer safety, the environment, labor rights, worker health and safety, economic equity, consumer access, the provision of goods or services, or investment, shall not be subject to challenge under the dispute resolution mechanism established under this agreement, unless the primary purpose of the law is to discriminate with respect to market access.”

(14) **FEDERALISM.**—The agreement may only require a State government to comply with procurement, investment, or services provisions contained in the agreement if the State government has been consulted in full and has given explicit consent to be bound by such provisions.

(c) **POINT OF ORDER IN SENATE.**—The Senate shall cease consideration of a bill to implement a trade agreement if—

(1) a point of order is made by any Senator against the bill based on the noncompliance of the trade agreement with the requirements of subsection (b); and

(2) the point of order is sustained by the Presiding Officer.

(d) **WAIVERS AND APPEALS.**—

(1) **WAIVERS.**—Before the Presiding Officer rules on a point of order described in subsection (c), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (c) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) **APPEALS.**—After the Presiding Officer rules on a point of order described in subsection (c), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (c) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) **DEBATE.**—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate, or their designees.

#### SEC. 5. RENEGOTIATION PLAN FOR EXISTING TRADE AGREEMENTS.

The President shall submit to Congress a plan to bring trade agreements in effect on the date of the enactment of this Act into compliance with the requirements of section 4(b) not later than 90 days before the earlier of the day on which the President—

(1) initiates negotiations with a foreign country with respect to a new trade agreement; or

(2) submits a bill to Congress to implement a trade agreement.

#### SEC. 6. ESTABLISHMENT OF CONGRESSIONAL TRADE AGREEMENT REVIEW COMMITTEE.

(a) **ESTABLISHMENT.**—There is established a Congressional Trade Agreement Review Committee.

(b) **FUNCTIONS.**—The Committee—

(1) shall receive the report of the Comptroller General of the United States required under section 3;

(2) shall review the plan for bringing trade agreements into compliance with the requirements of section 4(b); and

(3) may, not later than 60 days after receiving the plan described in paragraph (2), add items for renegotiation to the plan, reject recommendations in the plan, or otherwise amend the plan by a vote of 2/3 of the members of the Committee.

(c) **APPOINTMENT AND MEMBERSHIP.**—The Committee shall be composed of the chairman and ranking members of the following:

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

(2) The Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Energy and Natural Resources of the Senate.

(5) The Committee on Environment and Public Works of the Senate.

(6) The Committee on Finance of the Senate.

(7) The Committee on Foreign Relations of the Senate.

(8) The Committee on Health, Education, Labor, and Pensions of the Senate.

(9) The Committee on the Judiciary of the Senate.

(10) The Committee on Small Business and Entrepreneurship of the Senate.

(11) The Committee on Agriculture of the House of Representatives.

(12) The Committee on Education and Labor of the House of Representatives.

(13) The Committee on Energy and Commerce of the House of Representatives.

(14) The Committee on Financial Services of the House of Representatives.

(15) The Committee on Foreign Affairs of the House of Representatives.

(16) The Committee on the Judiciary of the House of Representatives.

(17) The Committee on Natural Resources of the House of Representatives.

(18) The Committee on Small Business of the House of Representatives.

(19) The Committee on Transportation and Infrastructure of the House of Representatives.

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

#### SEC. 7. SENSE OF CONGRESS REGARDING READINESS CRITERIA AND IMPROVING THE PROCESS FOR UNITED STATES TRADE NEGOTIATIONS.

It is the sense of Congress that if Congress considers legislation to provide for special procedures for the consideration of bills to implement trade agreements, that legislation shall include—

(1) criteria for the President to use in determining whether a country—

(A) is able to meet its obligations under a trade agreement;

(B) meets the requirements described in section 3(c); and

(C) is an appropriate country with which to enter into a trade agreement;

(2) a process by which the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives review the determination of the President described in paragraph (1) to verify that the country meets the criteria;

(3) requirements for consultation with Congress during trade negotiations that require more frequent consultations than required by the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.), including a process for consultation with any committee of Congress with jurisdiction over any area covered by the negotiations;

(4) binding negotiating objectives and requirements outlining what must and must not be included in a trade agreement, including the requirements described in section 4(b);

(5) a process for review and certification by Congress to ensure that the negotiating objectives described in paragraph (4) have been met during the negotiations;

(6) a process—

(A) by which a State may give informed consent to be bound by nontariff provisions in a trade agreement that relate to investment, the service sector, and procurement; and

(B) that prevents a State from being bound by the provisions described in subparagraph (A) if the State has not consented; and

(7) a requirement that a trade agreement be approved by a majority vote in both Houses of Congress before the President may sign the agreement.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 582—RECOGNIZING THE WORK AND ACCOMPLISHMENTS OF MR. HERBERT SAFFIR, INVENTOR OF THE SAFFIR-SIMPSON HURRICANE SCALE, DURING HURRICANE PREPAREDNESS WEEK

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 582

Whereas Mr. Herbert Saffir protected countless individuals by conveying the threat levels of approaching hurricanes through a 5-tier system to measure hurricane strength;

Whereas the Saffir-Simpson Hurricane Scale has become the definitive means to describe hurricane strength;

Whereas Mr. Saffir, as a civil and structural engineer, was a pioneer in designing buildings and bridges for high wind resistance;

Whereas Mr. Saffir, as a participant in a United Nations project in 1969, helped to reduce hurricane damage to low-cost buildings worldwide;

Whereas Mr. Saffir was the principal of Saffir Engineering in Coral Gables, Florida;

Whereas Mr. Saffir fought tirelessly for safe building codes to ensure the safety of all people threatened by hurricanes;

Whereas Mr. Saffir was born in New York City, New York, on March 29, 1917, and died in Miami, Florida, on November 21, 2007; and

Whereas Hurricane Preparedness Week is observed the week beginning May 25, 2008: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the work and accomplishments of Mr. Herbert Saffir, inventor of the

Saffir-Simpson Hurricane Scale, during Hurricane Preparedness Week;

(2) honors Mr. Saffir's commitment to alerting the citizenry of the threat of hurricanes;

(3) thanks Mr. Saffir for his dedication, which has undoubtedly helped to save countless lives and the property of citizens around the world; and

(4) commends Mr. Saffir's service to the State of Florida, the United States, and the world.

SENATE RESOLUTION 583—DESIGNATING JUNE 20, 2008, AS "AMERICAN EAGLE DAY", AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mr. FEINSTEIN, Mr. COLEMAN, Mr. KENNEDY, Mr. CRAPO, Ms. LANDRIEU, Mr. GREGG, Mr. SCHUMER, Mr. SPECTER, Mrs. BOXER, and Mr. ALLARD) submitted the following resolution; which was:

S. RES. 583

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
  - (2) the democracy of the United States;
- Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned citizens of the United States that represented Federal, State, and private sectors banded together to

save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens of the United States, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2006, the population of bald eagles that nested in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles will still be protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934)—

(1) was signed into law on December 23, 2004; and

(2) directs the Secretary of the Treasury to mint commemorative coins in 2008—

(A) to celebrate the recovery and restoration of the bald eagle; and

(B) to mark the 35th anniversary of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas section 7(b) of the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3937) provides that each surcharge received by the Secretary of the Treasury from the sale of a coin issued under that Act "shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee" to support efforts to protect the bald eagle;

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins;

Whereas, if not for the vigilant conservation efforts of concerned citizens and the enactment of strict environmental protection laws (including regulations) the bald eagle would be extinct;

Whereas the dramatic recovery of the population of bald eagles is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 20, 2008, as "American Eagle Day";

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to help generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the citizens of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4825. Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

SA 4826. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra.

SA 4827. Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4826 proposed by Mr. REID (for Mr. BIDEN) to the amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, supra.

SA 4828. Mr. REID proposed an amendment to the bill S. 3036, supra.

SA 4829. Mr. REID proposed an amendment to amendment SA 4828 proposed by Mr. REID to the bill S. 3036, supra.

SA 4830. Mr. REID proposed an amendment to the bill S. 3036, supra.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the bill S. 3036, supra.

SA 4832. Mr. REID proposed an amendment to amendment SA 4831 proposed by Mr. REID to the amendment SA 4830 proposed by Mr. REID to the bill S. 3036, supra.

SA 4833. Mr. KERRY (for himself, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4834. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4835. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4836. Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. WARNER, Mr. MENENDEZ, Ms. SNOWE, Mr. CARDIN, Mr. CASEY, Mr. BAYH, Ms. COLLINS, Mr. OBAMA, Mr. WEBB, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. NELSON of Florida, Mr. BINGAMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4837. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4838. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4839. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4840. Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4841. Mr. SANDERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4842. Mr. ALLARD submitted an amendment intended to be proposed by him

to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4843. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4844. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4845. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4846. Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4847. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4848. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4849. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4850. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4851. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4852. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4853. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4854. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4855. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4856. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4857. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4858. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4859. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4860. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4861. Mrs. DOLE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

SA 4862. Mrs. DOLE (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill S. 3036, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4825.** Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Lieberman-Warner Climate Security Act of 2008”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.

### TITLE I—IMMEDIATE ACTION

#### Subtitle A—Tracking Greenhouse Gas Emissions

- Sec. 101. Purpose.
- Sec. 102. Federal greenhouse gas registry.
- Sec. 103. Enforcement.
- Sec. 104. No effect on other requirements.

#### Subtitle B—Early Clean Technology Deployment

- Sec. 111. Efficient Buildings Grant Program.
- Sec. 112. Super-Efficient Equipment and Appliances Development (SEAD) Program.
- Sec. 113. Clean medium- and heavy-duty hybrid fleets program.
- Sec. 114. International clean energy deployment.

#### Subtitle C—Research

- Sec. 121. Research on effects of climate change on drinking water utilities.
- Sec. 122. Rocky Mountain Centers for Study of Coal Utilization.
- Sec. 123. Sun grant center for research on compliance with Clean Air Act.
- Sec. 124. Study by Administrator of black carbon emissions.
- Sec. 125. Study by Administrator of recycling.
- Sec. 126. Retail carbon offsets.

### TITLE II—CAPPING GREENHOUSE GAS EMISSIONS

- Sec. 201. Emission allowances.
- Sec. 202. Compliance obligation.
- Sec. 203. Penalty for noncompliance.
- Sec. 204. Regulations.
- Sec. 205. Report to Congress.

### TITLE III—REDUCING EMISSIONS THROUGH OFFSETS AND INTERNATIONAL ALLOWANCES

#### Subtitle A—Offsets in the United States

- Sec. 301. Outreach initiative on revenue enhancement for agricultural producers.
- Sec. 302. Establishment of a domestic offset program.
- Sec. 303. Eligible offset project types.
- Sec. 304. Project initiation and approval.
- Sec. 305. Offset verification and issuance of allowances.
- Sec. 306. Tracking of reversals for sequestration projects.
- Sec. 307. Examinations.
- Sec. 308. Timing and the provision of offset allowances.
- Sec. 309. Offset registry.
- Sec. 310. Environmental considerations.
- Sec. 311. Program review.

#### Subtitle B—Offsets and Emission Allowances From Other Countries

- Sec. 321. Offset allowances originating from projects in other countries.

Sec. 322. Emission allowances from other countries.

#### Subtitle C—Agriculture and Forestry Program in the United States

- Sec. 331. Allocation.
- Sec. 332. Agriculture and Forestry Program.
- Sec. 333. Agricultural and forestry greenhouse gas management research.

### TITLE IV—ESTABLISHING A GREENHOUSE GAS EMISSION ALLOWANCE TRADING MARKET

#### Subtitle A—Trading

- Sec. 401. Sale, exchange, and retirement of allowances.
- Sec. 402. No restriction on transactions.
- Sec. 403. Allowance transfer and tracking system.

#### Subtitle B—Market Oversight and Enforcement

- Sec. 411. Finding.
- Sec. 412. Carbon market oversight and regulation.

#### Subtitle C—Carbon Market Efficiency Board

- Sec. 421. Establishment.
- Sec. 422. Composition and administration.
- Sec. 423. Duties.

#### Subtitle D—Climate Change Technology Board

- Sec. 431. Establishment.
- Sec. 432. Purpose.
- Sec. 433. Independence.
- Sec. 434. Advance notification of distributions of funds.
- Sec. 435. Congressional oversight of board expenditures.
- Sec. 436. Requirements.
- Sec. 437. Reviews and audits by Comptroller General.

#### Subtitle E—Auction on Consignment

- Sec. 441. Regulations.

### TITLE V—FEDERAL PROGRAM TO PREVENT ECONOMIC HARDSHIP

#### Subtitle A—Banking

- Sec. 501. Indication of calendar year.
- Sec. 502. Effect of time.

#### Subtitle B—Borrowing

- Sec. 511. Regulations.
- Sec. 512. Term.
- Sec. 513. Repayment with interest.

#### Subtitle C—Emergency Off-Ramps

- Sec. 521. Emergency off-ramps triggered by Board.
- Sec. 522. Cost-containment auctions.
- Sec. 523. Cost-containment auction price.
- Sec. 524. Regular auction reserve price.
- Sec. 525. Pool of emission allowances for the cost-containment auctions.
- Sec. 526. Limit on the quantity of emission allowances sold at any cost-containment auction.
- Sec. 527. Using the proceeds of the annual cost-containment auctions.
- Sec. 528. Returning emission allowances not sold at the annual cost-containment auctions.
- Sec. 529. Discontinuing the annual cost-containment auctions.

#### Subtitle D—Transition Assistance for Workers

- Sec. 531. Establishment.
- Sec. 532. Auctions.
- Sec. 533. Deposits.
- Sec. 534. Uses.
- Sec. 535. Climate Change Worker Assistance Program.
- Sec. 536. Workforce training and safety.

#### Subtitle E—Transition Assistance for Carbon-Intensive Manufacturers

- Sec. 541. Allocation.
- Sec. 542. Distribution.

#### Subtitle F—Transition Assistance for Fossil Fuel-Fired Electricity Generators

- Sec. 551. Allocation.
- Sec. 552. Distribution.

- Subtitle G—Transition Assistance for Refiners of Petroleum-Based Fuel
- Sec. 561. Allocation.
- Sec. 562. Distribution.
- Subtitle H—Transition Assistance for Natural-Gas Processors
- Sec. 571. Allocation.
- Sec. 572. Distribution.
- Subtitle I—Federal Program for Energy Consumers
- Sec. 581. Establishment.
- Sec. 582. Auction.
- Sec. 583. Deposits.
- Sec. 584. Disbursements from the Climate Change Consumer Assistance Fund.
- Sec. 585. Sense of Senate on tax initiative to protect consumers.
- TITLE VI—PARTNERSHIPS WITH STATES, LOCALITIES, AND INDIAN TRIBES**
- Subtitle A—Partnerships With State Governments to Prevent Economic Hardship While Promoting Efficiency
- Sec. 601. Assisting energy consumers through local distribution companies.
- Sec. 602. Assisting State economies that rely heavily on manufacturing and coal.
- Subtitle B—Partnerships With States, Localities, and Indian Tribes to Reduce Emissions
- Sec. 611. Mass transit.
- Sec. 612. Updating State building energy efficiency codes.
- Sec. 613. Energy efficiency and conservation block grant program.
- Sec. 614. State leaders in reducing emissions.
- Subtitle C—Partnerships With States and Indian Tribes to Adapt to Climate Change
- Sec. 621. Allocation.
- Sec. 622. Coastal impacts.
- Sec. 623. Impacts on water resources and agriculture.
- Sec. 624. Impacts on Alaska.
- Sec. 625. Impacts on Indian tribes.
- Subtitle D—Partnerships With States, Localities, and Indian Tribes to Protect Natural Resources
- Sec. 631. State Wildlife Adaptation Fund.
- Sec. 632. Cost-sharing.
- Sec. 633. State comprehensive adaptation strategies.
- TITLE VII—RECOGNIZING EARLY ACTION**
- Sec. 701. Regulations.
- Sec. 702. Allocation.
- Sec. 703. General distribution.
- Sec. 704. Distribution to entities holding State emission allowances.
- Sec. 705. Distribution to power plants that repowered pursuant to consent decrees.
- Sec. 706. Distribution to carbon capture and sequestration projects.
- TITLE VIII—EFFICIENCY AND RENEWABLE ENERGY**
- Subtitle A—Efficient Buildings
- Sec. 801. Allocation.
- Sec. 802. Efficient Buildings Allowance Program.
- Subtitle B—Efficient Equipment and Appliances
- Sec. 811. Allocation.
- Sec. 812. Super-Efficient Equipment and Appliances Deployment Program.
- Subtitle C—Efficient Manufacturing
- Sec. 821. Allocation.
- Sec. 822. Efficient manufacturing program.
- Subtitle D—Renewable Energy
- Sec. 831. Allocation.
- Sec. 832. Bonus allowances for renewable energy.
- TITLE IX—LOW-CARBON ELECTRICITY AND ADVANCED RESEARCH**
- Subtitle A—Low- and Zero-Carbon Electricity Technology
- Sec. 901. Definitions.
- Sec. 902. Low- and Zero-Carbon Electricity Technology Fund.
- Sec. 903. Auctions.
- Sec. 904. Deposits.
- Sec. 905. Use of funds.
- Sec. 906. Financial incentives program.
- Sec. 907. Requirements.
- Sec. 908. Forms of awards.
- Sec. 909. Selection criteria.
- Subtitle B—Advanced Research
- Sec. 911. Auctions.
- Sec. 912. Deposits.
- Sec. 913. Use of funds.
- TITLE X—FUTURE OF COAL**
- Subtitle A—Kick-Start for Carbon Capture and Sequestration
- Sec. 1001. Carbon Capture and Sequestration Technology Fund.
- Sec. 1002. Auctions.
- Sec. 1003. Deposits.
- Sec. 1004. Use of funds.
- Sec. 1005. Kick-Start Program.
- Subtitle B—Long-Term Carbon Capture and Sequestration Incentives
- Sec. 1011. Allocation.
- Sec. 1012. Qualifying projects.
- Sec. 1013. Distribution.
- Sec. 1014. 10-Year limit.
- Sec. 1015. Exhaustion of Bonus Allowance Account.
- Subtitle C—Legal Framework
- Sec. 1021. National drinking water regulations.
- Sec. 1022. Assessment of geological storage capacity for carbon dioxide.
- Sec. 1023. Study of feasibility relating to construction and operation of pipelines and geological carbon dioxide sequestration activities.
- Sec. 1024. Liabilities for closed geological storage sites.
- TITLE XI—FUTURE OF TRANSPORTATION**
- Subtitle A—Kick-Start for Clean Commercial Fleets
- Sec. 1101. Purpose.
- Sec. 1102. Allocation.
- Sec. 1103. Clean medium- and heavy-duty hybrid fleets program.
- Subtitle B—Advanced Vehicle Manufacturers
- Sec. 1111. Climate Change Transportation Energy Technology Fund.
- Sec. 1112. Auctions.
- Sec. 1113. Deposits.
- Sec. 1114. Use of funds.
- Sec. 1115. Manufacturer facility conversion program.
- Subtitle C—Cellulosic Biofuel
- Sec. 1121. Cellulosic biofuel program.
- Subtitle D—Low-Carbon Fuel Standard
- Sec. 1131. Findings.
- Sec. 1132. Definitions.
- Sec. 1133. Establishment.
- TITLE XII—FEDERAL PROGRAM TO PROTECT NATURAL RESOURCES**
- Subtitle A—Auctions
- Sec. 1201. Definitions.
- Sec. 1202. Auctions.
- Subtitle B—Funds
- Sec. 1211. Bureau of Land Management Emergency Firefighting Fund.
- Sec. 1212. Forest Service Emergency Firefighting Fund.
- Subtitle C—National Wildlife Adaptation Strategy
- Sec. 1221. Definitions.
- Sec. 1222. National strategy.
- Sec. 1223. Science Advisory Board.
- Sec. 1224. Climate Change and Natural Resource Science Center.
- Subtitle D—National Wildlife Adaptation Program
- Sec. 1231. National Wildlife Adaptation Fund.
- Sec. 1232. Department of the Interior.
- Sec. 1233. Forest service.
- Sec. 1234. Environmental Protection Agency.
- Sec. 1235. Corps of Engineers.
- Sec. 1236. Department of Commerce.
- Sec. 1237. National Academy of Sciences report.
- TITLE XIII—INTERNATIONAL PARTNERSHIPS TO REDUCE EMISSIONS AND ADAPT TO CLIMATE CHANGE**
- Subtitle A—Promoting Fairness While Reducing Emissions
- Sec. 1301. Definitions.
- Sec. 1302. Purposes.
- Sec. 1303. International negotiations.
- Sec. 1304. International Climate Change Commission.
- Sec. 1305. Determinations on comparable action.
- Sec. 1306. International reserve allowance program.
- Sec. 1307. Adjustment of international reserve allowance requirements.
- Subtitle B—International Partnerships to Reduce Deforestation and Forest Degradation
- Sec. 1311. Findings; purpose.
- Sec. 1312. Capacity building program.
- Sec. 1313. Forest carbon activities.
- Sec. 1314. Establishing and distributing offset allowances.
- Sec. 1315. Limitation on double counting.
- Sec. 1316. Effect of subtitle.
- Subtitle C—International Partnerships to Deploy Clean Energy Technology
- Sec. 1321. International Clean Energy Deployment.
- Subtitle D—International Partnerships to Adapt to Climate Change and Protect National Security
- Sec. 1331. International Climate Change Adaptation and National Security Fund.
- Sec. 1332. International Climate Change Adaptation and National Security Program.
- Sec. 1333. Monitoring and evaluation of programs.
- TITLE XIV—REDUCING THE DEFICIT**
- Sec. 1401. Deficit Reduction Fund.
- Sec. 1402. Auctions.
- Sec. 1403. Deposits.
- Sec. 1404. Disbursements from Fund.
- TITLE XV—CAPPING HYDROFLUOROCARBON EMISSIONS**
- Sec. 1501. Regulations.
- Sec. 1502. National recycling and emission reduction program.
- Sec. 1503. Fire suppression agents.
- TITLE XVI—PERIODIC REPORTS AND RECOMMENDATIONS**
- Sec. 1601. National Academy of Sciences reports.
- Sec. 1602. Environmental Protection Agency recommendations.
- Sec. 1603. Presidential recommendations.
- TITLE XVII—MISCELLANEOUS**
- Subtitle A—Climate Security Act Administrative Fund
- Sec. 1701. Establishment.

- Sec. 1702. Auctions.  
 Sec. 1703. Deposits.  
 Sec. 1704. Disbursements from Fund.  
 Sec. 1705. Use of Funds.
- Subtitle B—Presidential Emergency Declarations and Proclamations
- Sec. 1711. Emergency declaration.  
 Sec. 1712. Presidential proclamation.  
 Sec. 1713. Congressional rescission or modification.  
 Sec. 1714. Report to Federal agencies.  
 Sec. 1715. Termination.  
 Sec. 1716. Public comment.  
 Sec. 1717. Prohibition on delegation.
- Subtitle C—Administrative Procedure and Judicial Review
- Sec. 1721. Regulatory procedures.  
 Sec. 1722. Enforcement.  
 Sec. 1723. Powers of Administrator.
- Subtitle D—State Authority
- Sec. 1731. Retention of State authority.
- Subtitle E—Tribal Authority
- Sec. 1741. Tribal authority.
- Subtitle F—Clean Air Act
- Sec. 1751. Integration.
- Subtitle G—State-Federal Interaction and Research
- Sec. 1761. Study and research.

## SEC. 2. FINDINGS.

- Congress finds that—
- (1) unchecked global climate change poses a significant threat to—
- (A) the national security of the United States;
- (B) the economy of the United States;
- (C) public health in the United States;
- (D) the well-being of residents of the United States;
- (E) the well-being of residents of other countries; and
- (F) the global environment;
- (2) pursuant to the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the United States is committed to stabilizing greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous interference with the climate system;
- (3) according to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, stabilizing greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous interference with the climate system will require a global effort to reduce worldwide anthropogenic greenhouse gas emissions by 50 to 85 percent below 2000 levels by 2050;
- (4) prompt, decisive action is critical, because greenhouse gases can persist in the atmosphere for more than a century;
- (5) global climate change represents a potentially significant threat multiplier for instability around the world and is likely to exacerbate competition and conflict over agricultural, vegetative, marine, and water resources and displace people, thus increasing hunger and poverty and causing increased pressure on the most vulnerable developing countries;
- (6) the strategic, social, political, economic, cultural, and environmental consequences of global climate change are likely to have disproportionate impacts on the most vulnerable developing countries, which have fewer industrial emissions and less economic and financial capacity to respond;
- (7) less developed countries rely to a much greater degree on the natural and environmental systems likely to be affected by climate change for sustenance and livelihoods, as well as economic growth and stability;
- (8) the consequences of global climate change, including increases in poverty and destabilization of economies and societies,

are likely to pose a danger to the security interest and economic interest of the United States;

(9) it is in the national security and economic interest of the United States to recognize, plan for, and mitigate the international strategic, social, political, cultural, environmental and economic effects of a changing climate and to assist those in the most vulnerable developing countries to increase resilience to those effects;

(10) the ingenuity of the people of the United States will allow the United States to become a leader in curbing global climate change;

(11) it is possible and desirable—

(A) to cap greenhouse gas emissions, from the sources that together account for the majority of those emissions in the United States, at or below the current level in 2012;

(B) to lower the cap each year between 2012 and 2050; and

(C) to include in the system—

(i) measures to contain costs;

(ii) measures providing for periodic reviews of the system;

(iii) an aggressive program for deploying advanced technology that is developed and manufactured in the United States;

(iv) programs to assist low- and middle-income energy consumers; and

(v) programs to mitigate the impacts of that degree of global climate change that now is unavoidable;

(12) Congress will need to update the system, including the emission caps, to account for new scientific information and steps taken or not taken by other countries;

(13) the Federal Government currently possesses adequate data to support initial steps in the establishment of a greenhouse gas emission trading market and to support initial allocations of emission allowances based upon historical emissions and other historical activities;

(14) the smooth functioning of a national emission trading market that is based upon a national emissions cap that comes into effect at the beginning of calendar year 2012 necessitates the establishment, not later than January 1, 2011, of a Federal system for determining, recording, and reporting greenhouse gas emissions at an entity-specific level;

(15) prompt and decisive domestic climate change investments represent an unprecedented economic development opportunity for the United States;

(16) an environmental economic development policy should seek to increase the per-capita income and protect the interests of working families;

(17) the measures in this Act are not the only measures that Congress will need to enact over the decades-long program established by this Act in order to avert dangerous climate change and avoid the imposition of hardship on United States residents;

(18) State and local government programs, including incentives, renewable portfolio standards, energy-efficiency requirements, land-use policies, and other such programs typically implemented at the State and local levels are having and will continue to have a substantial and direct beneficial effect on reducing greenhouse gas emissions;

(19) emissions of sulfur dioxide, nitrogen oxides, and mercury in the United States continue to inflict harm on the public health, economy, and natural resources of the United States;

(20) fossil fuel-fired electric power generating facilities emit approximately 67 percent of the total sulfur-dioxide emissions, 23 percent of the total nitrogen-oxide emissions, 40 percent of the total carbon-dioxide emissions, and 40 percent of the total mercury emissions in the United States;

(21) more than half the electricity generated in the United States is generated through the burning of coal;

(22) the reserve of coal in the United States is larger than the reserve of coal in any other country;

(23) while the reductions in emissions of sulfur dioxide, nitrogen oxides, and mercury that will occur in the presence of a declining cap on the greenhouse gas emissions from coal-fired electric power generating facilities are larger than those that would occur in the absence of such a cap, new, stricter Federal limits on emissions of sulfur dioxide, nitrogen oxides, and mercury may still be needed to protect public health; and

(24) many existing fossil fuel-fired electric power generating facilities in the United States were exempted by Congress from emission limitations applicable to new and modified facilities of that type based on an expectation by Congress that, over time, those facilities would be retired or updated with new pollution control equipment, but many of the exempted facilities nevertheless continue to operate and emit pollution at relatively high rates and without new pollution control equipment.

## SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish the core of a Federal program that will reduce United States greenhouse gas emissions substantially enough to avert the catastrophic impacts of global climate change; and

(2) to accomplish that purpose while—

(A) preserving robust growth in the United States economy;

(B) creating new jobs in the United States;

(C) avoiding the imposition of hardship on United States residents;

(D) reducing the dependence of the United States on petroleum produced in other countries;

(E) imposing no net cost on the Federal Government;

(F) ensuring that the financial resources provided by the program established by this Act for technology deployment are predominantly invested in development, production, and construction of that technology in the United States; and

(G) encouraging complementary State and local government policies and programs that promote energy efficiency and technology deployment or otherwise reduce greenhouse gas emissions.

## SEC. 4. DEFINITIONS.

In this Act:

(1) **ADDITIONAL; ADDITIONALITY.**—The terms “additional” and “additionality” mean the extent to which reductions in greenhouse gas emissions or increases in sequestration are incremental to business as usual, with no greenhouse gas incentives, for a project entity.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **ADVANCED TECHNOLOGY VEHICLE.**—The term “advanced technology vehicle” means an electric vehicle, a fuel cell-powered vehicle, a hybrid or plug-in hybrid electric vehicle, an advanced diesel light duty motor vehicle, or a hydrogen-fueled vehicle that meets—

(A) the Tier II Bin 5 emission standard established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act; and

(C) a standard of at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis for

vehicles other than advanced diesel light-duty motor vehicles, for vehicles of a substantially similar nature and footprint.

(4) ALLOWANCE.—The term “allowance” means—

- (A) an emission allowance;
- (B) an offset allowance; or
- (C) an international allowance.

(5) AQUATIC SYSTEM.—

(A) IN GENERAL.—The term “aquatic system” means any environment that is wet for at least part of the year in which plants and animals interact with the chemical and physical features of the environment.

(B) INCLUSIONS.—The term “aquatic system” includes an environment described in subparagraph (A) with respect to—

- (i) any body of freshwater or salt water, such as a pond or ocean; and
- (ii) groundwater.

(6) BASELINE.—The term “baseline” means the level of greenhouse gas emissions or a carbon stock scenario that would occur with respect to a project or activity in the absence of an offset project.

(7) BIOLOGICAL SEQUESTRATION; BIOLOGICALLY SEQUESTERED.—The terms “biological sequestration” and “biologically sequestered” mean—

(A) the capture, separation, isolation, or removal of greenhouse gases from the atmosphere by terrestrial biological means, such as by growing plants; and

(B) the storage of those greenhouse gases in plants or related soils.

(8) BOARD.—The term “Board” means the Carbon Market Efficiency Board established by section 421.

(9) CARBON CONTENT.—The term “carbon content” means the quantity of carbon, per unit of weight or energy value, contained in a fuel.

(10) CARBON DIOXIDE EQUIVALENT.—The term “carbon dioxide equivalent” means, for each HFC or non-HFC greenhouse gas, the quantity of the gas that the Administrator determines makes the same contribution to global warming as 1 metric ton of carbon dioxide.

(11) CLIMATE REGISTRY.—The term “Climate Registry” means the greenhouse gas emission registry jointly established and managed by more than 40 States and Indian tribes to collect greenhouse gas emission data from entities to support various greenhouse gas emission reporting and reduction policies for the member States and Indian tribes.

(12) COMBINED FUEL ECONOMY.—The term “combined fuel economy” means—

(A) the combined city-highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration, or a similar practice recommended by the Secretary of Energy, using a petroleum equivalence factor for the off-board electricity (as defined by the Secretary of Energy).

(13) CONVENTION.—The term “Convention” means the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, and entered into force on March 21, 1994.

(14) COST-CONTAINMENT AUCTION.—The term “cost-containment auction” means an auction of emission allowances conducted by the Administrator pursuant to section 522.

(15) COST-CONTAINMENT AUCTION PRICE.—The term “cost-containment auction price” means the single price at which emission allowances are offered for sale during a cost-containment auction in a particular year.

(16) COVERED ENTITY.—The term “covered entity” means—

(A) any entity that, during a 1-year period, uses more than 5,000 metric tons of coal in the United States;

(B) any entity that is a natural gas processing plant in the United States (other than in the State of Alaska);

(C) any entity that produces natural gas in the State of Alaska or the Federal waters of the Alaska Outer Continental Shelf;

(D) any entity that holds title to natural gas, including liquefied natural gas, at the time the natural gas is imported into the United States;

(E) any entity that manufactures in the United States petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel, the combustion of which will, assuming no sequestration, emit a non-HFC greenhouse gas;

(F) any entity that holds title, at the time of importation into the United States, to petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel, the combustion of which will, assuming no sequestration, emit a non-HFC greenhouse gas;

(G) any entity that, during a 1-year period, manufactures more than 10,000 carbon dioxide equivalents of non-HFC greenhouse gas in the United States;

(H) any entity that, during any 1-year period, holds title, at the time of importation into the United States, to more than 10,000 carbon dioxide equivalents of non-HFC greenhouse gas; or

(I) any entity that manufactures any hydrochlorofluorocarbon in the United States.

(17) DESTRUCTION.—The term “destruction” means the extent to which the conversion of a greenhouse gas to another gas, by thermal, chemical, or other means, reduces global warming potential.

(18) ECOLOGICAL PROCESS.—The term “ecological process” means a biological, chemical, or physical interaction between and among the biotic and abiotic components of an ecosystem, including—

- (A) nutrient cycling;
- (B) pollination;
- (C) a predator-prey relationship;
- (D) soil formation;
- (E) gene flow;
- (F) larval dispersal and settlement;
- (G) changes in hydrology;
- (H) decomposition; and
- (I) a disturbance regime, such as fire or flooding.

(19) EMISSION ALLOWANCE.—The term “emission allowance” means an allowance established by the Administrator pursuant to section 201(a).

(20) ENGINEERING INTEGRATION COSTS.—The term “engineering integration costs” includes the cost of engineering tasks performed in the United States relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment for production facilities that produce in the United States qualifying components or advanced technology vehicles.

(21) FAIR MARKET VALUE.—The term “fair market value” means the average market price, in a particular calendar year, of an emission allowance.

(22) FISH AND WILDLIFE.—The term “fish and wildlife” means—

(A) any species of wild fauna, including fish and other aquatic species; and

(B) any fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into a previously occupied range.

(23) GEOLOGICAL SEQUESTRATION; GEOLOGICALLY SEQUESTERED.—The terms “geological sequestration” and “geologically sequestered” mean the permanent isolation of greenhouse gases, without reversal, in geological formations.

(24) HABITAT.—The term “habitat” means the physical, chemical, and biological properties that are used by wildlife (including aquatic and terrestrial plant communities) for growth, reproduction, survival, food, water, cover, and space, on a tract of land, in a body of water, or in an area or region.

(25) HFC.—The term “HFC” means a hydrofluorocarbon.

(26) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(27) INTERNATIONAL FOREST CARBON ACTIVITIES.—The term “international forest carbon activities” means national or subnational activities in countries other than the United States that—

(A) are directed at—

- (i) reducing greenhouse gas emissions from deforestation and forest degradation; and
- (ii) increasing sequestration of carbon through—

(I) restoration of forests;

(II) restoration of degraded land that has not been forested prior to restoration;

(III) afforestation, using native species, where practicable; and

(IV) improved forest management; and

(B) meet the eligibility requirements and quality criteria promulgated under sections 1313(a) and 1314(b).

(28) LEAKAGE.—The term “leakage” means—

(A) a significant unaccounted increase in greenhouse gas emissions by a facility or entity caused by an offset project, as determined by the Administrator; or

(B) a significant unaccounted decrease in sequestration that is caused by an offset project, as determined by the Administrator.

(29) LOCAL DISTRIBUTION COMPANY.—The term “local distribution company” means an entity, whether public or private—

(A) that has a legal, regulatory, or contractual obligation to deliver electricity or natural gas to retail consumers; and

(B) whose rates and costs are, except in the case of a registered electric cooperative, regulated by a State agency, regulatory commission, municipality, or public utility district, or by an Indian tribe pursuant to tribal law.

(30) MANUFACTURE.—

(A) IN GENERAL.—The term “manufacture” means to make an item, substance, or material, for sale or distribution, through the application of technology and industrial processes.

(B) EXCLUSION.—The term “manufacture” does not include the creation of a greenhouse gas through anaerobic decomposition.

(31) NAFTA COUNTRY.—The term “NAFTA country” means a country that is a party to the North American Free Trade Agreement.

(32) NATURAL GAS PROCESSING PLANT.—

(A) IN GENERAL.—The term “natural gas processing plant” means a facility that is designed—

(i) to separate natural-gas liquids from natural gas; or

(ii) to fractionate mixed natural-gas liquids into natural-gas products.

(B) EXCLUSION.—The term “natural gas processing plant” does not include a well-head or pipeline facility that removes natural-gas liquid condensate for operational or safety purposes.

(33) NON-HFC GREENHOUSE GAS.—The term “non-HFC greenhouse gas” means any of—

- (A) carbon dioxide;

- (B) methane;
- (C) nitrous oxide;
- (D) sulfur hexafluoride; or
- (E) a perfluorocarbon.

(34) **OFFSET ALLOWANCE.**—The term “offset allowance” means an allowance allocated by the Administrator pursuant to subtitle A or subtitle B of title III, or subtitle B of title XIII.

(35) **OFFSET PROJECT.**—The term “offset project” means a project that reduces emissions or increases terrestrial sequestration of greenhouse gases from sources or sinks that would otherwise not have been covered under the limitation on the emission of greenhouse gases under this Act.

(36) **PLANT.**—The term “plant” means any species of wild flora.

(37) **PROJECT DEVELOPER.**—The term “project developer” means an individual or entity implementing an offset project.

(38) **QUALIFYING COMPONENT.**—The term “qualifying component” means a component that the Secretary of Energy determines to be—

(A) specially designed for advanced technology vehicles;

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles; and

(C) manufactured in the United States.

(39) **REGIONAL GREENHOUSE GAS INITIATIVE.**—The term “Regional Greenhouse Gas Initiative” means the cooperative effort by, as of the date of enactment of this Act, the States of Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, and Vermont, to reduce carbon dioxide emissions.

(40) **REGISTRY.**—The term “Registry” means the Federal greenhouse gas registry established under section 102(a).

(41) **REGULAR AUCTION.**—The term “regular auction” means an auction of emission allowances conducted by the Administrator under this Act that is not a cost-containment auction.

(42) **REGULAR AUCTION RESERVE PRICE.**—The term “regular auction reserve price” means the price below which an emission allowance may not be sold through a regular auction.

(43) **RETAIL RATE FOR DISTRIBUTION SERVICE.**—

(A) **IN GENERAL.**—The term “retail rate for distribution service” means the rate that a local distribution company charges for the use of the system of the local distribution company.

(B) **EXCLUSION.**—The term “retail rate for distribution service” does not include any energy component of the rate.

(44) **RETIRE AN ALLOWANCE.**—The term “retire an allowance” means to disqualify an allowance for any subsequent use, regardless of whether the use is a sale, exchange, or submission of the allowance in satisfaction of a compliance obligation.

(45) **REVERSAL.**—The term “reversal” means an intentional or unintentional loss of sequestered carbon dioxide to the atmosphere in significant quantities, as determined by the Administrator, in order to accomplish the purposes of the Act in an effective and efficient manner.

(46) **RURAL ELECTRIC COOPERATIVE.**—The term “rural electric cooperative” means a cooperatively owned association that—

(A) was in existence as of October 18, 2007; and

(B) is eligible to receive loans under section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904).

(47) **SEQUESTERED AND SEQUESTRATION.**—The terms “sequestered” and “sequestration” mean biological or geological sequestration.

(48) **STATE.**—The term “State” means—

(A) a State;

- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

(49) **STATE REGULATORY AUTHORITY.**—The term “State regulatory authority” means any State agency that has ratemaking authority with respect to the retail rate for electricity or natural-gas distribution service.

(50) **TERRESTRIAL ECOSYSTEM.**—The term “terrestrial ecosystem” means a land-occurring community of organisms, together with their environment.

(51) **TRIBAL REGULATORY AUTHORITY.**—The term “tribal regulatory authority” means any Indian tribe that has been granted statutory authority in accordance with section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)).

## TITLE I—IMMEDIATE ACTION

### Subtitle A—Tracking Greenhouse Gas Emissions

#### SEC. 101. PURPOSE.

The purpose of this title is to establish a Federal greenhouse gas registry that—

- (1) is national in scope;
- (2) is complete, consistent, transparent, accurate, precise, and reliable; and
- (3) provides the data necessary to implement the emission limitations and emission trading market established pursuant to this Act.

#### SEC. 102. FEDERAL GREENHOUSE GAS REGISTRY.

(a) **REGULATIONS.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a Federal greenhouse gas registry that—

- (1) achieves the purposes described in section 101; and
- (2) requires emission reporting to begin for calendar year 2011.

(b) **CLIMATE REGISTRY.**—The notice of final agency action promulgating regulations under subsection (a) shall explain each consequential inconsistency between those regulations and the provisions of the Climate Registry.

(c) **REQUIREMENTS.**—The regulations promulgated pursuant to subsection (a) shall—

- (1) ensure the completeness, consistency, transparency, accuracy, precision, and reliability of data on greenhouse gas emissions in the United States and on the production and manufacture in the United States, and importation into the United States, of fuels and other products the uses of which result in the emission of greenhouse gas;
- (2) exceed or conform to the best practices from the most recent Federal, State, tribal, and international protocols for the measurement, accounting, reporting, and verification of greenhouse gas emissions, including, in particular, the Climate Registry, taking into account the latest scientific research;
- (3) require that, wherever feasible, submitted data are monitored using monitoring systems for fuel flow or emissions, such as continuous emission monitoring systems or systems of equivalent precision, reliability, accessibility, and timeliness;
- (4) require that, if an entity is already using a continuous emission monitoring system to monitor mass emissions of a greenhouse gas under a provision of law in effect as of the date of enactment of this Act that is consistent with this Act, that system be used to monitor submitted data;
- (5) include methods for avoiding the double-counting of greenhouse gas emissions;
- (6) include protocols to prevent entities from avoiding reporting requirements;
- (7) include protocols for verification of submitted data;
- (8) establish a means for electronic reporting;

(9) ensure verification and auditing of submitted data;

(10) establish consistent policies for calculating carbon content and greenhouse gas emissions for each type of fossil fuel reported;

(11) provide for public dissemination on the Internet of all verified data that are not—

(A) vital to the national security of the United States, as determined by the President; or

(B) confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published (except that information relating to greenhouse gas emissions shall not be considered to be confidential business information);

(12) prescribe methods by which the Administrator shall, in cases in which satisfactory data are not submitted to the Administrator for any period of time—

(A) replace the missing data with a conservative estimate of the highest emission levels that may have occurred during the period for which data are missing, in order to ensure emissions are not under-reported and to create a strong incentive for meeting data monitoring and reporting requirements; and

(B) take appropriate enforcement action; and

(13) ensure that no offset allowance distributed to the government of a foreign country pursuant to subtitle B of title XIII is transferred both into the greenhouse gas emission trading market established by this Act and into another such market.

#### SEC. 103. ENFORCEMENT.

(a) **CIVIL ACTIONS.**—The Administrator may bring a civil action in a United States district court against any entity that fails to comply with any requirement promulgated pursuant to section 102.

(b) **PENALTY.**—Any person that has violated or is violating regulations promulgated pursuant to section 102 shall be subject to a civil penalty of not more than \$25,000 per day for each violation.

(c) **PENALTY ADJUSTMENT.**—For the fiscal year in which this Act is enacted and each fiscal year thereafter, the Administrator shall, by regulation, adjust the penalty specified in subsection (b) to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

#### SEC. 104. NO EFFECT ON OTHER REQUIREMENTS.

Nothing in this subtitle affects any requirement in effect as of the date of enactment of this Act relating to the reporting of—

- (1) fossil-fuel production, refining, importation, exportation, or consumption data;
- (2) greenhouse gas emission data; or
- (3) other relevant data.

### Subtitle B—Early Clean Technology Deployment

#### SEC. 111. EFFICIENT BUILDINGS GRANT PROGRAM.

(a) **IN GENERAL.**—The Administrator shall establish and carry out a program, to be known as the “Efficient Buildings Grant Program”, under which the Administrator shall provide grants to owners of buildings in the United States for use in—

- (1) constructing new, highly-efficient buildings in the United States; and
- (2) increasing the efficiency of existing buildings in the United States.

(b) **REQUIREMENTS.**—The Administrator shall provide grants under this section to owners of buildings in the United States based on the extent to which building projects proposed to be carried out using

funds from the grants would result in verifiable, additional, and enforceable reductions in direct and indirect greenhouse gas emissions—

(1) in new or renovated buildings that demonstrate exemplary performance by achieving a minimum score of 75 on the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent score on an established energy performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d); and

(2) in retrofitted existing buildings that demonstrate substantial improvement in the score or rating on that benchmarking tool by a minimum of 30 points, or an equivalent improvement using an established performance benchmarking metric as determined under the regulations promulgated pursuant to subsection (d).

(c) PRIORITY.—In providing grants under this section, the Administrator shall give priority to projects that—

(1) are completed by building owners with a proven track record of building efficiency performance; or

(2) result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program referred to in subsection (b)(1).

(d) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement this section.

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

(f) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the Efficient Buildings Allowance Program is established under section 802.

**SEC. 112. SUPER-EFFICIENT EQUIPMENT AND APPLIANCES DEVELOPMENT (SEAD) PROGRAM.**

(a) IN GENERAL.—The Administrator shall establish and carry out a program, to be known as the “Super-Efficient Equipment and Appliances Development Program” or “SEAD Program”, under which the Administrator shall provide grants to retailers and distributors in the United States for use in increasing sales of high-efficiency building equipment, high-efficiency consumer electronics, and high-efficiency household appliances through marketing strategies such as consumer rebates, with the goals of—

(1) minimizing lifecycle costs for consumers; and

(2) maximizing public benefit.

(b) AMOUNT OF INDIVIDUAL GRANTS.—The amount of each grant for each type of product shall be determined by the Administrator, in consultation with the Secretary of Energy, State and utility efficiency program administrators, and national laboratories.

(c) REPORTING.—Each retailer and distributor participating in the program under this section shall be required to report to the Administrator, on a confidential basis for the purpose of program design—

(1) the number of products of the retailer or distributor sold within each product type; and

(2) wholesale purchase-price data relating to those sales.

(d) COST-EFFECTIVENESS REQUIREMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COST-EFFECTIVENESS.—The term “cost-effectiveness” means a value equal to the product obtained by multiplying—

(i) the net number of highly-efficient pieces of equipment, electronics, and appliances sold by a retailer or distributor in a calendar year; by

(ii) the savings during the projected useful life, not to exceed 10 years, obtained by using the pieces of equipment, electronics, and appliances (including the impact of any documented measures to retire low-performing devices at the time of purchase of highly-efficient substitutes).

(B) SAVINGS.—The term “savings” means the megawatt-hours of electricity, or million British thermal units of other fuels, that are saved by the use of a product, as compared to the projected energy consumption that would result from the use of another product, based on the efficiency performance of displaced new product sales.

(2) REQUIREMENT.—Cost-effectiveness shall be a top priority of the Administrator in providing grants under this section.

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

(f) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the Super-Efficient Equipment and Appliances Deployment Program is established under section 812.

**SEC. 113. CLEAN MEDIUM- AND HEAVY-DUTY HYBRID FLEETS PROGRAM.**

(a) IN GENERAL.—The Administrator shall by regulation establish and carry out a program under which the Administrator shall provide grants to entities in the United States, for the purchase of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency of those commercial vehicles.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall provide that—

(1) only a purchaser of a commercial vehicle weighing at least 8,500 pounds shall be eligible for receipt of emission allowances under the program;

(2) the purchaser of a qualifying vehicle shall have certainty, at the time of purchase of a qualifying vehicle, of—

(A) the amount of the grant to be provided; and

(B) the time at which grant funds shall be available;

(3) the amount of a grant provided under this section shall increase in direct proportion to the fuel efficiency of a commercial vehicle to be purchased using funds from the grant;

(4) the amounts made available to provide grants under this section shall be allocated by the Administrator for at least 3 classes of vehicle weight, to ensure—

(A) adequate availability of grant funds for different categories of commercial vehicles; and

(B) that the amount of a grant provided for the purchase of a heavier, more expensive vehicle is proportional to the amount of a grant provided for the purchase of a lighter, less expensive vehicle; and

(5) the amount provided per grant shall decrease over time to encourage early purchases of qualifying commercial vehicles.

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

(d) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the clean medium- and heavy-duty hybrid fleets program is established under section 1103.

**SEC. 114. INTERNATIONAL CLEAN ENERGY DEPLOYMENT.**

(a) PURPOSE.—The purpose of this section is to promote and leverage private financing

for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) in the Senate—

(i) the Committee on Foreign Relations;

(ii) the Committee on Finance;

(iii) the Committee on Energy and Natural Resources;

(iv) the Committee on Environment and Public Works; and

(v) the Committee on Appropriations; and

(B) in the House of Representatives—

(i) the Committee on Foreign Affairs;

(ii) the Committee on Ways and Means;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources; and

(v) the Committee on Appropriations.

(2) BOARD.—The term “Board” means the International Clean Energy Deployment Board established under subsection (c)(1).

(3) ELIGIBLE COUNTRY.—The term “eligible country” means a foreign country that, as determined by the President—

(A) is not a member of the Organization for Economic Cooperation and Development; and

(B)(i) has made a binding commitment, pursuant to an international agreement to which the United States is a party, to carry out actions to produce measurable, reportable, and verifiable greenhouse gas emission mitigations; or

(ii) as certified by the Board to the appropriate committees of Congress, has in force binding national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emission mitigations.

(4) QUALIFIED ENTITY.—The term “qualified entity” means—

(A) the national government of an eligible country;

(B) a regional or local governmental unit of an eligible country; and

(C) a nongovernmental organization or a private entity located or operating in an eligible country.

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT BOARD.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the President shall establish a board, to be known as the “International Clean Development Technology Board”.

(2) COMPOSITION.—The Board shall be composed of—

(A) the Secretary of State, who shall serve as Chairperson of the Board;

(B) the Secretary of the Treasury;

(C) the Secretary of Energy;

(D) the Secretary of Commerce;

(E) the Administrator;

(F) the Administrator of the United States Agency for International Development;

(G) the United States Trade Representative; and

(H) such other officials as the President determines to be appropriate.

(3) DUTIES.—The Board shall administer the Fund in a manner that ensures that amounts made available to carry out the program—

(A) are used in a manner that best promotes the participation of, and investments by, the private sector;

(B) are allocated in a manner consistent with commitments by the United States



under international climate change agreements; and

(C) are expended to achieve the greatest greenhouse gas emission mitigation with the lowest practicable cost, consistent with subparagraphs (A) and (B).

(4) ASSISTANCE.—The Board shall provide assistance under this section to qualified entities to support the purposes of this section.

(5) FORM OF ASSISTANCE.—In accordance with international the Federal and international intellectual property law, assistance under this subsection shall be provided—

(A) as direct assistance in the form of grants, congressional loans, cooperative agreements, contracts, insurance, or loan guarantees to or with qualified entities;

(B) as indirect assistance to qualified entities through—

(i) funding for international clean technology funds supported by multilateral institutions;

(ii) support from development and export promotion assistance programs of the Federal Government; or

(iii) support from international technology programs of the Department of Energy; or

(C) in such other forms as the Board determines to be appropriate.

(6) USE OF ASSISTANCE.—Assistance provided under this subsection shall be used for 1 or more of the following purposes:

(A) Funding for capacity building programs, including—

(i) developing and implementing methodologies and programs for measuring and quantifying greenhouse gas emissions and verifying emission reductions;

(ii) assessing technology and policy options for greenhouse gas emission mitigations; and

(iii) providing other forms of technical assistance to facilitate the qualification for, and receipt of, program funding under this section.

(B) Funding for technology programs to mitigate greenhouse gas emissions through Federal or State engagement in cooperative research and development activities with eligible countries, including on the subject of—

(i) transportation technologies;

(ii) coal, including low-rank coal;

(iii) energy efficiency programs;

(iv) renewable energy sources; and

(v) industrial and building activities.

(7) SELECTION OF PROJECTS.—

(A) IN GENERAL.—The Board shall be responsible for selecting qualified entities to receive assistance under this subsection.

(B) NOTIFICATION.—The Board shall not provide assistance under this subsection until the date that is 30 days after the date on which the Board submits to the appropriate committees of Congress a notice of the proposed assistance, including—

(i) in the case of a capacity building program—

(I) a description of the capacity building program to be funded using the assistance;

(II) the terms and conditions of the provision of assistance; and

(III) a description of how the capacity building program will contribute to achieving the purposes of this section; or

(ii) in the case of a technology program—

(I) a description of the technology program to be funded using the assistance;

(II) the terms and conditions of the provision of assistance;

(III) an estimate of the additional quantity of greenhouse gas emission reductions expected due to the use of the assistance; and

(IV) a description of how the technology program will contribute to achieving the purposes of this section.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 270 days after the date of enactment of this Act,

the President shall submit to the appropriate committees of Congress a report describing the criteria to be used to determine whether a country is an eligible country.

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate committees of Congress a report describing the assistance provided under this section by the Board during the preceding calendar year, including—

(A) the aggregate amount of assistance provided for capacity building initiatives and technology deployment initiatives; and

(B) a description of each initiative funded using the assistance, including—

(i) the amount of assistance provided;

(ii) the terms and conditions of provision of the assistance; and

(iii) the anticipated reductions in greenhouse gas emissions to be achieved as a result of technology deployment initiatives.

(e) EFFECT OF SECTION.—Nothing in this section alters or affects any authority of the Secretary of State under—

(1) title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.); or

(2) section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000,000 for the period of fiscal years 2009 through 2011.

(g) TERMINATION OF AUTHORITY.—The program established under this section, and all authority provided under this section, shall terminate on the date on which the International Clean Energy Technology Program is established under section 1321.

#### Subtitle C—Research

### SEC. 121. RESEARCH ON EFFECTS OF CLIMATE CHANGE ON DRINKING WATER UTILITIES.

(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Interior, shall establish and carry out a program of directed and applied research, to be conducted through a nonprofit water research foundation and sponsored by drinking water utilities, to assist suppliers of drinking water in adapting to the effects of climate change.

(b) RESEARCH AREAS.—The research conducted under subsection (a) shall include research relating to—

(1) the impacts of climate change on, and solutions to problems involving, water quality, including research—

(A) to address probable impacts on raw water quality resulting from—

(i) erosion and turbidity from extreme precipitation events;

(ii) watershed vegetation changes; and

(iii) increasing ranges of pathogens, algae, and nuisance organisms resulting from warmer temperatures; and

(B) relating to the mitigation of increased damage to watersheds and water quality by evaluating extreme events, such as wildfires and hurricanes, to learn and develop management approaches to mitigate—

(i) permanent watershed damage;

(ii) quality and yield impacts on source waters; and

(iii) increased costs of water treatment;

(2) impacts on groundwater supplies from carbon sequestration, including research to evaluate potential water quality consequences of carbon sequestration in various regional aquifers, soil conditions, and mineral deposits;

(3) the impacts of climate change on, and solutions to problems involving, water quantity, including research—

(A) to evaluate climate change impacts on water resources throughout hydrological basins of the United States;

(B) to improve the accuracy and resolution of climate change models at the regional level;

(C) to identify and explore options for increasing conjunctive use of aboveground and underground storage of water; and

(D) to optimize the operation of existing and new reservoirs in diminished and erratic periods of precipitation and runoff;

(4) infrastructure impacts and solutions for water treatment facilities and underground pipelines, including research—

(A) to evaluate and mitigate the impacts of sea level rise on—

(i) near-shore facilities;

(ii) soil drying and subsidence; and

(iii) reduced flows in water and wastewater pipelines; and

(B) relating to methods of increasing the resilience of existing infrastructure and development of new design standards for future infrastructure;

(5) desalination, water reuse, and alternative supply technologies, including research—

(A) to improve and optimize existing membrane technologies, and to identify and develop breakthrough technologies, to enable the use of seawater, brackish groundwater, treated wastewater, and other impaired sources;

(B) relating to new sources of water through cost-effective water treatment practices in recycling and desalination; and

(C) to improve technologies for use in—

(i) managing and minimizing the volume of desalination and reuse concentrate streams; and

(ii) minimizing the environmental impacts of seawater intake at desalination facilities;

(6) efficiency and the minimization of greenhouse gas emissions, including research—

(A) relating to optimizing the efficiency of water supply and improving water efficiency in energy production; and

(B) to identify and develop renewable, carbon-neutral options for the water supply industry;

(7) regional and hydrological basin cooperative water management solutions, including research into—

(A) institutional mechanisms for greater regional cooperation and use of water exchanges, banking, and transfers; and

(B) the economic benefits of sharing risks of shortage across wider areas;

(8) utility management, decision support systems, and water management models, including research—

(A) relating to improved decision support systems and modeling tools for use by water utility managers to assist with increased water supply uncertainty and adaptation strategies posed by climate change;

(B) to provide financial tools, including new rate structures, to manage financial resources and investments, due to the fact that increased conservation practices might diminish revenue and increase investments in infrastructure; and

(C) to develop improved systems and models for use in evaluating—

(i) successful alternative methods for conservation and demand management; and

(ii) climate change impacts on groundwater resources;

(9) reducing greenhouse gas emissions and demand management, including research—

(A) to improve efficiency in water collection, production, transmission, treatment, distribution, and disposal to provide more sustainability; and

(B) relating to means of assisting drinking water utilities in reducing the production of

greenhouse gas emissions in the collection, production, transmission, treatment, distribution, and disposal of drinking water;

(10) water conservation and demand management, including research—

(A) to develop strategic approaches to water demand management that offer the lowest-cost, noninfrastructural options to serve growing populations or manage declining supplies, primarily through—

(i) efficiencies in water use and reallocation of saved water;

(ii) demand management tools;

(iii) economic incentives; and

(iv) water-saving technologies; and

(B) relating to efficiencies in water management through integrated water resource management that incorporates—

(i) supply-side and demand-side processes;

(ii) continuous adaptive management; and

(iii) the inclusion of stakeholders in decisionmaking processes; and

(11) communications, education, and public acceptance, including research—

(A) relating to improved strategies and approaches for communicating with customers, decisionmakers, and other stakeholders about the implications of climate change regarding water supply; and

(B) to develop effective communication approaches to achieve—

(i) public acceptance of alternative water supplies and new policies and practices, including conservation and demand management; and

(ii) public recognition and acceptance of increased costs.

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

**SEC. 122. ROCKY MOUNTAIN CENTERS FOR STUDY OF COAL UTILIZATION.**

(a) DESIGNATION.—The University of Wyoming and Montana State University shall be known and designated as the “Rocky Mountain Centers of the Study of Coal Utilization”.

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

**SEC. 123. SUN GRANT CENTER FOR RESEARCH ON COMPLIANCE WITH CLEAN AIR ACT.**

(a) DESIGNATION.—Each sun grant center designated under section 7526 of the Food, Conservation, and Energy Act of 2008 is designated as a research institution of the Environmental Protection Agency for the purpose of conducting studies regarding the effects of biofuels and biomass on national and regional compliance with the Clean Air Act (42 U.S.C. 7401 et seq).

(b) FUNDING.—The Administrator shall provide to the sun grant centers such funds as the Administrator determines to be necessary to carry out the studies described in subsection (a).

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

**SEC. 124. STUDY BY ADMINISTRATOR OF BLACK CARBON EMISSIONS.**

(a) STUDY.—The Administrator shall conduct a study of black carbon emissions, including—

(1) an identification of—

(A) the latest scientific data relevant to the climate-related impacts of black carbon emissions from diesel engines and other sources;

(B)(i) the major sources of black carbon emissions in the United States and worldwide; and

(ii) an estimate of black carbon emissions from those sources;

(C) the diesel and other direct emission control technologies, operations, or strategies to remove or reduce emissions of black carbon, including estimates of the costs and effectiveness of the measures; and

(D) the entire lifecycle and net climate impacts of installation of diesel particulate filters on existing heavy-duty diesel engines; and

(2) recommendations of the Administrator regarding—

(A) areas of focus for additional research for technologies, operations, and strategies with the highest potential to reduce emissions of black carbon; and

(B) actions the Federal Government could carry out to encourage or require additional black carbon emission reductions.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

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

**SEC. 125. STUDY BY ADMINISTRATOR OF RECYCLING.**

(a) STUDY.—The Administrator shall conduct a study of the lifecycle greenhouse gas emission reductions and other benefits and issues associated with—

(1) recycling scrap metal, including end-of-life vehicles, recovered paper and other fiber, scrap electronics, scrap glass, scrap plastics, scrap tires and other rubber, and scrap textiles;

(2) using recycled materials in manufactured products;

(3) designing and manufacturing products that increase recyclable output;

(4) eliminating or reducing the use of substances and materials in products that decrease recyclable output; and

(5) establishing a standardized system for lifecycle greenhouse gas emission reduction measurement and certification for the manufactured products and scrap recycling sectors, including the potential options for the structure and operation of such a system.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study.

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

**SEC. 126. RETAIL CARBON OFFSETS.**

(a) DEFINITION OF RETAIL CARBON OFFSET.—In this section, the term “retail carbon offset” means any carbon credit or carbon offset that cannot be used in satisfaction of any mandatory compliance obligation under a regulatory system for reducing greenhouse gas emissions.

(b) QUALIFYING LEVELS AND REQUIREMENTS.—Not later than January 1, 2009, the Administrator shall establish new qualifying levels and requirements for Energy Star certification for retail carbon offsets, effective beginning January 1, 2010.

**TITLE II—CAPPING GREENHOUSE GAS EMISSIONS**

**SEC. 201. EMISSION ALLOWANCES.**

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish a quantity of emission allowances for each of calendar years 2012 through 2050, as follows:

Calendar Year	Quantity of emission allowances (in millions)
2012 .....	5,775

Calendar Year	Quantity of emission allowances (in millions)
2013 .....	5,669
2014 .....	5,562
2015 .....	5,456
2016 .....	5,349
2017 .....	5,243
2018 .....	5,137
2019 .....	5,030
2020 .....	4,924
2021 .....	4,817
2022 .....	4,711
2023 .....	4,605
2024 .....	4,498
2025 .....	4,392
2026 .....	4,286
2027 .....	4,179
2028 .....	4,073
2029 .....	3,966
2030 .....	3,860
2031 .....	3,754
2032 .....	3,647
2033 .....	3,541
2034 .....	3,435
2035 .....	3,328
2036 .....	3,222
2037 .....	3,115
2038 .....	3,009
2039 .....	2,903
2040 .....	2,796
2041 .....	2,690
2042 .....	2,584
2043 .....	2,477
2044 .....	2,371
2045 .....	2,264
2046 .....	2,158
2047 .....	2,052
2048 .....	1,945
2049 .....	1,839
2050 .....	1,732.

(b) IDENTIFICATION NUMBERS.—The Administrator shall assign to each emission allowance established under subsection (a) a unique identification number that includes the calendar year for which that emission allowance was established.

(c) LEGAL STATUS.—

(1) IN GENERAL.—An emission allowance shall not be a property right.

(2) TERMINATION OR LIMITATION.—Nothing in this Act or any other provision of law shall limit the authority of the Administrator to terminate or limit an emission allowance.

(3) OTHER PROVISIONS UNAFFECTED.—Nothing in this Act relating to emission allowances shall affect the application of, or compliance with, any other provision of law to or by a covered entity.

**SEC. 202. COMPLIANCE OBLIGATION.**

(a) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the owner or operator of a covered entity shall submit to the Administrator an emission allowance or an offset allowance for each carbon dioxide equivalent of—

(1) non-HFC greenhouse gas that was emitted by that covered entity in the United States during the preceding calendar year through the use of coal;

(2) non-HFC greenhouse gas that will be emitted through the use of petroleum-based liquid or gaseous fuel, petroleum coke, or coal-based liquid or gaseous fuel that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by that covered entity;

(3) non-HFC greenhouse gas, that was, during the preceding calendar year, manufactured by that covered entity in the United States or imported into the United States by

that covered entity, in each case in which the non-HFC greenhouse gas is not itself a petroleum- or coal-based gaseous fuel or natural gas;

(4) each HFC that was, during the preceding calendar year, emitted as a byproduct of hydrochlorofluorocarbon manufacture in the United States by that covered entity; and

(5) non-HFC greenhouse gas that will be emitted—

(A) through the use of natural gas that was, during the preceding calendar year, processed in the United States by that covered entity, imported into the United States by that covered entity, or produced in the State of Alaska or the Federal waters of the Outer Continental Shelf off the coast of that State by that covered entity and not re-injected into the field; or

(B) through the use of natural gas liquids that were, during the preceding year, processed in the United States by that covered entity or imported into the United States by that covered entity.

(b) ASSUMPTION.—

(1) IN GENERAL.—Subject to paragraph (2), for the purpose of calculating any submission requirement under subsection (a), the Administrator shall assume that no sequestration, destruction, or retention of greenhouse gas has occurred or will occur.

(2) EXCEPTION.—Notwithstanding paragraph (1), neither paragraph (2) nor paragraph (5) of subsection (a) requires a covered entity to submit emission allowances or offset allowances for petroleum- or coal-based liquid or gaseous fuel imported into the United States, or for natural gas or natural gas liquids imported into the United States, if the fuel or liquid the substance was imported solely for use as a feedstock, and to the extent that no greenhouse gas is emitted through the use of that fuel or substance as a feedstock.

(c) EXCLUDING PETROLEUM-BASED LIQUID FUEL IMPORTED FROM A CAPPED NAFTA COUNTRY.—The regulations promulgated pursuant to section 204 shall provide for the exclusion from the compliance obligation under subsection (a)(2) of petroleum-based liquid fuel imported into the United States from a NAFTA country in any case in which the Administrator has determined, after public notice and an opportunity for public comment, that—

(1) the NAFTA country has enacted national greenhouse gas emissions reduction requirements that are not less stringent than those established for the United States by this Act; and

(2) the petroleum-based liquid fuel imported into the United States from the NAFTA country was produced or manufactured at or by an entity that was, at the time of the production or manufacture, directly subject to regulatory requirements, pursuant to the enacted greenhouse gas emission reduction requirements of the NAFTA country, to submit allowances covering any greenhouse gas emitted through the use of the liquid fuel.

(d) RETIREMENT OF ALLOWANCES UPON RECEIPT.—Immediately upon receiving an allowance under subsection (a), the Administrator shall retire the allowance.

(e) DESTRUCTION CREDIT.—

(1) IN GENERAL.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to any entity in the United States that the Administrator determines destroyed greenhouse gas in the United States during the calendar year a quantity of emission allowances equal to the quantity of carbon dioxide equivalents of non-HFC greenhouse gas that the Adminis-

trator determines the entity destroyed in the United States during that calendar year.

(2) DESTRUCTION OF METHANE THROUGH COMBUSTION.—Paragraph (1) shall not apply to the destruction of methane through combustion.

(f) SEQUESTRATION CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each covered entity subject to any of paragraphs (2) through (5) of subsection (a) that the Administrator determines captured and geologically sequestered carbon dioxide during the calendar year a quantity of emission allowances equal to the quantity of metric tons of carbon dioxide that the entity captured and geologically sequestered in the United States during that calendar year.

(g) NONEMISSIVE USE CREDIT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity in the United States that the Administrator determines used in the United States during that calendar year a petroleum- or coal-based product, natural gas, or natural gas liquid as a feedstock, or used a perfluorocarbon in semiconductor research or manufacturing in the United States during that calendar year, an emission allowance for each carbon dioxide equivalent of greenhouse gas that was not emitted through the use of that feedstock or perfluorocarbon, notwithstanding the submission of an emission allowance or offset allowance for that carbon dioxide equivalent under subsection (a).

(2) NONAPPLICABILITY TO CERTAIN FEEDSTOCK USES.—Paragraph (1) shall not apply to any feedstock use to which subsection (b)(2) applies.

(h) EXPORT CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity that the Administrator determines exported from the United States a product described in paragraph (2), (3), or (5) of subsection (a) during that calendar year a quantity of emission allowances equal to the quantity of allowances submitted for that product under 1 of those paragraphs.

(i) INTERNATIONAL FLIGHT CREDIT.—Not later than 90 days after the end of each of calendar years 2012 through 2050, the Administrator shall establish and distribute to each entity that the Administrator determines purchased in the United States fuel for an international flight the greenhouse gas emissions of which were regulated by the laws of another country a quantity of emission allowances equal to the quantity of allowances submitted for that fuel under subsection (a)(2).

(j) DETERMINATION OF COMPLIANCE.—Not later than 180 days after the end of each of calendar years 2012 through 2050, the Administrator shall determine whether the owners and operators of all covered entities are in full compliance with subsection (a) for that calendar year.

(k) PROHIBITION.—A covered entity shall not submit, and the Administrator shall not accept, any allowance established pursuant to section 1501 in satisfaction, in whole or in part, of the compliance obligation under subsection (a).

**SEC. 203. PENALTY FOR NONCOMPLIANCE.**

(a) CASH PENALTY.—

(1) IN GENERAL.—The owner or operator of any covered entity that fails for any year to submit to the Administrator by the applicable deadline described in section 202 1 or more of the allowances due pursuant to that section shall be liable for the payment to the Administrator of a cash penalty.

(2) AMOUNT.—The amount of a cash penalty required to be paid under paragraph (1) shall be, as determined by the Administrator, an amount equal to the product obtained by multiplying—

(A) the quantity of allowances that the owner or operator failed to submit; and

(B) the greater of—

(i) \$200; or

(ii) an amount, in dollars, equal to 3 times the average market value of an emission allowance during the calendar year for which the allowances were due.

(3) TIMING.—A cash penalty required under this subsection shall be immediately due and payable to the Administrator, without demand.

(4) DEPOSIT.—The Administrator shall deposit each cash penalty paid under this subsection into the Treasury of the United States.

(5) NO EFFECT ON LIABILITY.—A cash penalty due and payable by the owner or operator of a covered entity under this subsection shall not diminish the liability of the owner or operator for any fine, penalty, or assessment against the owner or operator for the same violation under any other provision of this Act or any other law.

(b) COMPENSATION.—The owner or operator of a covered entity that fails for any year to submit to the Administrator, by the deadline described in section 202, 1 or more of the emission allowances due pursuant to that section shall be liable to compensate for the shortfall with a submission of excess allowances during—

(1) the following calendar year; or

(2) such longer period as the Administrator may prescribe.

(c) PROHIBITION.—It shall be unlawful for the owner or operator of any entity liable under subsections (a) and (b) to fail to comply with a requirement under either of those subsections.

(d) NO EFFECT ON OTHER LAW.—Nothing in this title limits or otherwise affects the application of any other enforcement provision under this Act or under any other law.

**SEC. 204. REGULATIONS.**

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this title.

**SEC. 205. REPORT TO CONGRESS.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the President and Congress a report on the regulation under this Act of greenhouse gases emitted through the use of natural gas in the United States.

(b) REQUIREMENTS.—The report submitted under subsection (a) shall include options for increasing the percentage of the natural gas used in the United States that is subject to greenhouse gas emission-reduction measures while minimizing regulatory complexity.

## TITLE III—REDUCING EMISSIONS THROUGH OFFSETS AND INTERNATIONAL ALLOWANCES

### Subtitle A—Offsets in the United States

**SEC. 301. OUTREACH INITIATIVE ON REVENUE ENHANCEMENT FOR AGRICULTURAL PRODUCERS.**

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Natural Resources Conservation Service, the Chief of the Forest Service, the Director of the National Institute of Food and Agriculture, and land-grant colleges and universities, in consultation with the Administrator and the heads of other appropriate departments and agencies, shall establish an outreach initiative to provide information to agricultural producers, agricultural organizations, foresters, State and local officials,

leaders from small businesses, nonprofit groups that may engage in forest or natural resource projects, forest workers, Indian tribes, and other landowners (referred to in this section as “interested parties”) about opportunities to earn new revenue under this subtitle.

(b) COMPONENTS.—The initiative under this section—

(1) shall be designed to ensure, to the maximum extent practicable, that interested parties receive detailed, practical information about—

(A) opportunities to earn new revenue under this subtitle;

(B) measurement protocols, monitoring, verifying, inventorying, registering, insuring, and marketing offsets under this title;

(C) emerging domestic and international markets for energy crops, allowances, and offsets; and

(D) local, regional, and national databases and aggregation networks to facilitate achievement, measurement, registration, and sales of offsets;

(2) shall provide, in cooperation with other stakeholders—

(A) outreach materials, including the handbook published under subsection (c), to interested parties;

(B) workshops; and

(C) technical assistance; and

(3) may include the creation and development of regional marketing centers or coordination with existing centers (including centers within the Natural Resources Conservation Service or the National Institute of Food and Agriculture or at land-grant colleges and universities).

(c) HANDBOOK.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Administrator and after providing an opportunity for public comment, shall publish a handbook for use by interested parties that provides easy-to-use guidance on achieving, reporting, registering, and marketing offsets.

(2) DISTRIBUTION.—The Secretary of Agriculture shall ensure, to the maximum extent practicable, that the handbook—

(A) is made available through the Internet and in other electronic media;

(B) includes, with respect to the electronic form of the handbook described in subparagraph (A), electronic forms and calculation tools to facilitate the petition process for new methodologies; and

(C) is distributed widely through land-grant colleges and universities and other appropriate institutions.

(3) UPDATING.—The Secretary of Agriculture shall update the handbook at least every 5 years, or more frequently as needed to reflect developments in science, practices, methodologies, measurement protocols, and emerging markets.

#### SEC. 302. ESTABLISHMENT OF A DOMESTIC OFFSET PROGRAM.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall promulgate regulations authorizing the certification and issuance of offset allowances in accordance with this subtitle.

(b) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances issued pursuant to subsection (d) in a calendar year shall not exceed 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances issued in a calendar year pursuant to subsection (d) is less than 15 percent

of the quantity of emission allowances established for that year pursuant to section 201(a), the Administrator shall allow the use, by covered entities in that year, of international allowances under section 322 and international forest carbon credits under section 1313.

(B) MAXIMUM QUANTITY.—The maximum aggregate quantity of international allowances and international forest carbon credits the use of which the Administrator shall allow for a calendar year under subparagraph (A) shall be equal to the difference between—

(i) 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(ii) the quantity of offset allowances issued in that year pursuant to subsection (d).

(3) CARRY-OVER.—

(A) IN GENERAL.—If the sum of the quantity of offset allowances issued for a calendar year pursuant to subsection (d) and the quantity of international allowances and international forest carbon credits used in that calendar year pursuant to paragraph (2) is less than 15 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a), notwithstanding paragraph (1), the quantity of offset allowances issued pursuant to subsection (d) in the subsequent calendar year shall not exceed the sum obtained by adding—

(i) 15 percent of the quantity of emission allowances established for that subsequent calendar year pursuant to section 201(a); and

(ii) the difference between—

(I) 15 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(II) the sum obtained by adding the quantity of offset allowances issued in the preceding calendar year pursuant to subsection (d) and the quantity of international allowances and international forest carbon credits used in that year pursuant to paragraph (2).

(4) EXCHANGE FOR REGIONAL GREENHOUSE GAS INITIATIVE OFFSETS.—The Administrator shall—

(A) issue offset allowances, at an appropriate discount rate, for offset allowances issued under the Regional Greenhouse Gas Initiative; and

(B) ensure that enough capacity remains within the limitation under paragraph (1) to carry out exchanges with all interested parties.

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) authorize the issuance and certification of offset allowances only for greenhouse gas emission reductions or increases in sequestration relative to the offset project baseline, for offset projects approved pursuant to section 304 in categories on the list issued under section 303;

(2) ensure that those offsets represent real, verifiable, additional, permanent, and enforceable reductions in greenhouse gas emissions or increases in sequestration;

(3) require that the project developer for an offset project establish the project baseline and register emissions with the Registry;

(4) specify the types of offset projects eligible to generate offset allowances, in accordance with section 303;

(5) establish procedures to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in biological sequestration, in accordance with section 303;

(6) establish procedures for project initiation and approval, in accordance with section 304;

(7) establish procedures for third-party verification, registration, and issuance of offset allowances, in accordance with section 305;

(8) ensure permanence of offsets by mitigating and compensating for reversals, in accordance with section 306; and

(9) assign a unique serial number to each offset allowance issued under this section.

(d) OFFSET ALLOWANCES AWARDED.—The Administrator shall issue to a project developer offset allowances for qualifying emission reductions and biological sequestrations from offset projects that satisfy the applicable requirements of this subtitle, unless an alternative recipient is specified in a legally-binding contract or agreement.

(e) TRANSFERABILITY; COMPENSATION FOR REVERSALS.—

(1) TRANSFERABILITY.—An offset allowance generated pursuant to this subtitle may be sold, traded, or transferred, on the condition that the offset allowance has not expired or been retired or canceled.

(2) COMPENSATION FOR REVERSALS.—With respect to a biological sequestration project, a project developer shall be responsible for mitigating and compensating for reversals of registered offset allowances unless a different responsible party is specified in a legally-binding contract or agreement.

(f) ACCOUNTING PERIOD.—

(1) IN GENERAL.—The Administrator shall issue offset allowances—

(A) on an annual basis, beginning on the date on which the initiation of an offset project is approved; and

(B) that equal the verified and certified emission reductions or increases in sequestration achieved by the offset project.

(2) BASELINE VALIDITY.—An emission baseline approved for an offset project shall be valid for a period of 5 years before being subject to revision.

#### SEC. 303. ELIGIBLE OFFSET PROJECT TYPES.

(a) IN GENERAL.—An offset allowance from an agricultural, forestry, or other land use-related project shall be provided only for achieving an offset of 1 or more greenhouse gases by a method other than a reduction of combustion of greenhouse gas-emitting fuel.

(b) CATEGORIES OF ELIGIBLE OFFSET PROJECTS.—

(1) IN GENERAL.—The Administrator, after providing public notice and an opportunity for comment, shall issue and periodically revise a list of categories of offset projects for the Administrator shall issue an offset methodology.

(2) CATEGORIES.—The Administrator shall consider including on the list under paragraph (1)—

(A) agricultural and rangeland sequestration and management practices, including—

(i) altered tillage practices;

(ii) winter cover cropping, continuous cropping, and other means to increase biomass returned to soil in lieu of planting followed by fallowing;

(iii) conversion of cropland to rangeland or grassland, on the condition that the land has been in nonforest use for at least 10 years before the date of initiation of the project;

(iv) reduction of nitrogen fertilizer use or increase in nitrogen use efficiency;

(v) reduction in the frequency and duration of flooding of rice paddies; and

(vi) reduction in carbon emissions from organic soils;

(B) changes in carbon stocks attributed to land use change and forestry activities limited to—

(i) afforestation or reforestation of acreage not forested as of October 18, 2007; and

(ii) forest management resulting in an increase in forest stand volume;

(C) manure management and disposal, including—

(i) waste aeration; and

(ii) methane capture and combustion;

(D) subject to the requirements of this subtitle, any other terrestrial offset practices identified by the Administrator, including—

(i) the capture or reduction of fugitive greenhouse gas emissions for which no covered entity is required under section 202(a) to submit any emission allowances, offset allowances, or international allowances;

(ii) methane capture and combustion at nonagricultural facilities; and

(iii) other actions that result in the avoidance or reduction of greenhouse gas emissions in accordance with section 302.

(E) combinations of any of the offset practices described in subparagraphs (A) through (D); and

(F) any other category proposed to the Administrator by petition.

(c) REQUIREMENTS FOR OFFSET METHODOLOGIES.—

(1) ISSUANCE.—Not later than 3 years after the date of enactment of this Act, and after public notice and an opportunity for comment, the Administrator shall issue a methodology for each category of offset project listed pursuant to subsection (b).

(2) SPECIFIC REQUIREMENTS.—The methodology for each category issued under paragraph (1) shall—

(A) specify requirements for—

(i) determining the eligibility of an offset project;

(ii) determining additional emission reductions or sequestrations from an offset project;

(iii) accounting for emission leakage associated with an offset project;

(iv) accounting for a reversal, and managing for the risk of reversal, from an offset project; and

(v) monitoring, verifying, and reporting the operation of an offset project; and

(B) include—

(i) a procedure for determining that—

(I) an offset project does not receive support from an allowance allocation under this Act or from any other government incentive, subsidy, or mandate; and

(II) the emission reductions or sequestrations from an offset project are not double-counted under any other program;

(ii) a procedure for delineating the boundaries of an offset project and determining the extent, if any, of emission leakage from the offset project, based on scientifically sound methods, as determined by the Administrator;

(iii) a description of scientifically sound methods, as determined by the Administrator, for use in monitoring, measuring, and quantifying changes in emissions or sequestrations resulting from an offset project, including—

(I) a method for use in quantifying the uncertainty in those measurements; and

(II) a description of site-specific data that will be used in that monitoring, measurement, and quantification;

(iv) a procedure for use in establishing the baseline for an offset project that ensures that offset allowances will be issued only for emission reductions or sequestrations that are additional;

(v)(I) a threshold of uncertainty in the quantification of emission reductions or sequestrations and for baseline emission levels above which an offset project shall not be eligible to receive offset allowances; and

(II) a procedure by which a project developer may petition for use of different uncertainty factors if the project developer demonstrates to the Administrator that the measurement methods used by the offset project have less uncertainty than assumed under the default methodology;

(vi) clear and objective tests specified by the Administrator that are sufficient to ensure that—

(I) an offset project will be eligible to generate offset allowances only if, in the judgment of the Administrator, the project is additional;

(II) no part of the offset project is required by Federal or State regulations or commonly accepted industry standards, as determined by the Administrator;

(III) the offset project uses technologies or practices that are not in common use within a relevant jurisdiction or industry, as defined by the Administrator; and

(IV) the offset project would not take place in the absence of the revenue generated by the sale of offset allowances;

(vii) a procedure to quantify leakage and ensure that the issuance of offset allowances is reduced by an amount equivalent to the quantity of that leakage;

(viii)(I) a methodology for use in assessing the risk that a sequestration will be reversed;

(II) a description of measures that will be taken to reduce that risk; and

(III) a description of procedures that will be followed to measure, report, and compensate for any reversal that does occur;

(ix) a procedure for use in—

(I) determining whether the quantity of carbon sequestered on or in land where a project is carried out was significantly changed during the 10-year period prior to initiation of the project; and

(II) excluding the offset project from receiving allowances under this subtitle, or adjusting the baseline of the offset project accordingly; and

(x) a protocol for use in reporting emission reductions or sequestrations (and any reversals) at least annually.

(3) CONSULTATION.—In the case of an offset project relating to agriculture or forestry, the Administrator shall consult with the Secretary of Agriculture in carrying out this subsection.

(4) REVISION.—The Administrator shall revise each methodology issued under paragraph (1), after public notice and an opportunity for comment, at least every 5 years.

(5) PROJECT CONFORMITY.—Beginning 1 year after the date by which a methodology is required to be revised under paragraph (4), no further offset allowances shall be issued to an offset project approved under the methodology unless the offset project is demonstrated to be in conformity with the applicable revisions.

(d) TECHNOLOGIES.—

(1) IN GENERAL.—The Administrator may issue, after notice and comment, a list of technologies and associated performance benchmarks the achievement of which the Administrator has determined shall be considered to be additional in specific project applications.

(2) PERIOD OF VALIDITY.—A determination of the Administrator under paragraph (1) shall be valid for not more than 5 years after the date of the determination.

(e) METHODOLOGY TESTING.—The Administrator may not issue a methodology under this section until the Administrator determines that—

(1) the methodology has been tested by 3 independent expert teams on at least 3 different offset projects to which that methodology applies; and

(2) the emission reductions or sequestrations estimated by the expert teams for the same offset project do not differ by more than 10 percent.

#### SEC. 304. PROJECT INITIATION AND APPROVAL.

(a) PROJECT APPROVAL.—A project developer—

(1) may submit a petition for offset project approval at any time following the effective date of regulations promulgated under section 302; but

(2) may not use or distribute offset allowances until such approval is received and until after the emission reductions or sequestrations supporting the offset allowances have actually occurred.

(b) PETITION PROCESS.—Prior to offset registration and issuance of offset allowances, a project developer shall submit to the Administrator a petition that consists of—

(1) a copy of the monitoring and quantification plan prepared for the offset project, as described in subsection (d);

(2) a greenhouse gas initiation certification, as described in subsection (e); and

(3) subject to this subtitle, any other information identified by the Administrator in the regulations promulgated under section 302 as being necessary to meet the objectives of this subtitle.

(c) APPROVAL AND NOTIFICATION.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Administrator receives a complete petition under subsection (b), the Administrator shall—

(A) determine whether the monitoring and quantification plan satisfies the applicable requirements of this subtitle;

(B) determine whether the greenhouse gas initiation certification indicates a significant deviation in accordance with subsection (e)(3); and

(C) notify the project developer of the determinations under subparagraphs (A) and (B).

(2) APPEAL.—The Administrator shall establish mechanisms for appeal and review of determinations made under this subsection.

(d) MONITORING AND QUANTIFICATION.—

(1) IN GENERAL.—A project developer shall make use of the standardized tools and methods described in this section to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in sequestration.

(2) MONITORING AND QUANTIFICATION PLAN.—A monitoring and quantification plan shall be used to monitor, quantify, and discount reductions in greenhouse gas emissions or increases in sequestration as described in this subsection.

(3) PLAN COMPLETION AND RETENTION.—A monitoring and quantification plan shall be—

(A) completed for all offset projects prior to offset project initiation; and

(B) retained by the project developer for the duration of the offset project.

(4) PLAN REQUIREMENTS.—Subject to section 302, the Administrator, in conjunction with the Secretary of Agriculture, shall specify the required components of a monitoring and quantification plan, including—

(A) a description of the offset project, including project type;

(B) a determination of accounting periods;

(C) an assignment of reporting responsibility;

(D) the contents and timing of public reports, including summaries of the original data, as well as the results of any analyses;

(E) a delineation of project boundaries, based on acceptable methods and formats;

(F) a description of which of the monitoring and quantification tools developed under subsection (f) are to be used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks associated with a project;

(G) a description of which of the standardized methods developed under subsection (g) are to be used to determine additionality, estimate the baseline carbon, and discount for leakage;

(H) based on the selection of tools and standardized methods described in subparagraphs (F) and (G), a determination of uncertainty in accordance with subsection (h);

(I) what site-specific data, if any, will be used in monitoring, quantification, and the determination of discounts;

(J) a description of procedures for use in managing and storing data, including quality-control standards and methods, such as redundancy in case records are lost;

(K) subject to the requirements of this subtitle, any other information identified by the Administrator or the Secretary of Agriculture as being necessary to meet the objectives of this subtitle; and

(L) a description of the risk of reversals for the project, including any way in which the proposed project may alter the risk of reversal for the project or other projects in the area.

(e) GREENHOUSE GAS INITIATION CERTIFICATION.—

(1) IN GENERAL.—In reviewing a petition submitted under subsection (b), the Administrator shall seek to exclude each activity that undermines the integrity of the offset program established under this subtitle, such as the conversion or clearing of land, or marked change in management regime, in anticipation of offset project initiation.

(2) GREENHOUSE GAS INITIATION CERTIFICATION REQUIREMENTS.—A greenhouse gas initiation certification developed under this subsection shall include—

(A) the estimated greenhouse gas flux or carbon stock for the offset project for each of the 4 complete calendar years preceding the effective date of the regulations promulgated under section 302; and

(B) the estimated greenhouse gas flux or carbon stock for the offset project, averaged across each of the 4 calendar years preceding the effective date of the regulations promulgated under section 302.

(3) DETERMINATION OF SIGNIFICANT DEVIATION.—Based on standards developed by the Administrator, in conjunction with the Secretary of Agriculture—

(A) each greenhouse gas initiation certification submitted pursuant to this section shall be reviewed; and

(B) a determination shall be made as to whether, as a result of activities or behavior inconsistent with the purposes of this title, a significant deviation exists between the average annual greenhouse gas flux or carbon stock and the greenhouse gas flux or carbon stock for a given year.

(4) ADJUSTMENT FOR PROJECTS WITH SIGNIFICANT DEVIATION.—In the case of a significant deviation, the Administrator shall adjust the number of allowances awarded in order to account for the deviation.

(f) DEVELOPMENT OF MONITORING AND QUANTIFICATION TOOLS FOR OFFSET PROJECTS.—

(1) IN GENERAL.—Subject to section 302, the Administrator, in conjunction with the Secretary of Agriculture, shall develop standardized tools for use in the monitoring and quantification of changes in greenhouse gas fluxes or carbon stocks for each offset project type listed under section 303(b).

(2) TOOL DEVELOPMENT.—The tools used to monitor and quantify changes in greenhouse gas fluxes or carbon stocks shall, for each project type, include applicable—

(A) statistically-sound field and remote sensing sampling methods, procedures, techniques, protocols, or programs;

(B) models, factors, equations, or look-up tables; and

(C) any other process or tool considered to be acceptable by the Administrator, in conjunction with the Secretary of Agriculture.

(g) DEVELOPMENT OF ACCOUNTING AND DISCOUNTING METHODS.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture, shall—

(A) develop standardized methods for use in accounting for additionality and uncer-

tainty, estimating the baseline, and discounting for leakage for each offset project type listed under section 303(b); and

(B) require that leakage be subtracted from reductions in greenhouse gas emissions or increases in sequestration attributable to a project.

(2) ADDITIONALITY DETERMINATION AND BASELINE ESTIMATION.—The standardized methods used to determine additionality and establish baselines shall, for each project type, at a minimum—

(A) in the case of a sequestration project, determine the greenhouse gas flux and carbon stock on comparable land identified on the basis of—

(i) similarity in current management practices;

(ii) similarity of regional, State, or local policies or programs; and

(iii) similarity in geographical and biophysical characteristics;

(B) in the case of an emission reduction project, use as a basis emissions from comparable land or facilities; and

(C) in the case of a sequestration project or emission reduction project, specify a selected time period.

(3) LEAKAGE.—The standardized methods used to determine and discount for leakage shall, at a minimum, take into consideration—

(A) the scope of the offset system in terms of activities and geography covered;

(B) the markets relevant to the offset project;

(C) emission intensity per unit of production, both inside and outside of the offset project; and

(D) a time period sufficient in length to yield a stable leakage rate.

(h) UNCERTAINTY FOR AGRICULTURAL AND FORESTRY PROJECTS.—

(1) IN GENERAL.—The Administrator, in conjunction with the Secretary of Agriculture, shall develop standardized methods for use in determining and discounting for uncertainty for each offset project type listed under section 303(b).

(2) BASIS.—The standardized methods used to determine and discount for uncertainty shall be based on—

(A) the robustness and rigor of the methods used by a project developer to monitor and quantify changes in greenhouse gas fluxes or carbon stocks;

(B) the robustness and rigor of methods used by a project developer to determine additionality and leakage; and

(C) an exaggerated proportional discount that increases relative to uncertainty, as determined by the Administrator, in conjunction with the Secretary of Agriculture, to encourage better measurement and accounting.

(i) ACQUISITION OF NEW DATA AND REVIEW OF METHODS FOR AGRICULTURAL AND FORESTRY PROJECTS.—The Administrator, in conjunction with the Secretary of Agriculture, shall—

(1) establish a comprehensive field sampling program to improve the scientific bases on which the standardized tools and methods developed under this section are based; and

(2) review and revise the standardized tools and methods developed under this section, based on—

(A) validation of existing methods, protocols, procedures, techniques, factors, equations, or models;

(B) development of new methods, protocols, procedures, techniques, factors, equations, or models;

(C) increased availability of field data or other datasets; and

(D) any other information identified by the Administrator, in conjunction with the Sec-

retary of Agriculture, that is necessary to meet the objectives of this subtitle.

(j) EXCLUSION.—No activity for which any emission allowances are received under subtitle C shall generate offset allowances under this subtitle.

#### SEC. 305. OFFSET VERIFICATION AND ISSUANCE OF ALLOWANCES.

(a) IN GENERAL.—Offset allowances may be claimed for net emission reductions or increases in sequestration annually, after accounting for any necessary discounts in accordance with section 304, by submitting a verification report for an offset project to the Administrator.

(b) OFFSET VERIFICATION.—

(1) SCOPE OF VERIFICATION.—A verification report for an offset project shall be—

(A) completed by a verifier accredited in accordance with paragraph (3); and

(B) developed taking into consideration—

(i) the information and methodology contained within a monitoring and quantification plan;

(ii) data and subsequent analysis of the offset project, including—

(I) quantification of net emission reductions or increases in sequestration;

(II) determination of additionality;

(III) calculation of leakage;

(IV) assessment of permanence;

(V) discounting for uncertainty; and

(VI) the adjustment of net emission reductions or increases in sequestration by the discounts determined under subclauses (II) through (V); and

(iii) subject to the requirements of this subtitle, any other information identified by the Administrator as being necessary to achieve the purposes of this subtitle.

(2) VERIFICATION REPORT REQUIREMENTS.—The Administrator shall specify the required components of a verification report, including—

(A) the quantity of offsets generated;

(B) the amount of discounts applied;

(C) an assessment of methods (and the appropriateness of those methods);

(D) an assessment of quantitative errors or omissions (and the effect of the errors or omissions on offsets);

(E) any potential conflicts of interest between a verifier and project developer; and

(F) any other provision that the Administrator considers to be necessary to achieve the purposes of this subtitle.

(3) VERIFIER ACCREDITATION.—

(A) IN GENERAL.—The regulations promulgated pursuant to section 302 shall establish a process and requirements for accreditation by a third-party verifier that has no conflicts of interest.

(B) PUBLIC ACCESSIBILITY.—Each verifier meeting the requirements for accreditation in accordance with this paragraph shall be listed in a publicly-accessible database, which shall be maintained and updated by the Administrator.

(c) REGISTRATION AND AWARDING OF OFFSETS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives a verification report required under subsection (b), the Administrator shall—

(A) determine whether the offsets satisfy the applicable requirements of this subtitle; and

(B) notify the project developer of that determination.

(2) AFFIRMATIVE DETERMINATION.—In the case of an affirmative determination under paragraph (1), the Administrator shall—

(A) register the offset allowances in accordance with this subtitle; and

(B) issue the offset allowances.

(3) APPEAL AND REVIEW.—The Administrator shall establish mechanisms for the appeal and review of determinations made under this subsection.

**SEC. 306. TRACKING OF REVERSALS FOR SEQUESTRATION PROJECTS.**

(a) REVERSAL CERTIFICATION.—

(1) IN GENERAL.—The regulations promulgated pursuant to section 302 shall require the submission of a reversal certification for each offset project on an annual basis following the registration of offset allowances.

(2) REQUIREMENTS.—A reversal certification submitted in accordance with this subsection shall state—

(A) whether any unmitigated reversal relating to the offset project has occurred in the year preceding the year in which the certification is submitted; and

(B) the quantity of each unmitigated reversal.

(b) EFFECT ON OFFSET ALLOWANCES.—

(1) INVALIDITY.—The Administrator shall declare invalid all offset allowances issued for any offset project that has undergone a complete reversal.

(2) PARTIAL REVERSAL.—In the case of an offset project that has undergone a partial reversal, the Administrator shall render invalid offset allowances issued for the offset project in direct proportion to the degree of reversal.

(c) ACCOUNTABILITY FOR REVERSALS.—Liability and responsibility for compensation of a reversal of a registered offset allowance under subsection (a) shall lie with the owner of the offset allowance, as described in section 302.

(d) COMPENSATION FOR REVERSALS.—The unmitigated reversal of 1 or more registered offset allowances that were submitted for the purpose of compliance with section 202(a) shall require the submission of—

(1) an equal number of offset allowances; or

(2) a combination of offset allowances and emission allowances equal to the unmitigated reversal.

(e) PROJECT TERMINATION.—A project developer may cease participation in the domestic offset program established under this subtitle at any time, on the condition that any registered allowances awarded for increases in sequestration have been compensated for by the project developer through the submission of an equal number of any combination of offset allowances and emission allowances.

**SEC. 307. EXAMINATIONS.**

(a) REGULATIONS.—The regulations promulgated pursuant to section 302 shall govern the examination and auditing of offset allowances.

(b) REQUIREMENTS.—The governing regulations described in subsection (a) shall specifically consider—

(1) principles for initiating and conducting examinations;

(2) the type or scope of examinations, including—

(A) reporting and recordkeeping; and

(B) site review or visitation;

(3) the rights and privileges of an examined party; and

(4) the establishment of an appeal process.

**SEC. 308. TIMING AND THE PROVISION OF OFFSET ALLOWANCES.**

(a) INITIATION OF OFFSET PROJECTS.—An offset project that commences operation on or after the effective date of the governing regulations described in section 307(a) shall be eligible to generate offset allowances under this subtitle if the offset project meets the other applicable requirements of this subtitle.

(b) PRE-EXISTING PROJECTS.—

(1) IN GENERAL.—The Administrator shall allow for the transition into the Registry of

offset projects and banked offset allowances that, as of the effective date of regulations promulgated under section 307(a), are registered under or meet the standards of the Climate Registry, the California Action Registry, the GHG Registry, the Chicago Climate Exchange, the GHG Clean Projects Registry, or any other Federal, State, or private reporting programs or registries, if the Administrator determines that such other offset projects and banked offset allowances under those other programs or registries satisfy the applicable requirements of this subtitle.

(2) EXCEPTION.—An offset allowance that is expired, retired, or canceled under any other offset program, registry, or market as of the effective date of the governing regulations described in section 307(a) shall be ineligible for transition into the Registry.

**SEC. 309. OFFSET REGISTRY.**

In addition to the requirements established by section 304, an offset allowance registered under this subtitle shall be accompanied in the Registry by—

(1) a verification report submitted pursuant to section 305(a);

(2) a reversal certification submitted pursuant to section 306(a); and

(3) subject to the requirements of this subtitle, any other information identified by the Administrator as being necessary to achieve the purposes of this subtitle.

**SEC. 310. ENVIRONMENTAL CONSIDERATIONS.**

(1) COORDINATION TO MINIMIZE NEGATIVE EFFECTS.—In promulgating regulations under this subtitle, the Administrator, in conjunction with the Secretary of Agriculture, shall act (including by rejecting projects, if necessary) to avoid or minimize, to the maximum extent practicable, adverse effects on human health or the environment resulting from the implementation of offset projects under this subtitle.

(2) REPORT ON POSITIVE EFFECTS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall submit to Congress a report detailing—

(A) the incentives, programs, or policies capable of fostering improvements to human health or the environment in conjunction with the implementation of offset projects under this subtitle; and

(B) the cost and benefits of those incentives, programs, or policies.

(3) COORDINATION TO ENHANCE ENVIRONMENTAL BENEFITS.—In promulgating regulations under this subtitle, the Administrator, in conjunction with the Secretary of Agriculture and the Secretary of Interior, shall—

(A) act to enhance and increase the adaptive capability of natural systems and resilience of those systems to climate change, including through the support of biodiversity, native species, and land management practices that foster natural ecosystem conditions; and

(B) coordinate actions taken under this paragraph, to the maximum extent practicable, with existing programs that have overlapping outcomes to maximize environmental benefits.

(4) USE OF NATIVE PLANT SPECIES IN COMPLIANCE OFFSET PROJECTS.—Not later than 18 months after the date of enactment of this Act, the Administrator, in conjunction with the Secretary of Agriculture, shall promulgate regulations for the selection, use, and storage of native and nonnative plant materials—

(A) to ensure native plant materials are given primary consideration, in accordance with applicable Department of Agriculture guidance for use of native plant materials;

(B) to prohibit the use of Federal- or State-designated noxious weeds; and

(C) to prohibit the use of a species listed by a regional or State invasive plant council within the applicable region or State.

**SEC. 311. PROGRAM REVIEW.**

Not later than 5 years after the date of enactment of this Act, and periodically thereafter, the Administrator, in conjunction with the Secretary of Agriculture, shall review and revise, as necessary to achieve the purposes of this Act, the regulations promulgated under this subtitle.

**Subtitle B—Offsets and Emission Allowances From Other Countries**

**SEC. 321. OFFSET ALLOWANCES ORIGINATING FROM PROJECTS IN OTHER COUNTRIES.**

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system under which the Administrator shall register and issue offset allowances for projects that reduce greenhouse gas emissions or increase sequestration of carbon dioxide in countries other than the United States.

(b) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances issued pursuant to this section in a calendar year shall not exceed 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances issued in a calendar year pursuant to this section is less than 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the Administrator shall allow the use, by covered entities in that year, of international allowances under section 322.

(B) MAXIMUM QUANTITY.—The maximum aggregate quantity of international allowances the use of which use the Administrator shall allow under subparagraph (A) shall be equal to the difference between—

(i) 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(ii) the quantity of domestic offset allowances issued in that year pursuant to this section.

(3) CARRY-OVER.—

(A) IN GENERAL.—If the sum of the quantity of offset allowances issued in a calendar year pursuant to this section and the quantity of international allowances used in that calendar year pursuant to paragraph (2) is less than 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a), notwithstanding paragraph (1), the quantity of offset allowances issued pursuant to this section in the subsequent calendar year shall not exceed the sum of—

(i) 5 percent of the quantity of emission allowances established for that subsequent calendar year pursuant to section 201(a); and

(ii) the difference between—

(I) 5 percent of the quantity of emission allowances established for that year pursuant to section 201(a); and

(II) the sum of the quantity of offset allowances issued in the preceding calendar year pursuant to this section and the quantity of international allowances used in that year pursuant to paragraph (2).

(c) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) take into consideration protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992; and

(2) require that, in order to be approved for use under this subtitle—

(A) a project shall be determined by the Administrator to meet the requirements under the regulations established pursuant to subtitle A; and

(B) the emission allowance shall not be provided for a project at facility that competes directly with a United States facility.

(d) ENTITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance issued pursuant to this section shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

**SEC. 322. EMISSION ALLOWANCES FROM OTHER COUNTRIES.**

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations, taking into consideration protocols adopted in accordance with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, approving the use in the United States of emission allowances issued by countries other than the United States.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use in the United States—

(1) an emission allowance shall have been issued by a foreign country pursuant to a governmental program that imposes mandatory absolute tonnage limits on greenhouse gas emissions from the foreign country, or 1 or more industry sectors in that country, pursuant to protocols described in subsection (a); and

(2) the governmental program be of comparable stringency to the program established by this Act, including comparable monitoring, compliance, and enforcement.

(c) FACILITY CERTIFICATION.—The owner or operator of a covered entity that submits an international allowance under this subtitle shall certify that the allowance has not been retired from use in the registry of the applicable foreign country.

**Subtitle C—Agriculture and Forestry Program in the United States**

**SEC. 331. ALLOCATION.**

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 4.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall allocate to the Secretary of Agriculture, for the program established pursuant to section 332, 4.5 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

**SEC. 332. AGRICULTURE AND FORESTRY PROGRAM.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations establishing a program for distributing emission allowances allocated pursuant to section 331 to entities in the agricultural and forestry sectors of the United States, including entities engaged in organic farming, as a reward for—

(1) achieving real, verifiable, additional, permanent, and enforceable reductions in greenhouse gas emissions from the operations of the entities;

(2) achieving real, verifiable, additional, permanent, and enforceable increases in greenhouse gas sequestration on land owned or managed by the entities; and

(3) conducting pilot projects or other research regarding innovative practices for use in measuring—

(A) greenhouse gas emission reductions;

(B) sequestration; or

(C) other benefits and associated costs of the pilot projects.

(b) NITROUS OXIDE AND METHANE.—The Secretary of Agriculture shall ensure that, during any 5-year period, the average annual percentage of the quantity of emission allowances established for a calendar year that is distributed to entities under the program established under subsection (a) specifically for achieving real, verifiable, additional, permanent, and enforceable reductions in nitrous oxide emissions through soil management or achieving real, verifiable, additional, permanent, and enforceable reductions in methane emissions through enteric fermentation and manure management shall be 0.5 percent.

(c) NEW METHODOLOGY INCUBATOR.—

(1) IN GENERAL.—The Secretary of Agriculture shall ensure that, during any 5-year period, the average annual percentage of the quantity of emission allowances established for a calendar year that is distributed to entities under the program established under paragraph (2) specifically for creating methodologies, tools, and support for the development and deployment of new project types shall be at least 0.25 percent.

(2) SUPPORT FOR INNOVATION.—

(A) ACQUISITION OF NEW DATA, IMPROVEMENT OF METHODOLOGIES, AND DEVELOPMENT OF NEW TOOLS FOR DESIGNATED OFFSET ACTIVITY CATEGORIES.—The Administrator, in conjunction with the Secretary of Agriculture, shall establish a comprehensive field sampling and pilot project program to improve the scientific data and calibration of standardized tools and methodologies that—

(i) are used to measure greenhouse gas reductions or sequestration and baselines for categories of activities not covered by an emission limitation under this Act; and

(ii) are likely to provide significant emission reductions or sequestration.

(B) TARGETED SUPPORT FOR DEVELOPMENT AND DEPLOYMENT OF NEW TECHNOLOGIES.—

(1) IN GENERAL.—The Administrator shall establish a program for development and deployment of new technologies and methods in greenhouse gas reductions or sequestration for activities not covered by an emission limitation under this Act.

(ii) SELECTION; FUNDING.—In carrying out the program under clause (i), the Administrator shall—

(I) select activities for participation in the program based on—

(aa) the potential emission reductions or sequestration of the activities; and

(bb) a market penetration review; and

(II) provide funding for a select number of projects—

(aa) to cover research on technological and other barriers, prototypes, first-of-the-kind risk coverage, and initial market barriers; and

(bb) under limited categories of activities that are dependent on forward progress.

(d) REQUIREMENT.—The Secretary of Agriculture shall distribute emission allowances under this section in a manner that—

(1) maximizes the avoidance or reduction of greenhouse gas emissions; and

(2) ensures that entities participating in the program under this section do not receive more compensation for emission reductions under this program than the entities would receive for the same reductions through an offset project under subtitle A.

(e) PROHIBITION.—Emission reductions or sequestration increases generating offset allowances pursuant to subtitle A shall not be used the basis for a distribution of emission allowances under this section.

**SEC. 333. AGRICULTURAL AND FORESTRY GREENHOUSE GAS MANAGEMENT RESEARCH.**

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, in consultation with

the Administrator and scientific, agricultural, and forestry experts, shall prepare and submit to Congress a report that describes the status of research on agricultural and forestry greenhouse gas management, including a description of—

(1) research on soil carbon sequestration and other agricultural and forestry greenhouse gas management that has been carried out;

(2) any additional research that is necessary, including research into innovative practices to attempt to measure—

(A) greenhouse gas emission reductions;

(B) sequestration; or

(C) other benefits or associated costs;

(3) the proposed priority for additional research;

(4) the most appropriate approaches for conducting the additional research; and

(5) the extent to which and the manner in which allowances that are specific to agricultural and forestry operations, including harvested wood products and the reduction of hazardous fuels to reduce the risk of uncharacteristically severe wildfires, should be valued and allotted.

(b) RESEARCH.—After the date of submission of the report described in subsection (a), the President and the Secretary of Agriculture (in collaboration with the Administrator and the member institutions of higher education of the Consortium for Agricultural Soil Mitigation of Greenhouse Gases, institutions of higher education, and research entities) shall initiate a program to conduct any additional research that is necessary.

**TITLE IV—ESTABLISHING A GREENHOUSE GAS EMISSION ALLOWANCE TRADING MARKET**

**Subtitle A—Trading**

**SEC. 401. SALE, EXCHANGE, AND RETIREMENT OF ALLOWANCES.**

Except as otherwise provided in this Act, and subject to the regulations promulgated pursuant to subtitle B, the lawful holder of an allowance may, without restriction—

(1) sell, exchange, or transfer the allowance; or

(2) submit the allowance for compliance in accordance with section 202.

**SEC. 402. NO RESTRICTION ON TRANSACTIONS.**

The privilege of purchasing, holding, selling, exchanging, and retiring allowances shall not be restricted to the owners and operators of covered entities.

**SEC. 403. ALLOWANCE TRANSFER AND TRACKING SYSTEM.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for issuing, recording, transferring, and tracking allowances.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) specify all necessary procedures and requirements for an orderly and competitive functioning of the allowance trading system; and

(2) provide that the transfer of allowances shall not be effective until such date as a written certification of the transfer, signed by a responsible official of each party to the transfer, is received and recorded by the Administrator in accordance with the regulations promulgated pursuant to subsection (a).

**Subtitle B—Market Oversight and Enforcement**

**SEC. 411. FINDING.**

Congress finds that it is necessary to establish an interagency working group to enhance the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances, including by ensuring that—



(1) the market—

(A) is designed to prevent fraud and manipulation, which could potentially arise from many sources, including—

(i) the concentration of market power within the control of a limited number of individuals or entities; and

(ii) the abuse of material, nonpublic information; and

(B)(i) is appropriately transparent, with real-time reporting of quotes and trades;

(ii) makes information on price, volume, and supply, and other important statistical information, available to the public on fair, reasonable, and nondiscriminatory terms;

(iii) is subject to appropriate record-keeping and reporting requirements regarding transactions; and

(iv) has the confidence of investors;

(2) the market—

(A) functions smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances; and

(B) promotes just and equitable principles of trade;

(3) the need of market participants and regulators for transparency is balanced against legitimate business concerns regarding the release of confidential, proprietary information;

(4) the market is subject to effective and comprehensive oversight and integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and international oversight regimes;

(5) an appropriate interagency forum exists—

(A) for ongoing assessment of emerging regulatory matters and information-sharing; and

(B) to ensure regulatory coordination of the market;

(6) the market establishes an equitable system for best execution of customer orders; and

(7) the market protects investors and the public interest.

#### SEC. 412. CARBON MARKET OVERSIGHT AND REGULATION.

(a) DELEGATION OF AUTHORITY BY PRESIDENT.—The President, taking into consideration the recommendations of the Working Group established by subsection (b), shall delegate to members of the Working Group and the heads of other appropriate Federal entities the authority to promulgate regulations to enhance the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances, based on the following core principles:

(1) The market shall—

(A) be designed to prevent fraud and manipulation relating to the trading of emission allowances and related markets, which could potentially arise from many sources, including—

(i) the concentration of market power within the control of a limited number of individuals or entities; and

(ii) the abuse of material, nonpublic information;

(B)(i) be appropriately transparent, with real-time reporting of quotes and trades; and (ii) make information on price, volume, and supply, and other important statistical information available to the public on fair, reasonable, and nondiscriminatory terms;

(C) be subject to appropriate recordkeeping and reporting requirements regarding transactions; and

(D) have the confidence of investors.

(2) The market shall—

(A) function smoothly and efficiently, generating prices that accurately reflect supply and demand for emission allowances;

(B) be designed to prevent excessive speculation that could cause sudden or unreasonable fluctuations or unwarranted changes in the price of emission allowances; and

(C) promote just and equitable principles of trade.

(3) The need of market participants and regulators for transparency shall be balanced against legitimate business concerns concerning the release of confidential, proprietary information.

(4) The market shall be subject to effective and comprehensive oversight, which integrates strong enforcement mechanisms, including mechanisms for cooperation with other national and international oversight regimes.

(5) There shall be an appropriate interagency forum—

(A) for ongoing assessment of emerging regulatory matters and information sharing; and

(B) to ensure regulatory coordination of the market.

(6) The market shall establish an equitable system for best execution of customer orders.

(7) The market shall protect investors and the public interest.

(b) ESTABLISHMENT.—There is established an interagency working group, to be known as the “Carbon Markets Working Group” (referred to in this section as the “Working Group”).

(c) MEMBERSHIP.—The Working Group shall be composed of the following members (or their designees):

(1) The Administrator, who shall serve as Chairperson of the Working Group.

(2) The Secretary of the Treasury.

(3) The Chairman of the Securities and Exchange Commission.

(4) The Chairman of the Commodity Futures Trading Commission.

(5) The Chairman of the Federal Energy Regulatory Commission.

(6) Such other Executive branch officials as may be appointed by the President.

(d) DUTIES.—

(1) IDENTIFICATION OF ISSUES AND APPROPRIATE ACTIVITIES.—

(A) IN GENERAL.—The Working Group shall identify—

(i) the major issues relating to the integrity, efficiency, orderliness, fairness, and competitiveness of the development by the United States of a new financial market for emission allowances under the cap-and-trade system for emission allowances established under this Act;

(ii) any relevant recommendations provided to the Working Group by Federal, State, or local governments, organizations, individuals, and entities; and

(iii) the activities, such as market regulation, policy coordination, and contingency planning, that are appropriate to carry out those recommendations.

(B) CONSULTATION.—In identifying appropriate activities under subparagraph (A)(iii), the Working Group shall consult with representatives of, as appropriate—

(i) various information exchanges and clearinghouses;

(ii) self-regulatory entities, securities exchanges, transfer agents, and clearing entities;

(iii) participants in the emission allowance trading market; and

(iv) other Federal entities, including—

(I) the Federal Reserve; and

(II) the Federal Trade Commission.

(2) STUDY.—The Working Group shall conduct a study of the major issues relating to the regulation of the emission allowance trading market and other carbon markets.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, and annu-

ally thereafter, the Working Group shall submit to the President and Congress a report describing—

(A) the progress made by the Working Group;

(B) recommendations of the Working Group regarding any regulations proposed pursuant to subsection (a);

(C) recommendations for additional legislative action, if necessary; and

(D) a timetable for the implementation of the new regulations to ensure that the regulations take effect before the effective date of regulations governing the emission allowance trading system.

(4) MEMORANDA OF UNDERSTANDING.—Not later than 270 days after the date of enactment of this Act, the Administrator shall enter into a memorandum of understanding with the head of each appropriate Federal entity (including each appropriate Federal entity represented by a member of the Working Group, as applicable) relating to regulatory and enforcement coordination, information sharing, and other related matters to minimize duplicative or conflicting regulatory efforts.

(5) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the heads of other appropriate Federal entities to which the President has delegated regulatory authority under subsection (a) shall promulgate regulations in accordance with subsection (a).

(e) AUTHORITIES.—In promulgating and implementing regulations pursuant to this section, the promulgating Federal agencies shall have authorities equivalent to the authorities of those agencies under existing law.

(f) ENFORCEMENT.—Regulations promulgated under this section shall—

(1) be fully enforceable and subject to such fines and penalties as are provided under the laws (including regulations) administered by the Federal agency that promulgated the regulations under this section; and

(2) for the purpose of enforcement, in accordance with section 1722, be considered to have been promulgated pursuant to this Act.

(g) ADMINISTRATION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Working Group may secure directly from any Federal agency such information as the Working Group considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Working Group, the head of the agency shall provide the information to the Working Group.

(2) COMPENSATION OF MEMBERS.—A member of the Working Group who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(3) ADMINISTRATOR SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, the Administrator shall provide to the Working Group such administrative and support services as are necessary to assist the Working Group in carrying out the duties described in subsection (d).

(h) EFFECT OF SECTION.—Nothing in this section limits or restricts any regulatory or enforcement authority of a Federal entity as in effect on the date of enactment of this Act.

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

#### Subtitle C—Carbon Market Efficiency Board SEC. 421. ESTABLISHMENT.

There is established a board, to be known as the “Carbon Market Efficiency Board”.

**SEC. 422. COMPOSITION AND ADMINISTRATION.**

(a) MEMBERSHIP.—

(1) POSITION.—The Board shall be composed of—

(A) 7 members who are citizens of the United States, to be appointed by the President, by and with the advice and consent of the Senate; and

(B) an advisor who is a scientist with expertise in climate change and the effects of climate change on the environment, to be appointed by the President, by and with the advice and consent of the Senate.

(2) REQUIREMENTS.—In appointing members of the Board under paragraph (1), the President shall—

(A) ensure fair representation of the financial, agricultural, industrial, and commercial sectors, and the geographical regions, of the United States, and include a representative of consumer interests;

(B) appoint not more than 1 member from each such geographical region; and

(C) ensure that not more than 4 members of the Board serving at any time are affiliated with the same political party.

(3) COMPENSATION.—

(A) IN GENERAL.—A member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(B) CHAIRPERSON.—The Chairperson of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(4) PROHIBITIONS.—

(A) CONFLICTS OF INTEREST.—An individual employed by, or holding any official relationship (including any shareholder) with, any entity engaged in the generation, transmission, distribution, or sale of energy, an individual who has any pecuniary interest in the generation, transmission, distribution, or sale of energy, or an individual who has a pecuniary interest in the implementation of this Act, shall not be appointed to the Board under this subsection.

(B) NO OTHER EMPLOYMENT.—A member of the Board shall not hold any other employment during the term of service of the member.

(b) TERM; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—The term of a member of the Board shall be 14 years, except that the members first appointed to the Board shall be appointed for terms in a manner that ensures that—

(i) the term of not more than 1 member shall expire during any 2-year period; and

(ii) no member serves a term of more than 14 years.

(B) OATH OF OFFICE.—A member shall take the oath of office of the Board by not later than 15 days after the date on which the member is appointed under subsection (a)(1).

(C) REMOVAL.—

(i) IN GENERAL.—A member may be removed from the Board on determination of the President for cause.

(ii) NOTIFICATION.—Not later than 30 days before removing a member from the Board for cause under clause (i), the President shall provide to Congress an advance notification of the determination by the President to remove the member.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(B) SERVICE UNTIL NEW APPOINTMENT.—A member of the Board the term of whom has expired or otherwise been terminated shall continue to serve until the date on which a replacement is appointed under subparagraph (A)(ii), if the President determines that service to be appropriate.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—Of members of the Board, the President shall appoint—

(1) 1 member to serve as Chairperson of the Board for a term of 4 years; and

(2) 1 member to serve as Vice-Chairperson of the Board for a term of 4 years.

(d) MEETINGS.—

(1) INITIAL MEETING.—The Board shall hold the initial meeting of the Board as soon as practicable after the date on which all members have been appointed to the Board under subsection (a)(1).

(2) PRESIDING OFFICER.—A meeting of the Board shall be presided over by—

(A) the Chairperson;

(B) in any case in which the Chairperson is absent, the Vice-Chairperson; or

(C) in any case in which the Chairperson and Vice-Chairperson are absent, a chairperson pro tempore, to be elected by the members of the Board.

(3) QUORUM.—Four members of the Board shall constitute a quorum for a meeting of the Board.

(4) OPEN MEETINGS.—The Board shall be subject to section 552b of title 5, United States Code (commonly known as the “Government in the Sunshine Act”).

(e) RECORDS.—The Board shall be subject to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(f) REVIEW BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than January 1, 2013, and annually thereafter, the Comptroller General of the United States shall conduct a review of the efficacy of the Board in fulfilling the purposes and duties of the Board under this subtitle.

**SEC. 423. DUTIES.**

The Board shall—

(1) gather such information as the Board determines to be appropriate regarding the status of the allowance market established pursuant to this Act, including information relating to—

(A) allowance allocation and availability;

(B) the price of allowances;

(C) macro- and micro-economic effects of unexpected significant increases and decreases in allowance prices, or shifts in the allowance market, should those increases, decreases, or shifts occur;

(D) the success of the market in promoting achievement of the purposes of this Act;

(E) economic effect thresholds that could warrant implementation of 1 or more cost relief measures described in section 521(a);

(F) in the event any cost relief measure described in section 521(a) is implemented, the effects of the measure on the market; and

(G) the minimum levels of cost relief measures that are necessary to achieve avoidance of economic harm and ensure achievement of the purposes of this Act;

(2) employ cost relief measures in accordance with section 521; and

(3) submit to the President and the Congress, and publish on the Internet, quarterly reports—

(A) describing—

(i) the status of the allowance market established under this Act;

(ii) regional, industrial, and consumer responses to the market and the economic costs and benefits of the market;

(iii) where practicable, investment responses to the market;

(iv) any corrective measures that Congress should take to relieve excessive net costs of the market; and

(v) plans to compensate for any such measures, to ensure that the long-term emissions reduction goals of this Act are achieved;

(B) that are timely and succinct, to ensure regular monitoring of market trends; and

(C) that are prepared independently by the Board.

**Subtitle D—Climate Change Technology Board****SEC. 431. ESTABLISHMENT.**

There is established, as an agency of the Federal Government, the Climate Change Technology Board.

**SEC. 432. PURPOSE.**

The purpose of the board established by section 431 is to advance the purposes of this Act by using the funds made available to the board under titles VIII through XI to accelerate the commercialization and diffusion of low- and zero-carbon technologies and practices.

**SEC. 433. INDEPENDENCE.**

The board established by section 431 shall have the authority to distribute funds made available to the board under this Act.

**SEC. 434. ADVANCE NOTIFICATION OF DISTRIBUTIONS OF FUNDS.**

Not less than 60 days before distributing any funds made available under this Act to the board established by section 431, the board shall—

- (1) publish in the Federal Register a detailed notification of the distribution; and
  - (2) provide a detailed notification of the distribution to—
    - (A) the President;
    - (B) in the Senate—
      - (i) the Committee on Appropriations;
      - (ii) the Committee on Banking, Housing, and Urban Affairs;
      - (iii) the Committee on Budget;
      - (iv) the Committee on Commerce, Science, and Transportation;
      - (v) the Committee on Energy and Natural Resources;
      - (vi) the Committee on Environment and Public Works;
      - (vii) the Committee on Finance;
      - (viii) the Committee on Homeland Security and Governmental Affairs; and
      - (ix) the Committee on Small Business and Entrepreneurship;
    - (C) in the House of Representatives—
      - (i) the Committee on Appropriations;
      - (ii) the Committee on Budget;
      - (iii) the Committee on Energy and Commerce;
      - (iv) the Committee on Natural Resources;
      - (v) the Committee on Oversight and Government Reform;
      - (vi) the Committee on Science and Technology;
      - (vii) the Committee on Small Business;
      - (viii) the Committee on Transportation and Infrastructure;
      - (ix) the Committee on Ways and Means; and
      - (x) the Select Committee on Energy Independence and Global Warming; and
- (D) the Joint Economic Committee and Joint Committee on Taxation of Congress.

**SEC. 435. CONGRESSIONAL OVERSIGHT OF BOARD EXPENDITURES.**

(a) DISAPPROVAL.—An obligation of funds for which a notification is submitted under section 434 shall not occur if Congress enacts legislation disapproving the obligation of funds by not later than 30 days after the date of receipt of the notification.

(b) REPORTS.—Not later than 90 days after the end of each of calendar years 2012

through 2050, the board established by section 431 shall submit to each committee of Congress identified in section 434 a report describing, with respect to that calendar year—

(1) the actual amounts obligated during that year;

(2) the purposes for which the amounts were obligated; and

(3) the balance, if any, of the amounts that—

(A) were obligated during that year; but

(B) remain unexpended as of the date of submission of the report.

#### SEC. 436. REQUIREMENTS.

(a) COMPOSITION.—The board established by section 431 shall be composed of 5 directors who are citizens of the United States, of whom 1 shall be elected annually by the board to serve as Chairperson.

(b) POLITICAL AFFILIATION.—Not more than 3 directors serving on the board at any time may be affiliated with the same political party.

(c) APPOINTMENT AND TERM.—Each director shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 5 years.

(d) QUORUM.—Three directors shall constitute a quorum for a meeting of the board.

(e) PROHIBITIONS.—

(1) CONFLICTS OF INTEREST.—No individual employed by, or holding any official relationship with (including as a shareholder), any entity engaged in the sector in which businesses receive distributions of funds by the board, and no individual who has a pecuniary interest in the implementation of this Act, shall be appointed director.

(2) NO OTHER EMPLOYMENT.—A director shall not hold any other employment during the term of service of the director.

(f) VACANCIES.—

(1) IN GENERAL.—A vacancy on the board— (A) shall not affect the powers of the board, subject to the condition that the board has a sufficient number of directors to establish a quorum; and

(B) shall be filled in the same manner as the original appointment was made.

(2) SERVICE UNTIL NEW APPOINTMENT.—A director whose term has expired or who has been removed from the board shall continue to serve until the date on which a replacement is appointed, if the President determines that service to be appropriate.

(g) REMOVAL.—

(1) IN GENERAL.—A director may be removed from the board for cause, on determination of the President.

(2) NOTIFICATION.—Not later than 30 days before removing a director for cause under paragraph (1), the President shall provide to the Congress an advance notification of the determination by the President to remove the director.

#### SEC. 437. REVIEWS AND AUDITS BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct periodic reviews and audits of the efficacy of the distributions of funds made by the board established by section 431.

#### Subtitle E—Auction on Consignment

##### SEC. 441. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations under which the Administrator shall, at the request of a recipient of a distribution of emission allowances under this Act—

(1) include those emission allowances among the quantity of emission allowances sold by the Administrator at regular auction under this Act; and

(2) transfer the proceeds of the sale of those allowances to the recipient.

## TITLE V—FEDERAL PROGRAM TO PREVENT ECONOMIC HARDSHIP

### Subtitle A—Banking

#### SEC. 501. EFFECT OF TIME.

The passage of time shall not, by itself, cause an allowance to be retired or otherwise diminish the compliance value of the allowance.

### Subtitle B—Borrowing

#### SEC. 511. REGULATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations under which, subject to subsection (b), the owner or operator of a covered entity may—

(1) borrow emission allowances from the Administrator; and

(2) for a calendar year, submit borrowed emission allowances to the Administrator in satisfaction of up to 15 percent of the compliance obligation under section 202.

(b) LIMITATION.—An emission allowance borrowed under subsection (a) shall be an emission allowance established by the Administrator for a specific future calendar year pursuant to section 201(a).

#### SEC. 512. TERM.

The owner or operator of a covered entity shall not submit, and the Administrator shall not accept, a borrowed emission allowance in partial satisfaction of the compliance obligation under section 202 for any calendar year that is more than 5 years earlier than the calendar year included in the identification number of the borrowed emission allowance.

#### SEC. 513. REPAYMENT WITH INTEREST.

For each borrowed emission allowance submitted in partial satisfaction of the compliance obligation under section 202 for a particular calendar year (referred to in this section as the “use year”), the quantity of emission allowances that the owner or operator is required to submit under section 202 for the year from which the borrowed emission allowance was taken (referred to in this section as the “source year”) shall be equal to 1.1 raised by an exponent equal to the difference between the source year and the use year expressed as a positive whole number.

### Subtitle C—Emergency Off-Ramps

#### SEC. 521. EMERGENCY OFF-RAMPS TRIGGERED BY BOARD.

(a) POWERS OF BOARD.—The Board may carry out 1 or more of the following cost relief measures to ensure functioning, stable, and efficient markets for emission allowances:

(1) Increase the quantity of emission allowances that covered entities may borrow from the Administrator.

(2) Expand the period during which a covered entity may repay the Administrator for an emission allowance borrowed under paragraph (1).

(3) Increase the quantity of emission allowances obtained on a foreign greenhouse gas emission trading market that the owner or operator of any covered entity may use to satisfy the allowance submission requirement of the covered entity under section 201, on the condition that the Administrator has certified the market in accordance with the regulations promulgated pursuant to section 322.

(4) Increase the quantity of offset allowances generated in accordance with section 303 that the owner or operator of any covered entity may use to satisfy the total allowance submission requirement of the covered entity under section 201.

(b) SUBSEQUENT ACTIONS.—On determination by the Board to carry out a cost relief measure pursuant to subsection (a), the Board shall—

(1) allow the cost relief measure to be used only during the applicable allocation year;

(2) exercise the cost relief measure incrementally, and only as needed to avoid significant economic harm during the applicable allocation year;

(3) specify the terms of the relief to be achieved using the cost relief measure;

(4) in accordance with section 423, submit to the President and Congress a report describing the actions carried out by the Board; and

(5) evaluate, at the end of the applicable allocation year, actions that need to be carried out during subsequent years to compensate for any cost relief measure carried out during the applicable allocation year.

(c) LIMITATIONS.—Nothing in this section gives the Board the authority—

(1) to consider or prescribe entity-level petitions for relief from the costs of an emission allowance allocation or trading program established under Federal law;

(2) to carry out any investigative or punitive process under the jurisdiction of any Federal or State court;

(3) to interfere with, modify, or adjust any emission allowance allocation scheme established under Federal law; or

(4) to modify the total quantity of emission allowances issued under this Act for the period of calendar years 2012 through 2050.

#### SEC. 522. COST-CONTAINMENT AUCTIONS.

(a) IN GENERAL.—In December of each of calendar years 2012 through 2027, the Administrator shall conduct a cost-containment auction of emission allowances that shall be separate from other auctions of emission allowances conducted by the Administrator under this Act.

(b) RESTRICTION TO COVERED ENTITIES.—In any calendar year referred to in subsection (a), only covered entities that were required under section 202 to submit emission allowances for the preceding calendar year shall be eligible to purchase emission allowances at the cost-containment auction under that subsection.

(c) USE OF EMISSION ALLOWANCES PURCHASED AT A COST-CONTAINMENT AUCTION.—An emission allowance purchased at a cost-containment auction shall—

(1) be submitted by the purchaser for compliance under section 202 not later than 1 calendar year after the date of purchase of the emission allowance; and

(2) otherwise be valid for compliance under that section irrespective of the year for which the emission allowance was established by the Administrator.

#### SEC. 523. COST-CONTAINMENT AUCTION PRICE.

(a) IN GENERAL.—At each cost-containment auction, the Administrator shall offer emission allowances for sale beginning at a minimum price, which shall be known as the “cost-containment auction price”.

(b) COST-CONTAINMENT AUCTION PRICE IN 2012.—

(1) IN GENERAL.—The cost-containment auction price for the cost-containment auction that takes place in December 2012 shall be the price established under paragraph (2).

(2) INITIAL COST-CONTAINMENT AUCTION PRICE.—

(A) PRESIDENTIAL DETERMINATION.—Not later than 2 years after the date of enactment of this Act, the President shall establish the cost-containment auction price for calendar year 2012 from within the range specified in subparagraph (B), the cost-containment auction price for calendar year 2012.

(B) RANGE.—The cost-containment auction price per emission allowance for December 2012 shall be—

(i) not less than \$22; and

(ii) not more than \$30.

(C) ECONOMIC MODELING.—The President shall establish the cost-containment auction price under this paragraph based on economic computer modeling relating to this Act conducted by—

- (i) the Administrator; and
- (ii) the Administrator of the Energy Information Administration.

(D) PUBLIC INPUT.—The Administrator and the Administrator of the Energy Information Administration shall provide public notice of, and an opportunity to comment on, the computer models, assumptions, and protocols planned to be used in modeling relating to this Act under subparagraph (C).

(c) COST-CONTAINMENT AUCTION PRICE IN SUBSEQUENT YEARS.—At the cost-containment auction for each of calendar years 2013 through 2027, the cost-containment auction price per emission allowance shall be equal to the product obtained by multiplying—

- (1) the cost-containment auction price that applied to the cost-containment auction that was conducted during the preceding calendar year; and
- (2) the sum of—

(A) the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index); and

(B) 1.05.

**SEC. 524. REGULAR AUCTION RESERVE PRICE.**

(a) IN GENERAL.—At any regular auction, there shall be a regular auction reserve price below which the Administrator shall not sell any emission allowance.

(b) REGULAR AUCTION RESERVE PRICE IN 2012.—At any regular auction that takes place during calendar year 2012, the regular auction reserve price per emission allowance shall be \$10.

(c) REGULAR AUCTION RESERVE PRICE IN SUBSEQUENT YEARS.—For each of calendar years 2013 through 2027, the regular auction reserve price at any regular auction that takes place during the calendar year shall be equal to the product obtained by multiplying—

- (1) the regular auction reserve price that applied to each regular auction conducted during the preceding calendar year; and
- (2) the sum of—

(A) the annual rate of United States dollar inflation for the calendar year (as measured by the Consumer Price Index); and

(B) 1.05.

**SEC. 525. POOL OF EMISSION ALLOWANCES FOR THE COST-CONTAINMENT AUCTIONS.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a cost-containment auction pool to reserve the emission allowances that shall be offered for sale at the annual cost-containment auctions.

(b) FILLING THE COST-CONTAINMENT AUCTION POOL.—

(1) IN GENERAL.—Notwithstanding section 201(a), the Administrator shall, not later than 2 years after the date of enactment of this Act, reserve a total of 6,000,000,000 of the emission allowances established for the period of calendar years 2030 through 2050 pursuant to that section and transfer the emission allowances to the cost-containment auction pool.

(2) GRADUATED REMOVAL.—For each of calendar years 2031 through 2050, the quantity of emission allowances reserved pursuant to paragraph (1) from the quantity established for that year pursuant to section 201(a) shall be greater, by a percentage that remains constant from calendar year to calendar year, than the quantity reserved from the preceding year.

(c) SUPPLEMENTING THE COST-CONTAINMENT AUCTION POOL.—The Administrator shall transfer to the cost-containment auction pool each emission allowance that was not

sold at a regular auction because of the operation of the regular auction reserve price.

**SEC. 526. LIMIT ON THE QUANTITY OF EMISSION ALLOWANCES SOLD AT ANY COST-CONTAINMENT AUCTION.**

(a) IN GENERAL.—At each cost-containment auction, there shall be a limit on the quantity of emission allowances that the Administrator may sell at the auction.

(b) COST-CONTAINMENT AUCTION LIMIT IN 2012.—At the cost-containment auction that takes place during December 2012, the cost-containment auction limit described in subsection (a) shall be 450,000,000 emission allowances.

(c) COST-CONTAINMENT AUCTION LIMIT IN SUBSEQUENT YEARS.—At the cost-containment auction during each of calendar years 2013 through 2027, the cost-containment auction limit described in subsection (a) shall be the product obtained by multiplying—

- (1) the cost-containment auction limit that applied to the cost-containment auction that took place during the preceding calendar year; and
- (2) 0.99.

(d) PER-ENTITY PURCHASE LIMIT.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall, by regulation, establish for each cost-containment auction a limitation on the number of emission allowances that any single entity may purchase at the cost-containment auction.

(2) REQUIREMENT.—A limitation under paragraph (1) shall be established at a quantity that ensures fair access to emission allowances by all covered entities that are eligible to purchase emission allowances at the cost-containment auction.

**SEC. 527. USING THE PROCEEDS OF THE ANNUAL COST-CONTAINMENT AUCTIONS.**

(a) ACHIEVING ADDITIONAL EMISSION REDUCTIONS FROM UN-CAPPED SOURCES.—

(1) IN GENERAL.—The Administrator shall use 70 percent of the proceeds from each cost-containment auction to achieve additional greenhouse gas emission reductions from entities that are not subject to the compliance obligation under section 202.

(2) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to implement this subsection.

(b) PROVIDING ADDITIONAL RELIEF TO ENERGY CONSUMERS.—The Administrator shall deposit 30 percent of the proceeds from each cost-containment auction in the Climate Change Consumer Assistance Fund established by section 581.

**SEC. 528. RETURNING EMISSION ALLOWANCES NOT SOLD AT THE ANNUAL COST-CONTAINMENT AUCTIONS.**

(a) ORDER OF SALE OF EMISSION ALLOWANCES IN COST-CONTAINMENT AUCTION POOL.—The Administrator shall not sell at a cost-containment auction an emission allowance reserved pursuant to section 525(b) from the quantity of emission allowances established for a particular calendar year until such time as the Administrator has sold all emission allowances reserved from the quantity of emission allowances established for earlier calendar years.

(b) RETURN OF UNSOLD EMISSION ALLOWANCES IN THE COST-CONTAINMENT AUCTION POOL.—Immediately prior to the cost-containment auction during each of calendar years 2022 through 2027, the Administrator shall remove from the cost-containment auction pool, and make subject again to allocation or sale at regular auction in accordance with this Act, each emission allowance that—

- (1) has, by that time, remained in the cost-containment auction pool for more than 9 years; and
- (2) was established pursuant to section 201(a) for a calendar year that is fewer than

10 years subsequent to the calendar year during which the impending cost-containment auction will occur.

**SEC. 529. DISCONTINUING THE ANNUAL COST-CONTAINMENT AUCTIONS.**

(a) IN GENERAL.—Notwithstanding section 521(a), if the cost-containment auction pool is exhausted at a cost-containment auction, the Administrator shall conduct no further cost-containment auctions.

(b) RETIREMENT OF EMISSION ALLOWANCES NOT SOLD AT REGULAR AUCTIONS OCCURRING AFTER FINAL COST-CONTAINMENT AUCTION.—Immediately following any regular auction that occurs after the Administrator has conducted a final cost-containment auction, the Administrator shall retire any emission allowances not sold at that regular auction because of the operation of the regular auction reserve price.

**Subtitle D—Transition Assistance for Workers**

**SEC. 531. ESTABLISHMENT.**

There is established in the Treasury a fund, to be known as the “Climate Change Worker Training and Assistance Fund.”

**SEC. 532. AUCTIONS.**

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Climate Change Worker Training and Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately upon receipt of the auction proceeds, deposit the auction proceeds in the Climate Change Worker Training and Assistance Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

- (1) conduct not fewer than 4 auctions; and
- (2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for Climate Change Worker Training and Assistance Fund
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2
2023	2
2024	2
2025	2
2026	2
2027	2
2028	3
2029	3
2030	3
2031	4
2032	4

Calendar Year	Percentage for auction for Climate Change Worker Training and Assistance Fund
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	3
2040	3
2041	3
2042	3
2043	3
2044	3
2045	3
2046	3
2047	3
2048	3
2049	3
2050	3

**SEC. 533. DEPOSITS.**

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 532, immediately upon receipt of those proceeds, in the Climate Change Worker Training and Assistance Fund.

**SEC. 534. USES.**

(a) **ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.**—For each of calendar years 2012 through 2050, 30 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out the Energy Efficiency and Renewable Energy Worker Training Program established by section 171(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(e)).

(b) **CLIMATE CHANGE WORKER ADJUSTMENT PROGRAM.**—For each of calendar years 2012 through 2050, 60 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out the Climate Change Worker Assistance Program established pursuant to section 535.

(c) **WORKFORCE TRAINING AND SAFETY.**—For each of calendar years 2012 through 2050, 10 percent of the funds deposited in the Climate Change Worker Training and Assistance Fund for the preceding year under section 533 shall be made available, without further appropriation or fiscal year limitation, to carry out section 536.

**SEC. 535. CLIMATE CHANGE WORKER ASSISTANCE PROGRAM.**

(a) **PURPOSE.**—The purpose of this section is to ensure that any individual workers and groups of employees that are adversely affected by Federal policy and climate change legislation receive the benefits, skill training, retraining, and job search assistance that will enable the workers and groups to maintain self-sufficiency and obtain family-sustaining jobs that contribute to overall economic productivity, international competitiveness, and the positive quality of life expected by all individuals in the United States.

(b) **DEFINITIONS.**—In this section:

(1) **DEPUTY ASSISTANT SECRETARY.**—The term “Deputy Assistant Secretary” means the Deputy Assistant Secretary for Climate Change Adjustment Assistance appointed under subsection (e)(2).

(2) **MASC.**—The term “MASC” means the Multi-Agency Steering Committee established under subsection (d)(1).

(3) **OFFICE.**—The term “Office” means the Office of Climate Change Adjustment Assistance established by subsection (e).

(4) **PROGRAM.**—The term “Program” means the Climate Change Worker Adjustment Assistance Program established under regulations promulgated under subsection (c).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Labor.

(c) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, the Secretary of Energy, and the Secretary of Commerce, shall promulgate regulations to establish a Climate Change Worker Adjustment Assistance Program to achieve the purpose of this section.

(d) **MULTI-AGENCY STEERING COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary shall establish a Multi-Agency Steering Committee.

(2) **COMPOSITION.**—The MASC shall be—

(A) composed of representatives of the Secretary, the Secretary of Commerce, and the Secretary of Energy; and

(B) chaired by the Administrator.

(3) **ACTIVITIES.**—The MASC shall—

(A) not later than 60 days after the date of enactment of this Act, negotiate and sign a memorandum of understanding that affirms the commitment of relevant Federal agencies to work cooperatively to carry out the activities of the Program;

(B) not later than 120 days after the date of enactment of this Act, establish a National Climate Change Advisory Committee (referred to in this subsection as the “Advisory Committee”), which shall be composed of an equal number of representatives, to be nominated by the Speaker of the House of Representatives and the Majority Leader of the Senate, of labor organizations (as defined in section 401.9 of title 29, Code of Federal Regulations (as in effect on the date of enactment of this Act)) and business organizations to advise the MASC on—

(i) the strategic plan and the structure and operation of the Program;

(ii) the content of applicable regulations; and

(iii) industry trends, workforce developments, and other matters relating to the impact of Federal climate change legislation;

(C)(i) not later than 120 days after the date of enactment of this Act, hold planning meetings; and

(ii) not later than 270 days after the date of enactment of this Act, formulate a comprehensive strategic plan for addressing impacts of Federal climate change legislation on each segment of the workforce;

(D) report the anticipated results of the strategic plan to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(E) submit to the President and Congress an annual report on the performance, achievements, and challenges of the Program; and

(F) meet as often as necessary, but not less often than quarterly, in person—

(i) to monitor the administration of the Program; and

(ii) to ensure that the Program is being carried out by the Office in a manner consistent with the purpose of the Program.

(e) **OFFICE OF CLIMATE CHANGE ADJUSTMENT ASSISTANCE.**—

(1) **ESTABLISHMENT.**—There is established in the Department of Labor an office to be known as the “Office of Climate Change Adjustment Assistance”.

(2) **HEAD OF OFFICE.**—The head of the Office shall be the Deputy Assistant Secretary for Climate Change Adjustment Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate.

(3) **PRINCIPAL FUNCTIONS.**—The principal functions of the Deputy Assistant Secretary shall be—

(A) to oversee and implement the administration of the Program; and

(B) to carry out functions delegated to and by the Secretary under this section.

(f) **PROGRAM ADMINISTRATION.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations for administration of the Program.

(2) **COORDINATION.**—The Secretary shall develop the regulations in consultation with—

(A) the MASC;

(B) the Committee on Ways and Means of the House of Representatives;

(C) the Committee on Education and Labor of the House of Representatives;

(D) the Committee on Finance of the Senate; and

(E) the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) **INCLUSIONS.**—The regulations shall include definitions of and procedures for—

(A) the provision of comprehensive information to workers about the benefit allowances, training, and other employment services available under this section (including application procedures, and the appropriate filing dates, for the allowances, training, and services);

(B) the filing of petitions for certification of eligibility for workers to apply for climate change adjustment assistance, including mechanisms to ensure rapid response to filed petitions;

(C) the establishment of eligibility requirements for eligible climate change training and assistance benefits and the terms of the disbursement of any assistance benefits;

(D) requests for a hearing by a petitioner, or any other person or organization with a substantial interest in the proceedings;

(E) an appeals process;

(F) termination of any certification eligibility;

(G) certification of eligibility requirements for a group of workers, adversely affected secondary workers, and industry-wide certification, including a mechanism by which the Secretary will notify each Governor of a State in which workers are located of the certification; and

(H) a means of ensuring publication of any determinations in the Federal Register and on the website of the Department of Labor.

(g) **PROGRAM BENEFITS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **BASE REPLACEMENT WAGE AMOUNT.**—The term “base replacement wage amount” means, as determined by the case manager of an applicant, the total weekly wages or salary of the applicant at the most recent position held by the applicant at a firm or public agency before the date on which the position of the applicant was partially or totally terminated by the firm or public agency.

(B) **CLIMATE CHANGE READJUSTMENT ALLOWANCE.**—The term “climate change readjustment allowance” means a regular payment made to an applicant that, in combination with unemployment insurance payments made to the applicant, is equal to the base replacement wage amount.

(C) **HEALTH CARE BENEFIT REPLACEMENT AMOUNT.**—The term “health care benefit replacement amount” means, as determined by the case manager of an applicant who is eligible to receive a climate change readjustment allowance, a regular payment made to a health care provider to allow the applicant to maintain health care benefits, for the applicant and the family of the applicant, with no loss of service, during the period for which the applicant is eligible to receive the climate change readjustment allowance.

(2) CLIMATE CHANGE ADJUSTMENT ASSISTANCE.—The Secretary shall determine, in consultation with the MASC and the National Climate Change Advisory Committee, the types of climate change training and assistance benefits that should be provided under the Program.

(3) TYPES OF ELIGIBLE ASSISTANCE.—Benefits eligible to be disbursed under the Program include a payment of—

(A) a climate change readjustment allowance; and

(B) a health care benefit replacement amount.

(4) LIMITATIONS ON CLIMATE CHANGE READJUSTMENT ALLOWANCES.—An eligible worker may receive the benefits described in subparagraphs (A) and (B) of paragraph (3) for a duration of not longer than 3 years.

(5) PAYMENTS AS A BRIDGE TO RETIREMENT.—A worker eligible to receive climate change adjustment assistance may apply for a lump sum payment to be paid to a retirement plan in order to qualify for retirement under the rules and regulations of that plan.

(6) EMPLOYMENT AND CASE MANAGEMENT SERVICES.—The Secretary shall provide, through agreements with State employment services agencies, to adversely affected workers covered by a certification of eligibility for a climate change readjustment allowance, the following employment and case management information and services:

(A) Comprehensive and specialized assessment of skill levels and service needs, including through—

(i) diagnostic testing and use of other assessment tools; and

(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(B) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

(C) Information on—

(i) training available in local and regional areas;

(ii) individual counseling to determine which training is most suitable; and

(iii) information on how to apply for that training.

(D) Information on how to apply for financial aid, including—

(i) referring workers to educational opportunity centers under section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a-16), where applicable; and

(ii) notifying workers that the workers may ask financial aid administrators at institutions of higher education to allow use of their current year income in the financial aid process.

(E) Short-term provisional services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

(F) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving climate change readjustment allowances under this section, and for the purpose of job placement after receiving that training.

(G) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in those labor market areas;

(ii) information on job skills necessary to obtain jobs identified in job vacancy listings described in clause (i);

(iii) information relating to local occupations that are in demand and earnings potential of those occupations; and

(iv) skill requirements for local occupations described in clause (iii).

(H) Supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.

(7) STATE ADMINISTRATION OF WORKER ASSISTANCE.—A State employment security agency, acting pursuant to an agreement with the Secretary, shall carry out such administrative activities (including using State agency personnel employed in accordance with applicable standards for a merit system of personnel administration) as are necessary for the proper and efficient operation of the Program, including—

(A) making determinations of eligibility for, and payment of, climate change readjustment allowances and health care benefit replacement amounts;

(B) developing recommendations regarding use of those payments as a bridge to retirement in accordance with this subsection; and

(C) the provision of employment and case management services to eligible workers as described in paragraph (6).

(h) TRAINING.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish procedures for the allocation among States, for each fiscal year, of funds available to pay the costs of training for climate change adjustment assistance-eligible individuals under this section.

(2) INCLUSION IN STRATEGIC PLAN.—The procedures established under paragraph (1) shall be described in the strategic plan described in subsection (d)(3)(C)(ii).

(3) DISTRIBUTION.—In establishing and implementing the procedures under paragraph (1), the Secretary shall—

(A) provide for at least 3 distributions of funds available for training during a fiscal year; and

(B) during the first such distribution for a fiscal year, disburse not more than 50 percent of the total amount of funds available to a State for training for that fiscal year.

(4) APPROVAL OF TRAINING.—

(A) IN GENERAL.—If the Secretary makes a determination described in subparagraph (B), the Secretary shall approve training described in that subparagraph for the worker.

(B) DETERMINATION.—The determination referred to in subparagraph (A) is a determination that—

(i) a worker would benefit from appropriate training;

(ii) there is reasonable expectation of employment following completion of the training;

(iii) training approved by the Secretary is reasonably available to the worker from government agencies or a private source;

(iv) the worker is qualified to undertake and complete the training; and

(v) the training is suitable for the worker and available at a reasonable cost.

(C) PAYMENT.—A worker approved to receive training under this paragraph shall be entitled to have payment of the costs of the training (subject to applicable limitations under this section) paid on behalf of the Secretary directly or through a voucher system.

(5) TRAINING PROGRAMS.—The training programs for which a worker may be approved under paragraph (4) include—

(A) employer-based training, including on-the-job training, customized training, and skill upgrading for incumbent workers;

(B) any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(C) any training program provided by a workforce investment board established under section 111 of that Act (29 U.S.C. 2821);

(D) any program of remedial education;

(E) skill development and training for jobs relating to renewable energy, low- or zero-carbon technologies, energy efficiency, and the remediation and cleanup of environmentally distressed areas; and

(F) any other training program approved by the Secretary.

(6) REGULATIONS.—The Secretary shall promulgate regulations that establish criteria for use in carrying out this subsection.

(7) SUPPLEMENTAL ASSISTANCE.—The Secretary may, as appropriate, authorize supplemental assistance that is necessary to defray reasonable transportation and subsistence expenses for separate maintenance in a case in which training for a worker is provided in a facility that is not within commuting distance of the regular place of residence of the worker.

(8) ADDITIONAL ON-THE-JOB TRAINING.—Under the Program, the Secretary may provide funds to be used as job search allowances and relocation allowances.

(9) LABOR CONSULTATION.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in a geographical area that is the same as the geographical area that is proposed to be funded under this section, the labor organization shall be provided an opportunity to be consulted and to submit comments with respect to the proposal.

(i) CONSISTENCY WITH CURRENT LABOR LAWS.—The Secretary shall determine which Federal worker protection, nondiscrimination requirements, and labor standards apply to the Program.

#### SEC. 536. WORKFORCE TRAINING AND SAFETY.

(a) DEFINITION OF ZERO- AND LOW-EMITTING CARBON ENERGY TECHNOLOGY.—In this section, the term “zero- and low-emitting carbon energy technology” means any technology that has a rated capacity of at least 750 megawatts of power.

(b) EDUCATION PROGRAMS.—In order to enhance the educational opportunities and safety of future generations of scientists, engineers, health physicists, and energy workforce employees, funds made available under section 534(c) shall be used for programs to assist institutions of education in the United States—

(1) to remain at the forefront of science education and research;

(2) to operate advanced energy research facilities and carry out other related educational activities; and

(3) to conduct climate change science and policy education.

(c) WORKFORCE TRAINING.—

(1) IN GENERAL.—The Secretary of Labor shall promulgate regulations—

(A) to implement a program to provide workforce training to meet the high demand for workers skilled in zero- and low-emitting carbon energy technologies;

(B) to implement programs for—

(i) electrical craft certification;

(ii) career and technology awareness at the primary and secondary education levels;

(iii) preapprenticeship career technical education for all zero- and low-emitting carbon energy technologies relating to industrial skilled crafts;

(iv) community college and skill center training for zero- and low-emitting carbon energy technology technicians;

(v) training of construction management personnel for zero- and low-carbon emitting carbon energy technology construction projects; and

(vi) regional grants for integrated zero- and low-emitting carbon energy technology workforce development programs; and

(C) to ensure the safety of workers in the fields described in subparagraphs (A) and (B).

(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with relevant Federal agencies, representatives of the zero- and low-carbon emitting technologies industries, and organized labor regarding the skills and safety measures required in those industries.

**Subtitle E—Transition Assistance for Carbon-Intensive Manufacturers**

**SEC. 541. ALLOCATION.**

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of carbon-intensive manufacturing facilities in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities represented by the percentages in the following table:

Calendar Year	Percentage for distribution among carbon-intensive manufacturing facilities in United States
2012	11
2013	11
2014	11
2015	11
2016	11
2017	11
2018	11
2019	11
2020	11
2021	11
2022	10
2023	9
2024	7
2025	6
2026	5
2027	4
2028	3
2029	2
2030	1

**SEC. 542. DISTRIBUTION.**

(a) DEFINITIONS.—In this section:  
 (1) CURRENTLY OPERATING FACILITY.—The term “currently operating facility” means an eligible manufacturing facility that had significant operations during the calendar year preceding the calendar year for which emission allowances are distributed under this section.

(2) ELIGIBLE MANUFACTURING FACILITY.—  
 (A) IN GENERAL.—The term “eligible manufacturing facility” means a manufacturing facility located in the United States that principally manufactures iron, steel, pulp, paper, cement, rubber, chemicals, glass, ceramics, sulfur hexafluoride, or aluminum and other nonferrous metals.

(B) EXCLUSION.—The term “eligible manufacturing facility” does not include a facility eligible to receive emission allowances under subtitle F or H.

(3) INDIRECT CARBON DIOXIDE EMISSIONS.—The term “indirect carbon dioxide emissions” means the product obtained by multiplying (as determined by the Administrator)—

(A) the quantity of electricity consumption at an eligible manufacturing facility; and

(B) the rate of carbon dioxide emission per kilowatt-hour output for the region in which the manufacturer is located.

(4) NEW ENTRANT MANUFACTURING FACILITY.—The term “new entrant manufacturing facility”, with respect to a calendar year,

means an eligible manufacturing facility that began operation during or after the calendar year for which emission allowances are being distributed under this section.

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, among owners and operators of individual carbon-intensive manufacturing facilities in the United States, the emission allowances allocated for that year by section 541.

(c) TOTAL ALLOCATION FOR CURRENTLY OPERATING FACILITIES.—As part of the system established under subsection (b), the Administrator shall, for each calendar year, distribute 96 percent of the total quantity of emission allowances available for allocation to owners and operators of carbon-intensive manufacturing facilities under section 541 to owners and operators currently operating those facilities.

(d) TOTAL ALLOCATION FOR CURRENTLY OPERATING FACILITIES IN EACH CATEGORY OF MANUFACTURING.—The regulations promulgated under subsection (b) shall provide that the quantity of emission allowances distributed by the Administrator for a calendar year to facilities in each category of currently operating facilities shall be equal to the product obtained by multiplying—

(1) the total quantity of emission allowances available for allocation under section 541; and

(2) the ratio that (during the calendar year preceding the calendar year for which emission allowances are being distributed under this section)—

(A) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the year of distribution under this section by currently operating facilities in the category; bears to

(B) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the year of distribution under this section by all currently operating facilities.

(e) INDIVIDUAL ALLOCATIONS TO CURRENTLY OPERATING FACILITIES.—The regulations promulgated under subsection (b) shall provide that the quantity of emission allowances distributed by the Administrator for a calendar year to the owner or operator of a currently operating facility shall be a quantity equal to the product obtained by multiplying—

(1) the total quantity of emission allowances available for allocation to owners and operators of currently operating facilities in the appropriate category, as determined under subsection (c); and

(2) the proportion that, during the 3-calendar-year period immediately preceding the calendar year for which emission allowances are being distributed under this section—

(A) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the calendar year under this section by the facility; bears to

(B) the sum of the average annual direct and indirect carbon dioxide equivalent emissions during the 3-calendar-year period immediately preceding the calendar year under this section of all currently operating facilities in the same category.

(f) ENERGY INTENSITY-BASED ALLOCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing an analysis of the feasibility of distributing a portion or all of the emission allowances distributed under this section to single facilities on an energy-intensity basis.

(2) REGULATIONS.—If the report under paragraph (1) contains a determination by the Administrator that an energy intensity-based distribution program would encourage efficiency, and would not cause undue economic harm, the Administrator, not later than 18 months after the date of submission of the report, shall promulgate regulations establishing a program to supplement or replace the emission allowance allocations required under subsection (d) for any industry category or subcategory that the Administrator determines to be appropriately benchmarked.

(g) INDIVIDUAL ALLOCATION TO NEW ENTRANT MANUFACTURING FACILITIES.—

(1) IN GENERAL.—As part of the system established under subsection (b), the Administrator shall, for each calendar year, distribute 4 percent of the total quantity of emission allowances available for allocation to owners and operators of carbon-intensive manufacturing facilities under section 541 to those manufacturing facilities that are new entrant manufacturing facilities.

(2) INDIVIDUAL ALLOCATION.—Subject to paragraph (3), the quantity of emission allowances distributed by the Administrator for a calendar year to the owner or operator of a new entrant manufacturing facility shall equal the product obtained by multiplying—

(A) the total quantity of emission allowances available for allocation under paragraph (1); and

(B) the proportion that—

(i) the estimated direct and indirect carbon dioxide equivalent emissions of the individual new entrant manufacturing facility during the preceding calendar year; bears to

(ii) the sum of the estimated direct and indirect carbon dioxide equivalent emissions of all new entrant manufacturing facilities during the preceding calendar year.

(3) MAXIMUM ALLOCATION.—In no case may the quantity of emission allowances allocated to a new entrant manufacturing facility under this subsection exceed the quantity that would have been allocated to the new entrant manufacturing facility if the new entrant manufacturing facility had been a currently operating facility during the preceding calendar year.

(h) FACILITIES THAT SHUT DOWN.—

(1) IN GENERAL.—The system established pursuant to subsection (b) shall ensure, notwithstanding any other provision of this subtitle, that—

(A) emission allowances are not distributed to an owner or operator of any facility that has been permanently shut down at the time of distribution;

(B) the owner or operator of any facility that permanently shuts down in a calendar year shall promptly return to the Administrator any emission allowances that the Administrator has distributed for that facility for any subsequent calendar years; and

(C) if a facility receives a distribution of emission allowances under this subtitle for a calendar year and subsequently permanently shuts down during that calendar year, the owner or operator of the facility shall promptly return to the Administrator a number of emission allowances equal to the number that the Administrator determines is the portion that the owner or operator will no longer need to submit for that facility under section 202.

(2) EXEMPTION.—Subparagraphs (B) and (C) of paragraph (1) shall not apply if an owner or operator of a facility demonstrates to the Administrator that, not later than 2 years after the date on which the facility shut down, the owner or operator will open a comparable new facility, or increase the capacity of an existing facility by a comparable capacity, within the United States.

(i) PETROLEUM REFINERS.—The Administrator may include, in the system established pursuant to subsection (b), provisions for distributing not more than 10 percent of the emission allowances allocated pursuant to section 541 for each calendar year solely among owners and operators of entities that manufacture in the United States petroleum-based liquid or gaseous fuel, in recognition of the direct emission of carbon dioxide by those entities in the manufacture of those fuels.

**Subtitle F—Transition Assistance for Fossil Fuel-Fired Electricity Generators**

**SEC. 551. ALLOCATION.**

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of fossil fuel-fired electricity generators in the United States.

(b) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to subsection (a) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	18
2013	18
2014	18
2015	18
2016	17.75
2017	17.5
2018	17.25
2019	16.25
2020	15
2021	13.5
2022	11.25
2023	10.25
2024	9
2025	8.75
2026	5.75
2027	4.5
2028	4.25
2029	3
2030	2.75

**SEC. 552. DISTRIBUTION.**

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, for each of calendar years 2012 through 2030, among owners and operators of individual fossil fuel-fired electricity generators in the United States, the emission allowances allocated for that year by section 551.

(b) CALCULATION.—The regulations promulgated pursuant to subsection (a) shall provide that the quantity of emission allowances distributed to the owner or operator of an individual fossil fuel-fired electricity generator for a calendar year shall be equal to the product obtained by multiplying—

(1) the quantity of emission allowances allocated pursuant to section 551; and

(2) the quotient obtained by dividing—

(A) the average annual quantity of carbon dioxide equivalents emitted by the fossil fuel-fired electricity generator during the 3 calendar years preceding the date of enactment of this Act; by

(B) the average annual quantity of carbon dioxide equivalents emitted by all fossil fuel-fired electricity generators during those 3 calendar years.

(c) RURAL ELECTRIC COOPERATIVES.—

(1) IN GENERAL.—The Administrator shall include, in the regulations promulgated pursuant to subsection (a), provisions for distributing solely among rural electric cooperatives not more than 5 percent of the emission allowances allocated pursuant to section 551 for each calendar year.

(2) PILOT PROGRAM.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall establish a pilot program to distribute, to rural electric cooperatives in the States described in subparagraph (B), for each of calendar years 2012 through 2029, 15 percent of the total number of emission allowances allocated for the calendar year to rural electric cooperatives under section 551.

(B) DESCRIPTION OF STATES.—The States referred to in subparagraph (A) are—

(i) 1 State located east of the Mississippi River in which 13 rural electric cooperatives sold to consumers in that State electricity in a quantity of 9,000,000 to 10,000,000 megawatt-hours, according to data of the Energy Information Administration for calendar year 2005; and

(ii) 1 State located west of the Mississippi River in which 30 rural electric cooperatives sold to consumers in that State electricity in a quantity of 3,000,000 to 4,000,000 megawatt-hours, according to data of the Energy Information Administration for calendar year 2005.

(C) LIMITATION.—No rural electric cooperative that receives emission allowances under this paragraph shall receive any additional emission allowance under subtitle A or the regulations promulgated under subsection (a).

(D) REPORT.—Not later than January 1, 2015, and every 3 years thereafter, the Administrator shall submit to Congress a report describing the success of the pilot program established under this paragraph, including a description of—

(i) the benefits realized by ratepayers of the rural electric cooperatives that receive allowances under the pilot program; and

(ii) the use by those rural electric cooperatives of advanced, low greenhouse gas-emitting electric generation technologies, if any.

**Subtitle G—Transition Assistance for Refiners of Petroleum-Based Fuel**

**SEC. 561. ALLOCATION.**

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2017, the Administrator shall allocate 2 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities that manufacture petroleum-based liquid or gaseous fuel in the United States.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall allocate 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of entities described in subsection (a).

**SEC. 562. DISTRIBUTION.**

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, among owners and operators of individual entities described in section 561, for each calendar year identified in that section, the emission allowances allocated for that year by that section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) provide that the quantity of emission allowances distributed to the owner or operator of an entity described in section 561 for

a calendar year identified in that section shall be the product obtained by multiplying—

(A) the quantity of emission allowances allocated for that year by section 561; by

(B) the quotient obtained by dividing—

(i) the annual average quantity of units of petroleum-based liquid or gaseous fuel that the entity manufactured in the United States during the 3 calendar years preceding the date of distribution of emission allowances; by

(ii) the annual average quantity of petroleum-based liquid or gaseous fuel that all entities described in section 561 manufactured in the United States during the 3 calendar years preceding the date of distribution of emission allowances; and

(2) notwithstanding paragraph (1), provide for appropriate adjustments to reflect the effects of subsections (b)(2), (c), and (h) of section 202.

**Subtitle H—Transition Assistance for Natural-Gas Processors**

**SEC. 571. ALLOCATION.**

Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate 0.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among owners and operators of—

(1) natural gas processing plants in the United States (other than in the State of Alaska);

(2) entities that produce natural gas in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State; and

(3) entities that hold title to natural gas, including liquefied natural gas, or natural-gas liquid at the time of importation into the United States.

**SEC. 572. DISTRIBUTION.**

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for distributing, among owners and operators of individual entities described in section 571, for each calendar year identified in that section, the emission allowances allocated for that year by that section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall—

(1) provide that the quantity of emission allowances distributed to the owner or operator of an entity described in section 571 for a calendar year identified in that section shall be the product obtained by multiplying—

(A) the quantity of emission allowances allocated for that year by section 571; by

(B) the quotient obtained by dividing—

(i) the annual average quantity, during the 3 calendar years preceding the date of distribution of emission allowances, of units of—

(I) natural gas processed in the United States by the entity (other than in the State of Alaska);

(II) natural gas produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by the entity and not reinjected into the field; and

(III) natural gas, including liquefied natural gas, and natural-gas liquids to which the entity held title at the time of importation into the United States; by

(ii) the annual average quantity, over the 3 calendar years preceding the date of distribution of emission allowances, of units of—

(I) natural gas processed in the United States by the entities described in section 571 (other than in the State of Alaska);



(II) natural gas produced in the State of Alaska or the Federal waters of the outer Continental Shelf off the coast of that State by the entities described in section 571 and not reinjected into the field; and

(III) natural gas, including liquefied natural gas, and natural-gas liquids to which the entities described in section 571 held title at the time of importation into the United States; and

(2) notwithstanding paragraph (1), provide for appropriate adjustments to reflect the effects of subsections (b)(2) and (c) of section 202.

**Subtitle I—Federal Program for Energy Consumers**

**SEC. 581. ESTABLISHMENT.**

There is established in the Treasury a fund, to be known as the “Climate Change Consumer Assistance Fund”.

**SEC. 582. AUCTION.**

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Climate Change Consumer Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately upon receipt of the auction proceeds, deposit the auction proceeds in the Climate Change Consumer Assistance Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for Climate Change Consumer Assistance Fund
2012	3.5
2013	3.75
2014	3.75
2015	4
2016	4.25
2017	4.5
2018	5
2019	6
2020	6
2021	6
2022	7
2023	7
2024	8
2025	8
2026	9

Calendar Year	Percentage for auction for Climate Change Consumer Assistance Fund
2027	10
2028	10
2029	11
2030	12
2031	14
2032	14
2033	14
2034	15
2035	15
2036	15
2037	15
2038	15
2039	15
2040	15
2041	15
2042	15
2043	15
2044	15
2045	15
2046	15
2047	15
2048	15
2049	15
2050	15.

**SEC. 583. DEPOSITS.**

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 582, immediately on receipt of those proceeds, in the Climate Change Consumer Assistance Fund.

**SEC. 584. DISBURSEMENTS FROM THE CLIMATE CHANGE CONSUMER ASSISTANCE FUND.**

No disbursements shall be made from the Climate Change Consumer Assistance Fund except pursuant to an appropriations Act.

**SEC. 585. SENSE OF SENATE ON TAX INITIATIVE TO PROTECT CONSUMERS.**

It is the sense of the Senate that funds deposited in the Climate Change Consumer Assistance Fund under section 583 should be used to fund a tax initiative to protect consumers, especially consumers in greatest need, from increases in energy costs and other costs.

**TITLE VI—PARTNERSHIPS WITH STATES, LOCALITIES, AND INDIAN TRIBES**

**Subtitle A—Partnerships With State Governments to Prevent Economic Hardship While Promoting Efficiency**

**SEC. 601. ASSISTING ENERGY CONSUMERS THROUGH LOCAL DISTRIBUTION COMPANIES.**

(a) ALLOCATION.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall allocate—

(A) 9.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.25 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall allocate—

(A) 9.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.25 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall allocate—

(A) 10 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among electricity local distribution companies in the United States; and

(B) 3.5 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year for distribution among natural gas local distribution companies in the United States.

(b) DISTRIBUTION.—

(1) IN GENERAL.—For each calendar year, the emission allowances allocated under subsection (a) shall be distributed by the Administrator to each local distribution entity based on the proportion that—

(A) the quantity of electricity or natural gas delivered by the local distribution entity during the 3 calendar years preceding the calendar year for which the emission allowances are distributed, adjusted upward for electricity or natural gas not delivered as a result of consumer energy-efficiency programs implemented by the local distribution entity and verified by the regulatory agency of the local distribution entity; bears to

(B) the total quantity of electricity or natural gas delivered by all local distribution entities during those 3 calendar years, adjusted upward for the total electricity or natural gas not delivered as a result of consumer energy-efficiency programs implemented by all local distribution entities and verified by the regulatory agencies of the local distribution entities.

(2) BASIS.—The Administrator shall base the determination of the quantity of electricity or natural gas delivered by a local distribution entity for the purpose of paragraph (1) on the most recent data available in annual reports filed with the Energy Information Administration of the Department of Energy.

(c) USE.—

(1) ELIGIBLE CONSUMER CLASSES.—

(A) REGULATION.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall establish, by regulation, the consumer classes to which a local distribution entity shall direct emission allowance proceeds, including low-income and middle-income residential energy consumers and small business commercial consumers that are not allocated emission allowances pursuant to title V.

(B) REQUIREMENT.—The regulation required under subparagraph (A) shall be promulgated in consultation with—

(i) the Secretary of Health and Human Services;

(ii) the Secretary of Agriculture;

(iii) appropriate State agencies; and

(iv) local distribution entities, the regulatory agencies of the local distribution entities, and consumer advocates.

(C) DEFINING LOW-INCOME CONSUMERS.—

(i) IN GENERAL.—Subject to clause (ii), the Administrator shall specify eligibility criteria for low-income residential energy consumers for purposes of the regulation required under subparagraph (A).

(ii) INCLUSIONS.—An individual shall be eligible as a low-income residential energy consumer for purposes of the regulation required under subparagraph (A) if the individual (or the household of which the individual is a member) qualifies for—

(I) benefits under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(II) a premium or cost-sharing subsidy under section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114); or

(III) a low-income program carried out before December 31, 2011, by an electricity or natural gas local distribution entity serving the individual.

(2) CLIMATE CHANGE IMPACT ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—Each local distribution entity that receives emission allowances under subsection (b) shall develop a climate change impact economic assistance program in accordance with this paragraph.

(B) REGULATIONS.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate regulations establishing minimum requirements for the development of climate change impact economic assistance programs under subparagraph (A).

(ii) DEADLINE.—The regulations promulgated pursuant to clause (i) shall require each local distribution entity that receives emission allowances under this section to implement a climate change impact economic assistance program by not later than December 31, 2011, that—

(I) mitigates increases in electricity or natural gas costs, as applicable, that are attributable to the implementation of this Act;

(II) provides to qualifying low-income individuals and households a timely rebate on electricity or natural gas bills, as applicable;

(III) provides greater rebates to consumers in the lowest income classes;

(IV) includes energy efficiency and other programmatic measures designed to reduce the quantity of electricity or natural gas, as applicable, consumed by qualifying low-income households; and

(V) includes economic assistance, energy efficiency, and other programmatic measures designed to reduce the quantity of energy consumed by other residential, small business, and commercial energy consumers that do not receive allowances under this Act.

(C) DEVELOPMENT.—

(i) IN GENERAL.—A local distribution entity may develop an assistance program under this paragraph—

(I) in consultation with appropriate State regulatory authorities; or

(II) for the purpose of supplementing an existing low-income consumer assistance plan of the entity.

(ii) LISTS OF ELIGIBLE CONSUMERS.—In developing a list of consumers eligible to receive assistance pursuant to a climate change impact economic assistance program under this paragraph, a local distribution entity—

(I) may use any list maintained by a State or local agency of eligible recipients of existing public assistance programs; and

(II) shall strictly maintain the privacy of the eligible recipients.

(D) APPROVAL.—

(i) IN GENERAL.—A local distribution entity shall submit the proposed assistance program of the entity to the Administrator for approval.

(ii) APPROVAL OF EXISTING PROGRAMS.—On request of a local distribution entity, the Administrator may approve an existing, State-approved low-income consumer assistance plan of the entity as a climate change impact economic assistance program for purposes of this paragraph, if the Administrator determines that the plan meets the requirements of this paragraph.

(E) IMPLEMENTATION.—On approval of an assistance program by the Administrator under subparagraph (D)(i), a local distribution entity may implement the program, subject to the oversight of appropriate State authorities.

(d) SALE OF EMISSION ALLOWANCES.—

(1) IN GENERAL.—A local distribution entity that receives emission allowances under subsection (b) shall—

(A) sell each emission allowance distributed to the local distribution entity, through direct sale or pursuant to a contract with a third party to sell the allowance, by not later than the date that is 1 year after the date of receipt of the emission allowance; and

(B) seek fair market value for each emission allowance sold.

(2) PROCEEDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the proceeds from the sale of emission allowances under paragraph (1) shall be used solely—

(i) to mitigate economic impacts on the consumer classes established pursuant to subsection (c)(1)(A), including by reducing transmission or distribution charges or issuing rebates;

(ii) to promote the use of zero- and low-carbon distributed generation technologies and energy efficiency on the part of consumers; and

(iii) to implement demand response programs and targeted assistance programs to benefit the consumer classes established pursuant to subsection (c)(1)(A).

(B) MINIMUM PERCENTAGE REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), each local distribution entity shall use not less than 30 percent of the proceeds from the sale of emission allowances under paragraph (1) to benefit low-income residential energy consumers.

(ii) EXCEPTION.—Notwithstanding clause (i), a regulatory agency with authority over a local distribution entity (including a governing board of a municipally owned or cooperatively owned local distribution entity) may reduce the percentage requirement under clause (i) if the agency determines that the increase in electricity or natural gas costs, as applicable, of eligible low-income consumers served by the local distribution entity resulting from the implementation of this Act are mitigated.

(C) PROHIBITION.—No local distribution entity may use any proceeds from the sale of emission allowances under paragraph (1) to provide to any consumer a rebate that is based solely on the quantity of electricity or natural gas used by the consumer.

(D) TREATMENT.—Proceeds from the sale of an emission allowance under this paragraph shall not be considered to be income of a local distribution entity if the value of the proceeds is fully disbursed during the 1-year period beginning on the date of sale of the emission allowance.

(e) REPORTS.—

(1) IN GENERAL.—For each calendar year for which a local distribution entity receives emission allowances under this section, the entity shall submit to the Administrator a

report describing, with respect to that calendar year—

(A) the date of each sale of each emission allowance;

(B) the amount of revenue generated from the sale of emission allowances; and

(C) how, and to what extent, the local distribution entity used the proceeds of the sale of emission allowances, including the amount of the proceeds directed to each consumer class covered in the form of rebates, energy efficiency, demand response, and distributed generation.

(2) AVAILABILITY OF REPORTS.—The Administrator shall make available to the public all reports submitted by entities under paragraph (1), including by publishing those reports on the Internet.

(f) OPT-OUT.—If a local distribution entity elects not to receive emission allowances under this section or fails to comply with a requirement of this section, as determined by the Administrator, the emission allowances that would otherwise be distributed to the local distribution entity shall be—

(1) provided to the State served by the local distribution entity; and

(2) used by the State to carry out the objectives of this section.

**SEC. 602. ASSISTING STATE ECONOMIES THAT RELY HEAVILY ON MANUFACTURING AND COAL.**

(a) ALLOCATION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, the Administrator shall allocate a percentage for distribution among States the economies of which rely heavily on manufacturing or on coal, as determined by the Administrator, in accordance with the table contained in paragraph (2).

(2) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall allocate to States described in paragraph (1) the percentage of emission allowances specified in the following table:

Calendar year	Percent of emission allowances for allocation among States relying heavily on manufacturing and on coal
2012	3
2013	3
2014	3
2015	3
2016	3.25
2017	3.25
2018	3.25
2019	3.25
2020	3.25
2021	3.25
2022	3.25
2023	3.5
2024	3.5
2025	3.5
2026	3.5
2027	3.5
2028	3.5
2029	3.5
2030	3.5
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4

Calendar year	Percent of emission allowances for allocation among States relying heavily on manufacturing and on coal
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4

(b) DISTRIBUTION.—The emission allowances available for allocation to States under subsection (a) for a calendar year shall be distributed as follows:

(1) For each calendar year, ½ of the quantity of emission allowances shall be distributed among the States based on the proportion that—

(A) the average annual per-capita employment in manufacturing in a State during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor; bears to

(B) the average annual per-capita employment in manufacturing in all States during the period beginning on January 1, 1988, and ending on December 31, 1992, as determined by the Secretary of Labor.

(2) For each calendar year, ½ of the quantity of emission allowances available for States under subsection (a) shall be distributed among individual States as follows:

(A) In the case of any State in which the ratio of lignite (in British thermal units) that was mined from 1988 through 1992 within the boundaries of the State to the total quantity of coal (in British thermal units) that was consumed from 1988 through 1992 within the boundaries of that State exceeds 0.75, the share of allowances of the State shall be based on the proportion that—

(i) twice the quantity of carbon contained in the total quantity of coal that was mined within the boundaries of the State from 1988 through 1992, as determined by the Secretary of Energy; bears to

(ii) the sum of twice the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all States described in subparagraph (A) and the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all other States, as determined by the Secretary of Energy.

(B) In the case of any State other than a State described in subparagraph (A), the share of allowances of the State shall be based on the proportion that—

(i) the quantity of carbon contained in the total quantity of coal that was mined within the boundaries of the State from 1988 through 1992, as determined by the Secretary of Energy; bears to

(ii) the sum of twice the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 in all States described in subparagraph (A) and the quantity of carbon contained in the total quantity of coal that was mined from 1988 through 1992 within the boundaries of all other States, as determined by the Secretary of Energy.

(c) USE.—During any calendar year, a State shall retire or use for 1 or more of the purposes described in section 614(d) all of the allowances allocated to the State (or pro-

ceeds of sale of those emission allowances) under this section for that calendar year.

(d) DEADLINE FOR USE.—A State shall distribute or sell emission allowances for use in accordance with subsection (c) by not later than January 1 of each emission allowance allocation year.

(e) RETURN OF ALLOWANCES.—Not later than 330 days before the end of each emission allowance allocation year, each State shall return to the Administrator any emission allowances allocated to the State for the preceding calendar year but not distributed or sold by the deadline described in subsection (d).

(f) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

**Subtitle B—Partnerships With States, Localities, and Indian Tribes to Reduce Emissions**

**SEC. 611. MASS TRANSIT.**

(a) TRANSPORTATION SECTOR EMISSION REDUCTION FUND.—There is established in the Treasury of the United States a fund, to be known as the “Transportation Sector Emission Reduction Fund”.

(b) AUCTION OF ALLOWANCES.—In accordance with subsections (c) and (d), to fund awards for public transportation-related activities, for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(c) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (b), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(d) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (b), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for public transportation
2012	1
2013	1
2014	1
2015	1
2016	1
2017	1
2018	2
2019	2
2020	2
2021	2
2022	2.75
2023	2.75
2024	2.75
2025	2.75
2026	2.75
2027	2.75
2028	2.75
2029	2.75
2030	2.75
2031	2.75

Calendar Year	Percentage for auction for public transportation
2032	2.75
2033	2.75
2034	2.75
2035	2.75
2036	2.75
2037	2.75
2038	2.75
2039	2.75
2040	2.75
2041	2.75
2042	2.75
2043	2.75
2044	2.75
2045	2.75
2046	2.75
2047	2.75
2048	2.75
2049	2.75
2050	2.75

(e) DEPOSITS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsections (b) and (c), immediately on receipt of those proceeds, in the Transportation Sector Emission Reduction Fund established by subsection (a).

(f) USE OF FUNDS.—For each of calendar years 2012 through 2050, all funds deposited in the Transportation Sector Emission Reduction Fund in the preceding year pursuant to subsection (e) shall be made available, without further appropriation or fiscal year limitation, for grants described in subsections (g) through (i).

(g) GRANTS TO PROVIDE FOR ADDITIONAL AND IMPROVED PUBLIC TRANSPORTATION SERVICE.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 65 percent shall be distributed to designated recipients (as defined in section 5307(a) of title 49, United States Code) to maintain or improve public transportation through activities eligible under that section, including—

(A) improvements to lighting, heating, cooling, or ventilation systems in stations and other facilities that reduce direct or indirect greenhouse gas emissions;

(B) adjustments to signal timing or other vehicle controlling systems that reduce direct or indirect greenhouse gas emissions;

(C) purchasing or retrofitting rolling stock to improve efficiency or reduce greenhouse gas emissions; and

(D) improvements to energy distribution systems.

(2) DISTRIBUTION.—Of the proceeds of auctions conducted under this section, the Administrator shall distribute under paragraph (1)—

(A) 60 percent in accordance with the formulas contained in subsections (a) through (c) of section 5336 of title 49, United States Code; and

(B) 40 percent in accordance with the formula contained in section 5340 of that title.

(3) TERMS AND CONDITIONS.—A grant provided under this subsection shall be subject to the terms and conditions applicable to a grant provided under section 5307 of title 49, United States Code.

(4) COST SHARE.—The Federal share of cost of carrying out an activity using a grant under this subsection shall be determined in accordance with section 5307(e) of title 49, United States Code.

(h) GRANTS FOR CONSTRUCTION OF NEW PUBLIC TRANSPORTATION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited in the Transportation Sector Emission Reduction Fund each year pursuant to subsection

(e), 30 percent shall be distributed to State and local government authorities for design, engineering, and construction of new fixed guideway transit projects or extensions to existing fixed guideway transit systems.

(2) APPLICATIONS.—Applications for grants under this subsection shall be reviewed according to the process and criteria established under section 5309(c) of title 49, United States Code, for major capital investments and section 5309(d) of title 49, United States Code for other projects.

(3) TERMS AND CONDITIONS.—Grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5309 of title 49, United States Code.

(i) GRANTS FOR TRANSPORTATION ALTERNATIVES AND TRAVEL DEMAND REDUCTION PROJECTS.—

(1) IN GENERAL.—Of the funds deposited into the Transportation Sector Emission Reduction Fund each year pursuant to subsection (e), 5 percent shall be awarded to designated recipients (as defined in section 5307(a) of title 49, United States Code) to assist in reducing the direct and indirect greenhouse gas emissions of the systems of the designated recipients, through—

(A) programs to reduce vehicle miles traveled;

(B) bicycle and pedestrian infrastructure, including trail networks integrated with transportation plans or bicycle mode-share targets; and

(C) programs to establish or expand telecommuting or car pool projects that do not include new roadway capacity.

(2) DISTRIBUTION OF FUNDS.—In determining the recipients of grants under this subsection, applications shall be evaluated based on the total direct and indirect greenhouse gas emissions reductions that are projected to result from the project and projected reductions as a percentage of the total direct and indirect emissions of an entity.

(3) GOVERNMENT SHARE OF COSTS.—The Federal share of the cost of an activity funded using amounts made available under this subsection may not exceed 80 percent of the cost of the activity.

(4) TERMS AND CONDITIONS.—Except to the extent inconsistent with the terms of this subsection, grant funds awarded under this subsection shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code.

(j) CONDITION FOR RECEIPT OF FUNDS.—To be eligible to receive funds under this section, projects or activities must be part of an integrated State-wide transportation plan that shall—

(1) include all modes of surface transportation;

(2) integrate transportation data collection, monitoring, planning, and modeling;

(3) report on estimated greenhouse gas emissions;

(4) be designed to reduce greenhouse gas emissions from the transportation sector; and

(5) be certified by the Administrator as consistent with the purposes of this Act.

**SEC. 612. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.**

(a) IN GENERAL.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

**“SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.**

“(a) UPDATES.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, and not less frequently every 3 years thereafter, the Secretary shall support updating the national model building energy

codes and standards to achieve overall energy savings, as compared to the IECC (2006) for residential buildings and ASHRAE Standard 90.1 (2004) for commercial buildings, of at least—

“(A) 30 percent, with respect to each edition of a model code or standard published during the period beginning on January 1, 2010, and ending on December 31, 2019;

“(B) 50 percent, with respect to each edition of a model code or standard published on or after January 1, 2020; and

“(C) targets for intermediate and subsequent years, to be established by the Secretary not less than 3 years before the beginning on each target year, in coordination with IECC and ASHRAE Standard 90.1 cycles, at the maximum level of energy efficiency that is technologically feasible and lifecycle cost-effective.

“(2) REVISIONS TO IECC AND ASHRAE.—

“(A) IN GENERAL.—If the IECC or ASHRAE Standard 90.1 regarding building energy use is revised, not later than 1 year after the date of the revision, the Secretary shall determine whether the revision will—

“(i) improve energy efficiency in buildings; and

“(ii) meet the energy savings goals described in paragraph (1).

“(B) MODIFICATIONS.—

“(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the energy savings goals established under paragraph (1) or if a national model code or standard is not updated for more than 3 years, not later than 1 year after the determination or the expiration of the 3-year period, the Secretary shall establish a modified code or standard that meets the energy savings goals.

“(i) REQUIREMENTS.—

“(I) ENERGY SAVINGS.—A modification to a code or standard under clause (i) shall—

“(aa) achieve the maximum level of energy savings that is technically feasible and lifecycle cost-effective;

“(bb) be achieved through an amendment or supplement to the most recent revision of the IECC or ASHRAE Standard 90.1 and taking into consideration other appropriate model codes and standards; and

“(cc) incorporate available appliances, technologies, and construction practices.

“(II) TREATMENT AS BASELINE.—A modification to a code or standard under clause (i) shall serve as the baseline for the next applicable determination of the Secretary under subparagraph (A)(i).

“(C) PUBLIC PARTICIPATION.—The Secretary shall—

“(i) publish in the Federal Register a notice relating to each goal, determination, and modification under this paragraph; and

“(ii) provide an opportunity for public comment regarding the goals, determinations, and modifications.

“(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

“(1) GENERAL CERTIFICATION.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, each State shall certify to the Secretary that the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

“(B) ENERGY SAVINGS.—A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed, as applicable—

“(i)(I) the IECC (2006) for residential buildings; or

“(II) the ASHRAE Standard 90.1 (2004) for commercial buildings; or

“(ii) the quantity of energy savings represented by the provisions referred to in clause (i).

“(2) REVISION OF CODES AND STANDARDS.—

“(A) IN GENERAL.—If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), not later than 2 years after the determination or proposal, each State shall certify that the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

“(B) ENERGY SAVINGS.—A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed—

“(i) the modified code or standard; or

“(ii) the quantity of energy savings represented by the modified code or standard.

“(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or if the Secretary makes a negative determination, not later than 2 years after the specified date or the date of the determination, each State shall certify that the State has—

“(i) reviewed the revised code or standard; and

“(ii) updated the provisions of the residential and commercial building codes of the State as necessary to meet or exceed, as applicable—

“(I) any provisions of a national code or standard determined to improve energy efficiency in buildings; or

“(II) energy savings achieved by those provisions through other means.

“(C) ACHIEVEMENT OF COMPLIANCE BY STATES.—

“(1) IN GENERAL.—Not later than 3 years after the date on which a State makes a certification under subsection (b), the State shall certify to the Secretary that the State has achieved compliance with the building energy code that is the subject of the certification.

“(2) RATE OF COMPLIANCE.—The certification shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the State code during the preceding calendar year.

“(3) COMPLIANCE.—A State shall be considered to achieve compliance for purposes of paragraph (1) if—

“(A) at least 90 percent of new and renovated buildings covered by the State code during the preceding calendar year substantially meet all the requirements of the code; or

“(B) the estimated excess energy use of new and renovated buildings that did not meet the requirements of the State code during the preceding calendar year, as compared to a baseline of comparable buildings that meet the requirements of the code, is not more than 10 percent of the estimated energy use of all new and renovated buildings covered by the State code during the preceding calendar year.

“(d) FAILURE TO CERTIFY.—

“(1) EXTENSION OF DEADLINES.—The Secretary shall extend a deadline for certification by a State under subsection (b) or (c) for not more than 1 additional year, if the State demonstrates to the satisfaction of the Secretary that the State has made—

“(A) a good faith effort to comply with the certification requirement; and

“(B) significant progress with respect to the compliance.

“(2) NONCOMPLIANCE BY STATE.—

“(A) IN GENERAL.—A State that fails to submit a certification required under subsection (b) or (c), and to which an extension

is not provided under paragraph (1), shall be considered to be out of compliance with this section.

“(B) EFFECT ON LOCAL GOVERNMENTS.—A local government of a State that is out of compliance with this section may be considered to be in compliance with this section if the local government meets each applicable certification requirement of this section.

“(e) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide technical assistance (including building energy analysis and design tools, building demonstrations, and design assistance and training) to ensure that national model building energy codes and standards meet the goals described in subsection (a)(1).

“(2) ASSISTANCE TO STATES.—The Secretary shall provide technical assistance to States—

“(A) to implement this section, including procedures for States to demonstrate that the codes of the States achieve equivalent or greater energy savings than the national model codes and standards;

“(B) to improve and implement State residential and commercial building energy efficiency codes; and

“(C) to otherwise promote the design and construction of energy-efficient buildings.

“(f) INCENTIVE FUNDING.—

“(1) IN GENERAL.—The Secretary shall provide incentive funding to States—

“(A) to implement this section; and

“(B) to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with the codes.

“(2) AMOUNT.—In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall take into consideration actions proposed by the State—

“(A) to implement this section;

“(B) to implement and improve residential and commercial building energy efficiency codes; and

“(C) to promote building energy efficiency through use of the codes.

“(3) ADDITIONAL FUNDING.—The Secretary shall provide additional funding under this subsection for implementation of a plan to demonstrate a rate of compliance with applicable residential and commercial building energy efficiency codes at a rate of not less than 90 percent, based on energy performance—

“(A) to a State that has adopted and is implementing, on a statewide basis—

“(i) a residential building energy efficiency code that meets or exceeds the requirements of the IECC (2006) (or a successor code that is the subject of an affirmative determination by the Secretary under subsection (a)(2)(A)(i)); and

“(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1 (2004) (or a successor standard that is the subject of an affirmative determination by the Secretary under subsection (a)(2)(A)(i)); or

“(B) in the case of a State in which no statewide energy code exists for residential buildings or commercial buildings, or in which the State code fails to comply with subparagraph (A), to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

“(4) TRAINING.—Of the amounts made available to carry out this subsection, the Secretary may use not more than \$500,000 for each State to train State and local officials to implement State or local energy codes in accordance with a plan described in paragraph (3).”

(b) CONFORMING AMENDMENT.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following:

“(17) IECC.—The term ‘IECC’ means the International Energy Conservation Code.”

**SEC. 613. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—In accordance with subsection (b), to fund the Energy Efficiency and Conservation Block Grant Program under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.), for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction 2 percent of the emission allowances established pursuant to section 201(a) for the calendar year; and

(2) immediately on completion of an auction, transfer the proceeds of the auction to the Secretary of Energy for use in carrying out that block grant program.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

**SEC. 614. STATE LEADERS IN REDUCING EMISSIONS.**

(a) ALLOCATION.—

(1) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year for distribution among States that, as determined by the Administrator, are leaders in the effort of the United States to reduce greenhouse gas emissions and improve energy efficiency, in accordance with paragraph (2).

(2) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall distribute in accordance with paragraph (1) the percentage of emission allowances specified in the following table:

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2012	4
2013	4
2014	4
2015	4
2016	4.25
2017	4.25
2018	4.55
2019	4.75
2020	5
2021	5
2022	6
2023	6.25
2024	6.5
2025	6.75
2026	7
2027	7.25
2028	7.5
2029	7.75
2030	8
2031	9
2032	10
2033	10

Calendar Year	Percentage for State leaders in reducing greenhouse gas emissions and improving energy efficiency
2034	10
2035	10
2036	10
2037	10
2038	10
2039	10
2040	10
2041	10
2042	10
2043	10
2044	10
2045	10
2046	10
2047	10
2048	10
2049	10
2050	10

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a system for annually scoring historical State investments and achievements in reducing greenhouse gas emissions and increasing energy efficiency for purposes of subsection (a).

(c) DISTRIBUTION.—

(1) IN GENERAL.—The emission allowances available for allocation to States under subsection (a) shall be distributed among the States based on the proportion that, for a calendar year—

(A) the score of the State, as determined under subsection (b); bears to

(B) the scores of all States, as determined under subsection (b).

(2) STATE CAP-AND-TRADE PROGRAMS.—Allowances under this section for any calendar year shall be distributed to—

(A) States that have never established State or regional cap-and-trade programs for greenhouse gas emissions; and

(B) States that did establish State or regional cap-and-trade programs for greenhouse gas emissions and that, not later than the beginning of the applicable calendar year—

(i) chose to transition the programs into the national system established by this Act; and

(ii) completed the transition and discontinued the State or regional cap-and-trade programs.

(d) USE.—

(1) IN GENERAL.—During any calendar year, a State shall retire or use all emission allowances allocated to the State (or proceeds of

sale of those emission allowances) under this section for that calendar year for 1 or more of the following purposes:

(A) To mitigate impacts on low-income energy consumers.

(B) To promote energy efficiency (including support of electricity and natural gas demand reduction, waste minimization, and recycling programs).

(C) To promote investment in nonemitting electricity generation technology, including planning for the siting of facilities employing that technology in States (including in territorial waters of States).

(D) To improve public transportation and passenger rail service and otherwise promote reductions in vehicle miles traveled.

(E) To encourage advances in energy technology that reduce or sequester greenhouse gas emissions.

(F) To address local or regional impacts of climate change, including by accommodating, protecting, or relocating affected communities and public infrastructure.

(G) To collect, evaluate, disseminate, and use information necessary for affected coastal communities to adapt to climate change (such as information derived from inundation prediction systems).

(H) To mitigate obstacles to investment by new entrants in electricity generation markets and energy-intensive manufacturing sectors.

(I) To address local or regional impacts of climate change policy, including providing assistance to displaced workers.

(J) To engage local and municipal governments to provide capacity building and related technical assistance to local and municipal low-carbon green job creation and workforce development programs.

(K) To mitigate impacts on carbon-intensive industries in internationally competitive markets.

(L) To reduce hazardous fuels and prevent and suppress wildland fire.

(M) To fund rural, municipal, and agricultural water projects that are consistent with the sustainable use of water resources.

(N) To improve recycling infrastructure.

(O) To increase public education on the benefits of recycling, particularly with respect to greenhouse gases.

(P) To improve residential, commercial, and industrial collection of recyclables.

(Q) To improve recycling system efficiency.

(R) To increase recycling yields.

(S) To improve the quality and usefulness of recycled materials.

(T) To promote industry cluster or industry sector strategies that involve public-private partnerships of State and local economic and workforce development agencies,

leaders from renewable energy, efficiency and low-carbon industries, and other community-based stakeholders, in the development of regional strategies to maximize the creation of good, career-track jobs.

(U) To develop and implement plans to anticipate and reduce the potential threats to health resulting from climate change, including—

(i) development, improvement, and integration of disease surveillance systems, rapid response systems, and communication methods and materials; and

(ii) identification and prioritization of vulnerable communities and populations.

(V) To fund any other purpose the States determine to be necessary to mitigate any negative economic impacts as a result of—

(i) global warming; or

(ii) new regulatory requirements as a result of this Act.

(e) DEADLINE FOR USE.—A State shall distribute or sell emission allowances for use in accordance with subsection (c) by not later than January 1 of each emission allowance allocation year.

(f) RETURN OF ALLOWANCES.—Not later than 330 days before the end of each emission allowance allocation year, each State shall return to the Administrator any emission allowances allocated to the State for the preceding calendar year but not distributed or sold by the deadline described in subsection (e).

(g) RECYCLING.—During any calendar year, a State shall use not less than 5 percent of the quantity of emission allowances allocated to the State (or proceeds of sale of those emission allowances) under this section for increasing recycling rates through activities such as—

(1) improving recycling infrastructure;

(2) increasing public education on the benefits of recycling, particularly with respect to greenhouse gases;

(3) improving residential, commercial, and industrial collection of recyclables;

(4) increasing recycling efficiency;

(5) increasing recycling yields; and

(6) improving the quality and usefulness of recycled materials.

(h) HOME HEATING OIL.—During any calendar year, any State that ranks among the top 20 States in terms of annual usage of home heating oil, as determined by the Secretary of Energy, shall use not less than 5 percent of the quantity of emission allowances allocated to the State (or proceeds of the sale of those allowances) under this section for protecting consumers of home heating oil in the State from suffering hardship as a result of any increases in home heating oil prices.

(i) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

**Subtitle C—Partnerships With States and Indian Tribes to Adapt to Climate Change**

**SEC. 621. ALLOCATION.**

(a) IN GENERAL.—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year for distribution among States and Indian tribes for activities carried out in response to the impacts of global climate change, in accordance with subsection (b).

(b) PERCENTAGES FOR ALLOCATION.—For each of calendar years 2012 through 2050, the Administrator shall distribute in accordance with subsection (a) the percentage of emission allowances specified in the following table:

Calendar Year	Percentage for States and Indian tribes for adaptation activities
2012	3
2013	3
2014	3
2015	3
2016	3.25
2017	3.25
2018	3.25
2019	3.25
2020	3.25
2021	3.25
2022	3.25
2023	3.25
2024	3.25
2025	3.25
2026	3.5
2027	3.5
2028	3.5
2029	3.5
2030	3.5
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4

**SEC. 622. COASTAL IMPACTS.**

(a) DEFINITIONS.—In this section:

(1) COASTAL STATE.—

(A) IN GENERAL.—The term “Coastal State” means any State that borders on 1 or more of the Atlantic Ocean, the Gulf of Mexico, the Pacific Ocean, the Arctic Ocean, or a Great Lake.

(B) INCLUSIONS.—The term “Coastal State” includes—

(i) the Commonwealth of Puerto Rico;

(ii) Guam;

(iii) American Samoa;

(iv) the Commonwealth of the Northern Mariana Islands; and

(v) the United States Virgin Islands.

(C) EXCLUSION.—The term “Coastal State” does not include the State of Alaska.

(2) COASTAL WATERSHED.—The term “coastal watershed” means a geographical area drained into or contributing water to an estuarine area, an ocean, or a Great Lake, all or a portion of which is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)).

(3) GREAT LAKE.—The term “Great Lake” means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario;

(E) Lake Superior; and

(F) the connecting channels of those Lakes, including—

(i) the Saint Marys River;

(ii) the Saint Clair River;

(iii) the Detroit River;

(iv) the Niagara River; and

(v) the Saint Lawrence River to the Canadian border.

(4) SHORELINE MILES.—The term “shoreline miles”, with respect to a Coastal State, means the mileage of tidal shoreline or Great Lake shoreline of the Coastal State, based on the most recently available data from or accepted by the National Ocean Service of the National Oceanic and Atmospheric Administration.

(b) ALLOCATION.—Of the emission allowances allocated each year pursuant to section 621, the Administrator shall allocate 40 percent to Coastal States.

(c) DISTRIBUTION.—The emission allowances available for allocation under subsection (b) for a calendar year shall be distributed among Coastal States, as follows:

(1) 50 percent based on the proportion that—

(A) the number of shoreline miles of a Coastal State; bears to

(B) the total number of shoreline miles of all Coastal States.

(2) 30 percent based on the proportion that—

(A) the population of a Coastal State; bears to

(B) the total population of all Coastal States.

(3) 20 percent divided equally among all Coastal States.

(d) USE OF EMISSION ALLOWANCES OR PROCEEDS.—

(1) IN GENERAL.—During any calendar year, a Coastal State receiving emission allowances under this section shall use the emission allowances (or proceeds of sale of those emission allowances) only for projects and activities to plan for and address the impacts of climate change in the coastal watershed.

(2) SPECIFIC USES.—The projects and activities described in paragraph (1) shall include projects and activities—

(A) to address the impacts of climate change with respect to—

(i) accelerated sea level rise and lake level changes;

(ii) shoreline erosion;

(iii) increased storm frequency or intensity;

(iv) changes in rainfall; and

(v) related flooding;

(B) to identify public facilities and infrastructure, coastal resources of national significance, public energy facilities, or other public water uses located in the coastal watershed that are affected by climate change, including the development of plans to pro-

tect, or, as necessary or applicable, to relocate the facilities or infrastructure;

(C) to research and collect data using, or on matters such as—

(i) historical shoreline position maps;

(ii) historical shoreline erosion rates;

(iii) inventories of shoreline features and conditions;

(iv) acquisition of high-resolution topography and bathymetry;

(v) sea level rise inundation models;

(vi) storm surge sea level rise linked inundation models;

(vii) shoreline change modeling based on sea level rise projections;

(viii) sea level rise vulnerability analyses and socioeconomic studies; and

(ix) environmental and habitat changes associated with sea level rise; and

(D) to respond to—

(i) changes in chemical characteristics (including ocean acidification) and physical characteristics (including thermal stratification) of marine systems;

(ii) saltwater intrusion into groundwater aquifers;

(iii) increased harmful algae blooms;

(iv) spread of invasive species;

(v) habitat loss (particularly loss of coastal wetland);

(vi) species migrations; and

(vii) marine, estuarine, and freshwater ecosystem changes associated with climate change.

(3) COORDINATION.—In carrying out this subsection, a Coastal State shall coordinate with the Administrator and the heads of other appropriate Federal agencies to ensure, to the maximum extent practicable, an efficient and effective use of emission allowances (or proceeds of sale of those emission allowances) allocated under this section.

(4) TECHNICAL ASSISTANCE AND TRAINING.—The Administrator and the heads of such other Federal agencies as are appropriate, including the National Oceanic and Atmospheric Administration, Environmental Protection Agency, United States Geological Survey, Department of the Interior, Corps of Engineers, and Department of Transportation, shall provide technical assistance and training for State and local officials to assist Coastal States in carrying out this subsection.

(5) INSTITUTIONS OF HIGHER EDUCATION PARTICIPATION.—If appropriate, institutions of higher education should use the expertise and research capacity of the institutions to carry out the goals of this subsection, specifically with regard to conducting the research and planning necessary to respond to the impacts on coastal areas from climate change.

(e) RETURN OF UNUSED EMISSION ALLOWANCES.—Any Coastal State receiving emission allowances under this section shall return to the Administrator any such emission allowances that the Coastal State has failed to use in accordance with subsection (d) by not later than 5 years after the date of receipt of the emission allowances from the Administrator.

(f) USE OF RETURNED EMISSION ALLOWANCES.—The Administrator shall, in accordance with subsection (c), distribute any emission allowances returned to the Administrator under subsection (e) to States other than the State that returned those allowances to the Administrator.

(g) REPORT.—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

**SEC. 623. IMPACTS ON WATER RESOURCES AND AGRICULTURE.**

(a) **IN GENERAL.**—Of the emission allowances allocated each year pursuant to section 621, the Administrator shall allocate 25 percent to the States facing the earliest and most severe impacts on the availability of freshwater and on agriculture, as determined by the Administrator.

(b) **USE.**—

(1) **IN GENERAL.**—For each calendar year, a State receiving emission allowances under this section shall use the allowances, or the proceeds from the sale of the allowances, only for projects and activities to plan for and address the impacts of climate change on water resources.

(2) **REGIONALLY-SPECIFIC ANALYSIS.**—In developing State programs under paragraph (1), a State shall develop a regionally-specific analysis of the potential climate-change impacts on local water resources.

(3) **IMPLEMENTATION PRIORITIES.**—Implementation priorities shall be developed through an integrated analysis of a full range of water management alternatives (including urban and agricultural conservation, habitat and watershed protection and restoration, wastewater recycling, groundwater cleanup, nonstructural alternatives, floodplain restoration, and urban stormwater management) to direct funding to the most cost-effective strategies that will generate significant net environmental benefits.

(4) **SPECIFIC USES.**—Projects and activities under this subsection shall include projects and activities—

(A) to promote investment in research into the impacts of climate change on water resource planning;

(B) to promote water resource planning;

(C) to develop and implement sustainable strategies for adapting to climate change; and

(D) to implement measures to reduce the greenhouse gas emissions of water utilities.

(c) **REPORT.**—A State receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

**SEC. 624. IMPACTS ON ALASKA.**

(a) **ALLOCATION.**—Of the allowances allocated for each year pursuant to section 621, the Administrator shall allocate 20 percent of the allowances to the State of Alaska for the uses described in subsection (b).

(b) **USE.**—

(1) **IN GENERAL.**—For each calendar year, emission allowances distributed to the State of Alaska under this section, or the proceeds from the sale of the allowances, shall be used only for projects and activities to plan for and address the impacts of climate change on the State and State residents.

(2) **STATE-SPECIFIC ANALYSIS.**—In order to receive allowances under this section, the State of Alaska shall develop a State-specific analysis of the potential climate-change impacts on residents of the State.

(3) **IMPLEMENTATION PRIORITIES.**—Implementation priorities shall be developed through an integrated analysis of impacts and strategies.

(c) **REPORT.**—The State of Alaska shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the State has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the State of allowances received under this section.

**SEC. 625. IMPACTS ON INDIAN TRIBES.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to demonstrate the commitment of the United States to maintaining the unique and continuing relationship of the United States with, and responsibility of the United States to, Indian tribes;

(2) to recognize the obligation of the United States to prepare for the likely disproportionate consequences of global climate change facing Indian tribes located throughout the United States;

(3) to establish, in accordance with the principles of self-determination and government-to-government consultation, cost-efficient mechanisms to provide for meaningful participation by Indian tribes in the planning, implementation, and administration of programs and services authorized by this Act;

(4) to support and assist Indian tribes in the development of strong and stable tribal governments that are capable of administering innovative programs and economic development initiatives in the face of global climate change;

(5) to establish a self-sustaining Tribal Climate Change Assistance Fund to address local and regional impacts of climate change affecting Indian tribes, now and in the future;

(6) to ensure that any proceeds from the sale of emission allowances allocated for Indian tribes are soundly invested and distributed by the Administrator through direct consultation with Indian tribes as beneficiaries; and

(7) to authorize the Administrator to distribute, by regulation, funds to Indian tribes in accordance with the principles established by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), in consultation with the Secretary of the Interior and Indian tribes, not later than 5 years after the date of enactment of this Act.

(b) **ESTABLISHMENT OF PROGRAM.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a program—

(A) to assist Indian tribes in addressing local and regional impacts of climate change in accordance with subsection (a); and

(B) to distribute proceeds from the Tribal Climate Change Assistance Fund established by subsection (c) on an annual basis, beginning not later than January 1, 2011.

(2) **REGULATIONS.**—The Administrator shall promulgate such regulations as are necessary to establish and carry out the program described in paragraph (1)—

(A) in accordance with subchapter IV of chapter 5 of title 5, United States Code; and

(B) in consultation with representatives of Indian tribes located in each region of the Environmental Protection Agency.

(c) **FUND.**—There is established in the Treasury of the United States a fund, to be known as the “Tribal Climate Change Assistance Fund”.

(d) **AUCTIONS.**—

(1) **IN GENERAL.**—In accordance with paragraph (2), to raise funds for deposit in the Tribal Climate Change Assistance Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(A) auction 15 percent of the emission allowances allocated pursuant to section 621 for the calendar year; and

(B) immediately on completion of the auction, deposit proceeds of the auction in the Tribal Climate Change Assistance Fund.

(2) **NUMBER; FREQUENCY.**—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(e) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Amounts deposited in the Tribal Climate Change Assistance Fund under subsection (d)(1)(B) that are in excess of amounts appropriated for the applicable fiscal year to carry out the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) and sections 103 and 360(d) of the Clean Air Act (42 U.S.C. 7403, 7601(d)) shall be made available, without further appropriation or fiscal year limitation, to the Administrator to carry out the program established under subsection (b) in accordance with the purposes described in paragraph (2).

(2) **PURPOSES.**—The Administrator shall use amounts in the Tribal Climate Change Assistance Fund—

(A) to provide assistance to Indian tribes that face disruption or dislocation as a result of climate change;

(B) to assist Indian tribes in planning and designing agricultural, forestry, and other land use-related projects in accordance with the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b);

(C) to assist Indian tribes in the collection of greenhouse gas and other air quality data through the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) and the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) to mitigate impacts on low-income Indian energy consumers;

(E) to promote energy efficiency (including support of electricity and natural gas demand reduction, waste minimization, and recycling programs);

(F) to promote investment in nonemitting electricity generation technology, including planning for the siting of facilities employing that technology on tribal land;

(G) to collect, evaluate, disseminate, and use information necessary for affected coastal tribal communities to adapt to climate change (such as information derived from inundation prediction systems);

(H) to address local or regional impacts of climate change policy, including providing assistance to displaced workers;

(I) to reduce hazardous fuels and prevent and suppress wildland fire;

(J) to fund rural, municipal, and agricultural water projects that are consistent with the sustainable use of water resources; and

(K) to fund any other purposes an Indian tribe determines to be necessary to mitigate any negative economic impacts as a result of—

(i) global warming; or

(ii) new regulatory requirements as a result of this Act.

(f) **NO TRIBAL AUTHORITY REQUIREMENT.**—The Administrator shall not require Indian tribes to obtain tribal authority under section 360(d) of the Clean Air Act (42 U.S.C. 7601(d)) as a condition of participation in any program authorized by this subtitle.

(g) **REPORT.**—An Indian tribe receiving allowances under this section shall annually submit to the appropriate congressional committees and the appropriate Federal agencies a report describing the purposes for which the Indian tribe has used—

(1) the allowances received under this section; and

(2) the proceeds of the sale by the Indian tribe of allowances received under this section



**Subtitle D—Partnerships With States, Localities, and Indian Tribes to Protect Natural Resources**

**SEC. 631. STATE WILDLIFE ADAPTATION FUND.**

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund, to be known as the “State Wildlife Adaptation Fund” (referred to in this section as the “Fund”).

(b) **AUCTIONS.**—

(1) **IN GENERAL.**—In accordance with paragraph (2) and subsection (c), for each of calendar years 2012 through 2050, the Administrator shall auction a percentage of emission allowances established for the calendar year pursuant to section 201(a) to raise funds for deposit in the Fund.

(2) **NUMBER; FREQUENCY.**—For each calendar year during the period described in paragraph (1), the Administrator shall—

- (A) conduct not fewer than 4 auctions; and
- (B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) **QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.**—For each calendar year of the period described in subsection (b)(1), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar year	Percentage for auction for Fund
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	2
2019	2
2020	2
2021	2
2022	2
2023	2
2024	3
2025	3
2026	3
2027	4
2028	4
2029	4
2030	4
2031	4
2032	4
2033	4
2034	4
2035	4
2036	4
2037	4
2038	4
2039	4
2040	4
2041	4
2042	4
2043	4
2044	4
2045	4
2046	4
2047	4
2048	4
2049	4
2050	4

(d) **PITTMAN-ROBERTSON WILDLIFE RESTORATION PROGRAM.**—

(1) **DEPOSIT.**—As soon as practicable after conducting an auction under subsection (b), the Administrator shall deposit 78 percent of the proceeds of the auction in the Fund.

(2) **USE OF PROCEEDS.**—Amounts deposited in the Fund under paragraph (1) shall be made available, without further appropriation or fiscal year limitation, to the Secretary of the Interior for distribution to States through the Wildlife Conservation and Restoration Account established under section 3(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(a)(2)), to carry out adaptation activities in accordance with comprehensive State adaptation strategies, as described in section 633.

(e) **LAND AND WATER CONSERVATION.**—

(1) **DEPOSIT.**—As soon as practicable after conducting an auction under subsection (b), the Administrator shall deposit 22 percent of the proceeds of the auction in the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5).

(2) **USE.**—Deposits to the Land and Water Conservation Fund under paragraph (1) shall—

(A) be supplemental to amounts appropriated pursuant to section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6), which shall remain available for nonadaptation needs; and

(B) notwithstanding section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6), be available without further appropriation or fiscal year limitation.

(3) **ALLOCATIONS.**—Of the amounts deposited in the Land and Water Conservation Fund under paragraph (1)—

(A) ½ shall be allocated to the Secretary of the Interior and made available on a competitive basis to carry out adaptation activities through the acquisition of land and interests in land under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8)—

(i) to States, in accordance with comprehensive wildlife conservation strategies, and to Indian tribes;

(ii) notwithstanding section 5 of that Act (16 U.S.C. 4601-7); and

(iii) in addition to grants provided pursuant to—

(I) annual appropriations Acts;

(II) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); or

(III) any other authorization for nonadaptation needs;

(B) ½ shall be allocated to the Secretary of the Interior to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9);

(C) ¼ shall be allocated to the Secretary of Agriculture and made available to the States to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Forest Legacy Program under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c); and

(D) ¼ shall be allocated to the Secretary of Agriculture to carry out adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(4) **EXPENDITURE OF FUNDS.**—In allocating funds under paragraph (2), the Secretary of the Interior and the Secretary of Agriculture shall take into consideration factors including—

(A) the availability of non-Federal contributions from State, local, or private sources;

(B) opportunities to protect wildlife corridors or otherwise to link or consolidate fragmented habitats;

(C) opportunities to reduce the risk of catastrophic wildfires, extreme flooding, or

other climate-related events that are harmful to fish, wildlife, and individuals;

(D) the potential for conservation of species or habitat types at serious risk due to climate change, ocean acidification, and other stressors; and

(E) the potential to provide enhanced access to land and water for fishing, hunting, and other public recreational uses.

**SEC. 632. COST-SHARING.**

Notwithstanding any other provision of law, a State or Indian tribe that receives a grant under section 631 shall provide 10 percent of the costs of each activity carried out using the grant.

**SEC. 633. STATE COMPREHENSIVE ADAPTATION STRATEGIES.**

(a) **IN GENERAL.**—Except as provided in subsection (b), amounts made available to States pursuant to this subtitle shall be used only for activities that are consistent with a State strategy that has been approved by—

(1) the Secretary of the Interior; and

(2) for any State with a coastal zone (within the meaning of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), by the Secretary of Commerce, subject to the condition that approval by the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(b) **INITIAL RECEIPT OF FUNDS.**—

(1) **IN GENERAL.**—Until the earlier of the date that is 3 years after the date of enactment of this Act or the date on which a State receives approval for a State strategy, a State shall be eligible to receive funds under this subtitle for adaptation activities that are—

(A) consistent with the comprehensive wildlife strategy of the State and, if appropriate, other fish, wildlife, and conservation strategies; and

(B) in accordance with a workplan developed in coordination with—

(i) the Secretary of the Interior; and

(ii) for any State with a coastal zone (within the meaning of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.)), the Secretary of Commerce, subject to the condition that coordination with the Secretary of Commerce shall be required only for those portions of the strategy relating to activities affecting the coastal zone.

(2) **PENDING APPROVAL.**—During the period for which approval by the applicable Secretary of a State strategy described in paragraph (1) is pending, the State may continue receiving funds under this subtitle pursuant to the workplan described paragraph (1)(B).

(c) **REQUIREMENTS.**—A State strategy shall—

(1) describe the impacts of climate change and ocean acidification on the diversity and health of the fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(2) describe and prioritize proposed conservation, protection, and restoration actions to assist fish, wildlife, aquatic and terrestrial ecosystems, and plant populations in adapting to those impacts;

(3) establish programs for monitoring the impacts of climate change on fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(4) include strategies, specific conservation, protection, and restoration actions, and a timeframe for implementing conservation actions for fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems, and associated ecological processes;

(5) establish methods for—

(A) assessing the effectiveness of conservation, protection, and restoration actions

taken to assist fish, wildlife, and plant populations, habitats, aquatic and terrestrial ecosystems and associated ecological processes in adapting to those impacts; and

(B) updating those actions to respond appropriately to new information or changing conditions;

(6) be developed—

(A) with the participation of the State fish and wildlife agency, the State agency responsible for administration of Land and Water Conservation Fund grants, the State Forest Legacy Program coordinator, the State environmental agency, and the State coastal agency; and

(B) in coordination with the Secretary of the Interior and, if applicable, the Secretary of Commerce;

(7) provide for solicitation and consideration of public and independent scientific input;

(8) include strategies that engage youth and young adults (including youth and young adults working in full-time or part-time youth service or conservation corps programs) to provide the youth and young adults with opportunities for meaningful conservation and community service, and to encourage opportunities for employment in the private sector through partnerships with employers;

(9) take into consideration research and information contained in, and coordinate with and integrate the goals and measures identified in, as appropriate, other fish, wildlife, aquatic and terrestrial ecosystems, and habitat conservation strategies, including—

(A) the national fish habitat action plan;

(B) plans under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(C) the Federal, State, and local partnership known as “Partners in Flight”;

(D) federally approved coastal zone management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(E) federally approved regional fishery management plans and habitat conservation activities under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(F) the national coral reef action plan;

(G) recovery plans for threatened species and endangered species under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(H) habitat conservation plans under section 10 of that Act (16 U.S.C. 1539);

(I) other Federal and State plans for imperiled species;

(J) the United States shorebird conservation plan;

(K) the North American waterbird conservation plan;

(L) federally approved watershed plans under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(M) other State-based strategies that comprehensively implement adaptation activities to remediate the effects of climate change and ocean acidification on fish, wildlife, habitats, and aquatic and terrestrial ecosystems; and

(10) be incorporated into a revision of the comprehensive wildlife conservation strategy of a State—

(A) that has been submitted to the United States Fish and Wildlife Service; and

(B)(i) that has been approved by the Service; or

(ii) on which a decision on approval is pending.

(d) UPDATING.—Each State strategy under this section shall be updated not less frequently than once every 5 years.

**TITLE VII—RECOGNIZING EARLY ACTION**

**SEC. 701. REGULATIONS.**

Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a program, to be known as the “Early Action Program”, for distributing emission allowances to entities that emit greenhouse gas in the United States, in recognition of verified greenhouse gas emission reductions that—

(1) occurred before the date of promulgation of the regulations; and

(2) resulted from actions taken by the entities after January 1, 1994, and before the date of enactment of this Act.

**SEC. 702. ALLOCATION.**

Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate to the Early Action Program established under section 701 quantities of the emission allowances established for calendar years 2012 through 2025 pursuant to section 201(a), in accordance with the following table:

Calendar year	Percentage for allocation to Early Action Program
2012	5
2013	5
2014	5
2015	4
2016	3
2017	3
2018	1
2019	1
2020	1
2021	1
2022	1
2023	1
2024	1
2025	1.

**SEC. 703. GENERAL DISTRIBUTION.**

Not later than 4 years after the date of enactment of this Act, the Administrator shall complete distribution to entities described in section 701 of all emission allowances allocated to the Early Action Program under section 702.

**SEC. 704. DISTRIBUTION TO ENTITIES HOLDING STATE EMISSION ALLOWANCES.**

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term “eligible entity” means an entity that—

(1) is located in the United States; and

(2) as of December 31, 2011, holds emission allowances issued—

(A) by the State of California; or

(B) for the Regional Greenhouse Gas Initiative.

(b) DISTRIBUTION.—Of the quantity of emission allowances allocated for the Early Action Program under section 702, each eligible entity shall receive emission allowances sufficient to compensate the eligible entity for the cost to the eligible entity of obtaining and holding the emission allowances under subsection (a)(2).

**SEC. 705. DISTRIBUTION TO POWER PLANTS THAT REPOWERED PURSUANT TO CONSENT DECREES.**

(a) DEFINITION OF ELIGIBLE FACILITY.—In this section, the term “eligible facility” means an electricity generating facility that—

(1) is located in the United States; and

(2) repowered from coal before January 1, 2005, pursuant to a consent decree.

(b) DISTRIBUTION.—Subject to subsection (c), of the quantity of emission allowances allocated for the Early Action Program under section 702, each owner or operator of an eligible facility shall receive a quantity of emission allowances equal to the sum of—

(1) the verified quantity of metric tons of carbon dioxide the emission of which by the eligible facility was avoided as a result of the repowering, during the period beginning on the date on which the repowering began and ending on the date of enactment of this Act; and

(2) the aggregate quantity of emission allowances that, as a result of the lower annual carbon dioxide emissions resulting from the repowering, will not be distributed to the owner or operator of the facility pursuant to subtitle F of title V.

(c) LIMITATION.—Notwithstanding subsection (b), the total quantity of emission allowances distributed pursuant to this section shall not exceed 80,000,000.

**SEC. 706. DISTRIBUTION TO CARBON CAPTURE AND SEQUESTRATION PROJECTS.**

(a) DEFINITION OF ELIGIBLE PROJECT.—In this section, the term “eligible project” means a carbon capture and sequestration project associated with an anthropogenic source of carbon dioxide in the United States, the performance of which is monitored by a network developed by an international collaborative government and industry research program.

(b) DISTRIBUTION.—The regulations established pursuant to section 701 shall provide for the distribution of emission allowances to eligible projects.

(c) LIMITATION.—Notwithstanding subsection (b), the total quantity of emission allowances distributed pursuant to this section shall not exceed 25,000,000.

**TITLE VIII—EFFICIENCY AND RENEWABLE ENERGY**

**Subtitle A—Efficient Buildings**

**SEC. 801. ALLOCATION.**

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Efficient Buildings Allowance Program established pursuant to section 802.

**SEC. 802. EFFICIENT BUILDINGS ALLOWANCE PROGRAM.**

(a) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program, to be known as the “Efficient Buildings Allowance Program,” for distributing the emission allowances allocated pursuant to section 801 among owners of buildings in the United States as reward for constructing highly-efficient buildings in the United States and for increasing the efficiency of existing buildings in the United States.

(b) REQUIREMENTS.—Emission allowances shall be distributed under this section to owners of buildings in the United States based on the extent to which projects relating to the buildings of the owners result in verifiable, additional, and enforceable improvements in energy performance—

(1) in new or renovated buildings that demonstrate exemplary performance by achieving a minimum score of 75 on the benchmarking tool of the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), or an equivalent score on an established energy performance benchmarking metric selected by the Climate Change Technology Board; and

(2) in retrofitted existing buildings that demonstrate substantial improvement in the score or rating on that benchmarking tool by a minimum of 30 points, or an equivalent improvement using an established performance benchmarking metric selected by the Climate Change Technology Board.

(c) PRIORITY.—In distributing the allowances, priority shall be given to projects—

(1) completed by building owners with a proven track record of building energy performance; or

(2) that result in measurable greenhouse gas reduction benefits not encompassed within the metrics of the Energy Star program described in subsection (b)(1).

#### Subtitle B—Efficient Equipment and Appliances

##### SEC. 811. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Super-Efficient Equipment and Appliances Development Program established pursuant to section 812.

##### SEC. 812. SUPER-EFFICIENT EQUIPMENT AND APPLIANCES DEPLOYMENT PROGRAM.

(a) IN GENERAL.—The Climate Change Technology Board shall establish and administer a program, to be known as the “Super-Efficient Equipment and Appliances Deployment Program”, to distribute the emission allowances allocated pursuant to section 811 among retailers and distributors in the United States as reward for increasing the sales by the retailers and distributors of high-efficiency building equipment, high-efficiency consumer electronics, and high-efficiency household appliances through marketing strategies such as consumer rebates, with the goal of minimizing life-cycle costs for consumers and maximizing public benefit.

(b) SIZE OF INDIVIDUAL REWARDS.—The size of each reward for each product-type shall be determined by the Climate Change Technology Board, in consultation with the Administrator, the Secretary of Energy, State and utility efficiency program administrators, and national laboratories.

(c) REPORTING.—Each retailer and distributor participating in the program under this section shall be required to report to the Climate Change Technology Board, on a confidential basis for program-design purposes—

(1) the number of products sold within each product-type; and

(2) wholesale purchase-price data.

(d) COST-EFFECTIVENESS REQUIREMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COST-EFFECTIVENESS.—The term “cost-effectiveness” means a measure of aggregate savings equal to the product obtained by multiplying—

(i) the net number of highly-efficient pieces of equipment, electronics, and appliances sold by a retailer or distributor in a calendar year; by

(ii) the savings during the projected useful life, but not to exceed 10 years, of the pieces of equipment, electronics, and appliances, including the impact of any documented measures to retire low-performing devices at the time of purchase of highly-efficient substitutes.

(B) SAVINGS.—The term “savings” means megawatt-hours of electricity or million British thermal units of other fuels saved by a product, in comparison to projected energy consumption based on the efficiency performance of displaced new product sales.

(2) REQUIREMENT.—The Climate Change Technology Board shall make cost-effectiveness a top priority in distributing emission allowances pursuant to this section.

#### Subtitle C—Efficient Manufacturing

##### SEC. 821. ALLOCATION.

Not later than 330 days before the beginning of each of calendar years 2012 through

2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year, for the purpose of conducting the Efficient Manufacturing Program established pursuant to section 822.

##### SEC. 822. EFFICIENT MANUFACTURING PROGRAM.

(a) IN GENERAL.—The Climate Change Technology Board shall establish and carry out a program, to be known as the “Efficient Manufacturing Program,” to distribute the emission allowances allocated pursuant to section 821 among owners and operators of manufacturing facilities in the United States, as reward for achieving high levels of efficiency in the operations of the owners and operators.

(b) REQUIREMENTS.—The Efficient Manufacturing Program established pursuant to subsection (a) shall provide that—

(1) the rewards of emission allowances under the Program shall include rewards for use of recycled material in manufacturing; and

(2) the Climate Change Technology Board shall give priority in distributing emission allowances to entities that—

(A) document the greatest use of domestically-sourced parts and components;

(B) return to productive service existing idle manufacturing capacity;

(C) are located in States with the greatest availability of unemployed manufacturing workers;

(D) compensate workers, at a minimum, in an amount that is equal to at least 100 percent of the State average manufacturing wage, plus health insurance benefits;

(E) demonstrate a high probability of commercial success; and

(F) achieve other criteria, as the Climate Change Technology Board determines to be appropriate.

#### Subtitle D—Renewable Energy

##### SEC. 831. ALLOCATION.

(a) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate to the Climate Change Technology Board established by section 431 4 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall allocate to the Climate Change Technology Board established by section 431 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

##### SEC. 832. BONUS ALLOWANCES FOR RENEWABLE ENERGY.

(a) DEFINITION OF RENEWABLE-ENERGY SOURCE.—In this section, the term “renewable-energy source” means energy from 1 or more of the following sources:

(1) Solar energy.

(2) Wind.

(3) Geothermal energy.

(4) Incremental hydropower.

(5) Biomass.

(6) Ocean waves.

(7) Landfill gas.

(8) Livestock methane.

(9) Fuel cells powered with a renewable-energy source.

(b) BONUS ALLOWANCES.—The Climate Change Technology Board shall distribute the emission allowances allocated pursuant to section 831 among owners, operators, and developers of facilities, including distributed-energy and transmission systems, in the United States that harness a renewable-

energy source, as reward for the start-up, expansion, and operation of the facilities.

(c) ADMINISTRATION.—In distributing emission allowances pursuant to this section, the Climate Change Technology Board shall provide appropriate rewards for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers.

(d) LIMITATION.—A project may not receive a distribution of emission allowances under this section if the project—

(1) receives an award under subtitle A of title IX; or

(2) is supported under subtitle A or subtitle C of title III.

(e) REQUIREMENTS.—

(1) IN GENERAL.—A reward of allowances for construction, alteration, or repair under this subtitle shall be conditioned on a written assurance of payment, to all laborers and mechanics employed by contractors or subcontractors for that work, of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—With respect to the labor standards described in paragraph (1), the Secretary of Labor shall have the authority and functions established in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

#### TITLE IX—LOW-CARBON ELECTRICITY AND ADVANCED RESEARCH

##### Subtitle A—Low- and Zero-Carbon Electricity Technology

##### SEC. 901. DEFINITIONS.

In this subtitle:

(1) ENGINEERING INTEGRATION COSTS.—The term “engineering integration costs” includes the costs of engineering tasks relating to—

(A) redesigning manufacturing processes to begin producing qualifying components and zero- or low-carbon generation technologies;

(B) designing new tooling and equipment for production facilities that produce qualifying components and zero- or low-carbon generation technologies; and

(C) establishing or expanding manufacturing operations for qualifying components and zero- or low-carbon generation technologies.

(2) QUALIFYING COMPONENT.—The term “qualifying component” means a component that the Secretary of Energy determines to be specially designed for zero- or low-carbon generation technology.

(3) SAVINGS.—The term “savings” means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under an efficiency standard applicable to the product.

(4) ZERO- OR LOW-CARBON GENERATION.—The term “zero- or low-carbon generation” means generation of electricity by an electric generation unit that—

(A) emits no carbon dioxide into the atmosphere; and

(B) was placed into commercial service after the date of enactment of this Act.

(5) ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—The term “zero- or low-carbon generation technology” means a technology used to create zero- or low-carbon generation.

##### SEC. 902. LOW- AND ZERO-CARBON ELECTRICITY TECHNOLOGY FUND.

There is established in the Treasury of the United States a fund, to be known as the “Low- and Zero-Carbon Electricity Technology Fund”.

##### SEC. 903. AUCTIONS.

(a) FIRST PERIOD.—

(1) IN GENERAL.—For each of calendar years 2012 through 2021, the Administrator shall, in accordance with paragraph (2), auction 1.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2022 through 2030, the Administrator shall, in accordance with paragraph (2), auction 2 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) THIRD PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall, in accordance with paragraph (2), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the Low- and Zero-Carbon Electricity Technology Fund.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

#### SEC. 904. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 903, immediately on receipt of those proceeds, in the Low- and Zero-Carbon Electricity Technology Fund.

#### SEC. 905. USE OF FUNDS.

For each of calendar years 2012 through 2050, all funds deposited in the Low- and Zero-Carbon Electricity Technology Fund during the preceding calendar year pursuant to section 904 shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established by section 431 to carry out the financial incentives program established under section 906.

#### SEC. 906. FINANCIAL INCENTIVES PROGRAM.

For fiscal year 2011 and each fiscal year thereafter, the Climate Change Technology Board shall competitively award financial incentives under this subtitle in the technology categories of—

(1) the production of electricity from new zero- or low-carbon generation; and

(2) facility establishment or conversion by manufacturers and component suppliers of zero- or low-carbon generation technology.

#### SEC. 907. REQUIREMENTS.

(a) IN GENERAL.—The Climate Change Technology Board shall make awards under this section to domestic producers of new zero- or low-carbon generation, and domestic facilities and operations of manufacturers and component suppliers of zero- or low-carbon generation technology—

(1) in the case of producers of new zero- or low-carbon generation, based on the bid of each generator in terms of dollars per megawatt-hour of electricity generated; and

(2) in the case of qualifying manufacturers of zero- or low-carbon generation technology, based on the criteria described in section 909.

(b) ACCEPTANCE OF BIDS.—

(1) IN GENERAL.—In making awards under paragraphs (1) and (2) of subsection (a), the Climate Change Technology Board shall—

(A) solicit bids for reverse auction from appropriate producers and manufacturers, as determined by the Climate Change Technology Board; and

(B) award financial incentives to the producers and manufacturers that submit the lowest bids that meet the requirements established by the Climate Change Technology Board.

(2) FACTORS FOR CONVERSION.—

(A) IN GENERAL.—For the purpose of assessing bids under paragraph (1), the Climate Change Technology Board shall specify a factor for converting megawatt-hours of electricity and million British thermal units of natural gas to common units.

(B) REQUIREMENT.—The conversion factor shall be based on the relative greenhouse gas emission benefits of electricity and natural gas conservation.

#### SEC. 908. FORMS OF AWARDS.

(a) ZERO- AND LOW-CARBON GENERATORS.—

(1) IN GENERAL.—Subject to paragraph (2), an award for zero- or low-carbon generation under this subtitle shall be in the form of a contract to provide a production payment for commercial service of the generation unit in an amount equal to the product obtained by multiplying—

(A) the amount of the bid by the producer of the zero- or low-carbon generation; and

(B) the quantity of net megawatt-hours generated by the zero- or low-carbon generation unit each year during the first 10 years following the end of the calendar year of the award.

(2) COMMERCIAL SERVICE.—A producer may receive an award for a generation unit under this subsection only if the first year of commercial service of the generation unit occurs within 5 years of the end of the calendar year of the award.

(b) MANUFACTURING OF ZERO- OR LOW-CARBON GENERATION TECHNOLOGY.—

(1) IN GENERAL.—An award for the establishment of a facility or conversion costs for zero- or low-carbon generation technology shall be in an amount equal to not more than 30 percent of the cost of—

(A) establishing, reequipping, or expanding a manufacturing facility to produce—

(i) qualifying zero- or low-carbon generation technology; or

(ii) qualifying components;

(B) engineering integration costs of zero- or low-carbon generation technology and qualifying components; and

(C) property, machine tools, and other equipment acquired or constructed primarily to enable the recipient to test equipment necessary for the construction or operation of a zero- or low-carbon generation facility.

(2) MINIMUM AMOUNT.—The Climate Change Technology Board shall use not less than ¼

of the amounts made available to carry out this section to make awards to entities for the manufacturing of zero- or low-carbon generation technology.

#### SEC. 909. SELECTION CRITERIA.

(a) IN GENERAL.—In making awards under this subtitle to qualifying manufacturers of zero- or low-carbon generation technology and qualifying components, the Climate Change Technology Board shall select manufacturers that—

(1) document the greatest use of domestically-sourced parts and components;

(2) return to productive service existing idle manufacturing capacity;

(3) are located in States with the greatest availability of unemployed manufacturing workers;

(4) compensate workers in an amount that is at least 100 percent of the State average manufacturing wage, plus health insurance benefits;

(5) demonstrate a high probability of commercial success; and

(6) achieve other criteria, as the Climate Change Technology Board determines to be appropriate.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Funding for construction, alteration, or repair under this subtitle shall be conditioned on a written assurance of payment, to all laborers and mechanics employed by contractors or subcontractors for the construction, alteration, or repair, of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) AUTHORITY OF SECRETARY OF LABOR.—The Secretary of Labor shall, with respect to the labor standards described in paragraph (1), have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

#### Subtitle B—Advanced Research

#### SEC. 911. AUCTIONS.

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year to raise funds for deposit in the energy transformation acceleration fund described in section 912.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and  
(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

#### SEC. 912. DEPOSITS.

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 911, immediately on receipt of those proceeds, in an energy transformation acceleration fund in the Treasury that is administered by the Director of the Advanced Research Projects Agency of the Department of Energy.

#### SEC. 913. USE OF FUNDS.

No amounts deposited in the energy transformation acceleration fund pursuant to section 912 shall be disbursed, except pursuant to an appropriation Act.

**TITLE X—FUTURE OF COAL**

**Subtitle A—Kick-Start for Carbon Capture and Sequestration**

**SEC. 1001. CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY FUND.**

There is established in the Treasury of the United States a fund, to be known as the “Carbon Capture and Sequestration Technology Fund” (referred to in this subtitle as the “Fund”), consisting of such amounts as are deposited in the Fund under section 1003.

**SEC. 1002. AUCTIONS.**

Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2022, the Administrator shall auction, to raise funds for deposit in the Fund, 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that occurs 3 years after the calendar year during which the auction is conducted.

**SEC. 1003. DEPOSITS.**

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1002, immediately on receipt of those proceeds, in the Fund.

**SEC. 1004. USE OF FUNDS.**

(a) **EXPENDITURES FROM FUND.**—On request by the Climate Change Technology Board established by section 431 (referred to in this subtitle as the “Board”), the Secretary of the Treasury shall transfer from the Fund to the Board such amounts as the Board determines are necessary to carry out the Kick-Start Program under section 1005.

(b) **AVAILABILITY OF FUNDS.**—Funds transferred under subsection (a) shall be made available to the Board without further appropriation or fiscal year limitation.

**SEC. 1005. KICK-START PROGRAM.**

(a) **IN GENERAL.**—The Board shall use the amounts in the Fund to establish and implement a program for early deployment of carbon capture and sequestration technology in the United States (referred to in this section as the “Kick-Start Program”).

(b) **GOAL.**—The Board shall design and operate the Kick-Start Program with the goal of rapidly bringing into operation in the United States not fewer than 5 nor more than 10 commercial facilities that capture and geologically sequester carbon released when coal is used to generate electricity.

(c) **BASIS.**—The Board shall base the Kick-Start Program on the “Early Deployment Fund” recommendation contained in the final report issued by the Advanced Coal Technology Work Group of the Clean Air Act Advisory Committee of the Environmental Protection Agency and dated January 29, 2008.

(d) **COAL DIVERSITY.**—The Kick-Start Program shall ensure that a range of domestic coal types is employed in facilities receiving support under the Kick-Start Program.

(e) **PRIORITY.**—Awards of financial support under the Kick-Start Program shall be made in a manner that maximizes the avoidance or reduction of greenhouse gas emissions.

(f) **REQUIREMENTS.**—

(1) **IN GENERAL.**—As a condition of receiving funding for construction, alteration, or repair activities under the Kick-Start Program, an individual or entity shall provide, to each laborer and mechanic employed by each contractor or subcontractor for the activity, a written assurance of payment of wages at rates not less than those prevailing on the same types of work in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) **AUTHORITY OF SECRETARY OF LABOR.**—With respect to the labor standards described in paragraph (1), the Secretary of Labor shall have the authority and functions established

in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

**Subtitle B—Long-Term Carbon Capture and Sequestration Incentives**

**SEC. 1011. ALLOCATION.**

Not later than 2 years after the date of enactment of this Act, the Administrator shall—

(1) establish an account to be known as the “Bonus Allowance Account” for carbon capture and sequestration projects in the United States; and

(2) allocate to the Bonus Allowance Account quantities of the emission allowances established for calendar years 2012 through 2050 pursuant to section 201(a) in accordance with the following table:

Calendar Year	Percentage for allocation to Bonus Allowance Account
2012	3
2013	3
2014	3
2015	3
2016	3
2017	3
2018	3
2019	3
2020	3
2021	3
2022	3
2023	3
2024	3
2025	3
2026	4
2027	4
2028	4
2029	4
2030	4
2031	1
2032	1
2033	1
2034	1
2035	1
2036	1
2037	1
2038	1
2039	1
2040	1
2041	1
2042	1
2043	1
2044	1
2045	1
2046	1
2047	1
2048	1
2049	1
2050	1.

**SEC. 1012. QUALIFYING PROJECTS.**

(a) **DEFINITIONS.**—In this section:

(1) **COMMENCED.**—The term “commenced”, with respect to construction, means that an owner or operator has—

(A) obtained the necessary permits to undertake a continuous program of construction; and

(B) entered into a binding contractual obligation, with substantial financial penalties for cancellation, to undertake a program described in subparagraph (A).

(2) **CONSTRUCTION.**—The term “construction” means the fabrication, erection, or installation of the technology for a carbon capture and sequestration project.

(3) **NEW ENTRANT.**—The term “new entrant” means an electric generating unit that begins operation after the date of enactment of this Act.

(b) **ELIGIBILITY.**—To be eligible to receive emission allowances under this subtitle, a carbon capture and sequestration project shall—

(1) comply with such criteria and procedures as the Administrator may establish, including a requirement, as prescribed in subsection (c), for an annual emission performance standard for carbon dioxide emissions from any unit for which allowances are allocated;

(2) sequester, in a geological formation permitted by the Administrator for that purpose in accordance with regulations promulgated under part C of the Safe Drinking Water Act (42 U.S.C. 300h et seq.), carbon dioxide captured from any unit for which allowances are allocated;

(3) have begun operation during the period beginning on January 1, 2008, and ending on December 31, 2035; and

(4) not produce a transportation fuel that contains more than 10 kilograms of fossil-based carbon per million British thermal units, higher heat value.

(c) **EMISSION PERFORMANCE STANDARDS.**—Subject to subsection (d), a carbon capture and sequestration project shall be eligible to receive emission allowances under this subtitle only if the project achieves 1 of the following emission performance standards for limiting carbon dioxide emissions from the unit:

(1)(A) An electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment before January 1, 2016, shall—

(i) treat at least the amount of flue gas equivalent to 100 megawatts of the output of the generation unit; and

(ii) be designed to capture and sequester at least 85 percent of the carbon dioxide in that flue gas.

(B) The bonus allowance adjustment ratio under section 1013(b) shall apply only to the megawatt-hours and carbon dioxide emissions attributable to the treated share of the flue gas of the generation unit.

(2) An electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment on or after January 1, 2016, shall achieve an average annual emission rate of not more than 1,200 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(3) A new entrant electric generation unit for which construction of the unit commenced before July 1, 2018, shall achieve an average annual emission rate of not more than 800 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(4) A new entrant electric generation unit for which construction of the unit commenced on or after July 1, 2018, shall achieve an average annual emission rate of not more than 350 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(5) Any unit at a covered entity that is not an electric generation unit shall achieve an average annual emission rate that is achieved by the capture and sequestration of a minimum of 85 percent of the total carbon dioxide emissions produced by the unit.

(d) **ADJUSTMENT OF PERFORMANCE STANDARDS.**—

(1) **IN GENERAL.**—The Climate Change Technology Board may adjust the emission performance standard for a carbon capture and sequestration project described in subsection (c) for an electric generation unit that uses subbituminous coal, lignite, or petroleum coke in significant quantities.

(2) **REQUIREMENT.**—In any case described in paragraph (1), the performance standard for the project shall prescribe an annual emission rate that requires the project to achieve

an equivalent reduction from uncontrolled carbon dioxide emissions levels from the use of subbituminous coal, lignite, or petroleum coke, as compared to the emission rate that the project would have achieved if that unit had combusted only bituminous coal during the particular year.

**SEC. 1013. DISTRIBUTION.**

(a) **CALCULATION.**—

(1) **IN GENERAL.**—Subject to section 1014, for each of calendar years 2012 through 2039, the Administrator shall distribute emission allowances from the Bonus Allowance Account established under section 1011 to each qualifying project under this subtitle in a quantity equal to the product obtained by multiplying—

(A) the bonus allowance adjustment factor, as determined under subsection (b);

(B) the number of metric tons of carbon dioxide emissions avoided through capture and geological sequestration of emissions by the project, as determined in accordance with paragraph (2); and

(C) the bonus allowance rate for the applicable calendar year, as provided in the following table:

Calendar Year	Bonus Allowance Rate
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	1.9
2019	1.8
2020	1.7
2021	1.6
2022	1.3
2023	1.2
2024	1.1
2025	1
2026	0.9
2027	0.8
2028	0.7
2029	0.6
2030	0.5
2031	0.5
2032	0.5
2033	0.5
2034	0.5
2035	0.5
2036	0.5
2037	0.5
2038	0.5
2039	0.5.

(2) **AVOIDED CARBON DIOXIDE EMISSIONS.**—For the purpose of determining the number of metric tons of carbon dioxide avoided in paragraph (1)(B), the Administrator shall—

(A) in the first year, count as avoided carbon dioxide emissions the proportion of carbon dioxide emissions the owner or operator certifies as the designed level of capture for the project, subject to verification and adjustment; and

(B) in each subsequent year, count the higher of—

(i) the actual metric tons of carbon dioxide sequestered in the preceding year; or

(ii) the proportion of emissions the owner or operator certifies as the result of a modification to the designed capture level of the project, subject to verification and adjustment.

(b) **BONUS ALLOWANCE ADJUSTMENT RATIO.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Administrator shall determine the bonus allowance adjustment factor by dividing—

(A) a carbon dioxide emission rate of 350 pounds per megawatt-hour; by

(B) the annual carbon dioxide emission rate, on a pounds per megawatt-hour basis, that a qualifying project at the electric generation unit achieved during a particular year.

(2) **EXCEPTIONS.**—Notwithstanding paragraph (1), the bonus allowance adjustment factor shall—

(A) in the case of a project that qualifies under section 1012(c)(1), be equal to 1 during the first 4 years that emission allowances are distributed to the project;

(B) in the case of a project that qualifies under section 1012(c)(2), be equal to 1 during the first 4 years that emission allowances are distributed to the project;

(C) in the case of a project that qualifies under section 1012(c)(3), be equal to 1 during the first 8 years that emission allowances are distributed to the project; and

(D) not exceed 1 for any qualifying project.

(c) **NON-ELECTRIC GENERATING UNITS.**—

(1) **IN GENERAL.**—For a qualifying project other than an electric generating unit, the Administrator shall by regulation reduce the bonus allowance rates described in section 1013(a)(1)(C) so that the bonus allowance rate for the projects does not exceed the incremental capital and operating costs for carrying out sequestration of carbon dioxide from the facility.

(2) **LIMITATION.**—In distributing emission allowances under this subtitle, the Administrator shall distribute not more than 20 percent of the quantity of emission allowances in the Bonus Allowance Account for nonelectric generation units described in section 1012(c)(5).

(d) **ENHANCED OIL RECOVERY.**—For a carbon capture and sequestration project sequestering in a geological formation for purposes of enhanced oil recovery, the Administrator shall by regulation reduce the bonus allowance rates set forth in section 1013(a)(1)(C) to reflect the lower cost of the projects when compared to sequestration into geological formations solely for purposes of disposal.

**SEC. 1014. 10-YEAR LIMIT.**

A qualifying project may receive annual emission allowances under this subtitle only for—

(1) the first 10 years of operation; or

(2) if the unit covered by the qualifying project began operating before January 1, 2012, the period of calendar years 2012 through 2021.

**SEC. 1015. EXHAUSTION OF BONUS ALLOWANCE ACCOUNT.**

If, at the beginning of a calendar year, the Administrator determines that the number of emission allowances remaining in the Bonus Allowance Account established under section 1011 will be insufficient to allow the distribution in that calendar year, of the number of allowances that otherwise would be distributed under section 1013 for the calendar year, the Administrator shall, for the calendar year—

(1) distribute the remaining bonus allowances only to qualifying projects that were already qualifying projects during the preceding calendar year;

(2) distribute the remaining bonus allowances to those qualifying projects on a pro rata basis; and

(3) discontinue the program established under this subtitle as of the date on which the Bonus Allowance Account is projected to be fully used based on projects already in operation.

**Subtitle C—Legal Framework**

**SEC. 1021. NATIONAL DRINKING WATER REGULATIONS.**

(a) **IN GENERAL.**—Section 1421 of the Safe Drinking Water Act (42 U.S.C.300h) is amended—

(1) in subsection (b)(1), by striking “subsection (d)(2)” and inserting “subsection (e)(2)”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) **CARBON DIOXIDE.**—

“(1) **REGULATIONS.**—Not later than 1 year after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Administrator shall promulgate regulations establishing standards for permitting commercial-scale underground injection of carbon dioxide for the purpose of geological sequestration to address climate change.

“(2) **INCLUSIONS.**—Standards promulgated under paragraph (1) shall include requirements—

“(A)(i) to monitor and control the long-term storage of carbon dioxide;

“(ii) to avoid, to the maximum extent practicable, and quantify any release of carbon dioxide into the atmosphere; and

“(iii) to ensure protection of underground sources of drinking water, human health, and the environment;

“(B) for financial responsibility (including financial responsibility for well plugging, post-injection site care, site closure, monitoring, corrective action, and remedial care), as necessary, allowing for the use of 1 or more financial instruments, including insurance, surety bond, letter of credit, financial guarantee, or qualification as a self-insurer; and

“(C) relating to long-term care and stewardship associated with commercial-scale geological sequestration, including financial responsibility, as necessary, consistent with the degree and duration of risk associated with the geological sequestration of carbon dioxide for purposes of subparagraph (A).

“(3) **AUTHORIZATION.**—The Administrator may specify the policy or other contractual terms, conditions, or defenses that are necessary to establish evidence of financial responsibility for the purposes of this subsection.”.

(b) **CONFORMING AMENDMENT.**—Section 1447(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j-6(a)(4)) is amended by striking “section 1421(d)(2)” and inserting “section 1421(e)(2)”.

**SEC. 1022. ASSESSMENT OF GEOLOGICAL STORAGE CAPACITY FOR CARBON DIOXIDE.**

(a) **DEFINITIONS.**—In this section:

(1) **ASSESSMENT.**—The term “assessment” means the national assessment of capacity for carbon dioxide completed under subsection (f).

(2) **CAPACITY.**—The term “capacity” means the portion of a storage formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) **ENGINEERED HAZARD.**—The term “engineered hazard” includes the location and completion history of any well that could affect a storage formation or capacity.

(4) **RISK.**—The term “risk” includes any risk posed by a geomechanical, geochemical, hydrogeological, structural, or engineered hazard.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) **STORAGE FORMATION.**—The term “storage formation” means a deep saline formation, unmineable coal seam, oil or gas reservoir, or other geological formation that is capable of accommodating a volume of industrial carbon dioxide.

(b) **METHODOLOGY.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential storage formations in all States;

(2) the capacity of the potential storage formations;

(3) the injectivity of the potential storage formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and storage of industrial carbon dioxide in potential storage formations;

(5) the risk associated with the potential storage formations; and

(6) the work performed to develop the Carbon Sequestration Atlas of the United States and Canada completed by the Department of Energy in April 2006.

(c) **COORDINATION.**—

(1) **FEDERAL COORDINATION.**—

(A) **CONSULTATION.**—The Secretary shall consult with the Secretary of Energy and the Administrator regarding data sharing and the format, development of methodology, and content of the assessment to ensure the maximum usefulness and success of the assessment.

(B) **COOPERATION.**—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) **STATE COORDINATION.**—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) **EXTERNAL REVIEW AND PUBLICATION.**—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) comprised, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geosciences organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) **PERIODIC UPDATES.**—The methodology developed under this section shall be updated periodically (including not less frequently than once every 5 years) to incorporate new data as the data becomes available.

(f) **NATIONAL ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of publication of the methodology under subsection (d)(3), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of the capacity for carbon dioxide storage in accordance with the methodology.

(2) **GEOLOGICAL VERIFICATION.**—As part of the assessment, the Secretary shall carry out a characterization program to supplement the geological data relevant to determining storage capacity in carbon dioxide in geological storage formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) **PARTNERSHIP WITH OTHER DRILLING PROGRAMS.**—As part of the drilling characterization under paragraph (2), the Secretary shall enter into partnerships, as appropriate, with other entities to collect and integrate data from other drilling programs relevant to the

storage of carbon dioxide in geological formations.

(4) **INCORPORATION INTO NATCARB.**—

(A) **IN GENERAL.**—On completion of the assessment, the Secretary shall incorporate the results of the assessment using, to the maximum extent practicable—

(i) the NatCarb database of the National Energy Technology Laboratory of the Department of Energy; or

(ii) a new database developed by the Secretary, as the Secretary determines to be necessary.

(B) **RANKING.**—The database shall include the data necessary to rank potential storage sites—

(i) for capacity and risk;

(ii) across the United States;

(iii) within each State;

(iv) by formation; and

(v) within each basin.

(5) **REPORT.**—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the results of the assessment.

(6) **PERIODIC UPDATES.**—The assessment shall be updated periodically (including not less frequently than once every 5 years) as necessary to support public and private sector decisionmaking, as determined by the Secretary.

**SEC. 1023. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION AND OPERATION OF PIPELINES AND GEOLOGICAL CARBON DIOXIDE SEQUESTRATION ACTIVITIES.**

(a) **IN GENERAL.**—The Secretary of Energy, in coordination with the Administrator, the Chairman of the Federal Energy Regulatory Commission, the Secretary of Transportation, and the Secretary of the Interior, and in consultation with representatives of industry, financial institutions, investors, owners and operators of applicable facilities, regulators, institutions of higher education, and other stakeholders, shall conduct a study to assess the feasibility of the construction of—

(1) pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; and

(2) geological carbon dioxide sequestration facilities.

(b) **SCOPE.**—The study shall consider—

(1) any barrier or potential barrier in existence as of the date of enactment of this Act, including any technical, siting, financing, or regulatory barrier, relating to—

(A) the construction and operation of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) the construction and operation of facilities for the geological sequestration of carbon dioxide;

(2) any market risk (including throughput risk) relating to—

(A) the construction and operation of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery; or

(B) the construction and operation of facilities for the geological sequestration of carbon dioxide;

(3) any regulatory, financing, or siting option that, as determined by the Secretary of Energy, would—

(A) mitigate any market risk described in paragraph (2); or

(B) help ensure the construction and operation of pipelines dedicated to the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(4) the means by which to ensure the safe handling, transportation, and sequestration of carbon dioxide;

(5) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide for the purpose of sequestration or enhanced oil recovery;

(6) any other appropriate use, as determined by the Secretary of Energy, in coordination with the Administrator, the Chairman of the Federal Energy Regulatory Commission, the Secretary of Transportation, and the Secretary of the Interior;

(7) the means by which to ensure that siting is carried out in a manner that is socioeconomically just and environmentally and ecologically sound; and

(8) the findings of the task force established under section 1024, in consultation with industry, financial institutions, investors, owners and operators, regulators, academic experts, and stakeholders.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the results of the study.

**SEC. 1024. LIABILITIES FOR CLOSED GEOLOGICAL STORAGE SITES.**

(a) **ESTABLISHMENT OF TASK FORCE.**—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall establish a task force, with equal representation from the public, academic subject matter experts, and industry, to conduct a study of the statutory framework, environmental and safety considerations, and financial implications of potential Federal assumption of liabilities with respect to closed geological sites.

(b) **CHARGE OF TASK FORCE.**—At a minimum, the task force shall consider—

(1) procedures for the certification and approval of geological storage sites and projects, including siting, monitoring, and closure standards;

(2) existing statutory authority under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) to address issues relating to long-term financial responsibility and long-term liabilities; and

(3) successorship of closed geological storage sites used to sequester carbon dioxide, including possible transfer of title and liabilities from the private sector to the public sector and conditions that might be placed on such a transfer, transfer of financial responsibility to the public sector or within the private sector, and possible indemnity from long-term liabilities.

**TITLE XI—FUTURE OF TRANSPORTATION**  
**Subtitle A—Kick-Start for Clean Commercial Fleets**

**SEC. 1101. PURPOSE.**

The purpose of this subtitle is to accelerate the commercialization and diffusion of fuel-efficient medium- and heavy-duty hybrid commercial trucks, buses, and vans in the United States.

**SEC. 1102. ALLOCATION.**

Not later than 2 years after the date of enactment of this Act, the Administrator shall allocate to the program established under section 1103 0.5 percent of the aggregate quantity of emission allowances established pursuant to section 201(a) for calendar years 2012 through 2017.

**SEC. 1103. CLEAN MEDIUM- AND HEAVY-DUTY HYBRID FLEETS PROGRAM.**

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall—

(1) review and revise, as necessary, regulations promulgated under section 113; and

(2) promulgate regulations for a program for distributing emission allowances allocated pursuant to section 1102 to entities in

the United States as an immediate reward for purchase by the entities of advanced medium- and heavy-duty hybrid commercial vehicles, based on demonstrated increases in fuel efficiency.

(b) **REQUIREMENTS.**—The regulations promulgated pursuant to subsection (a) shall require that—

(1) only purchasers of commercial vehicles weighing at least 8,500 pounds are eligible for receipt of emission allowances under the program;

(2) the purchasers of qualifying vehicles are provided certainty of the magnitude and timeliness of delivery of the reward at the time at which the purchasers purchase the vehicles;

(3) rewards increase commensurately with fuel efficiency of qualifying vehicles;

(4) qualifying vehicles shall be categorized into not fewer than 3 classes of vehicle weight, in order to ensure—

(A) adequate availability of rewards for different categories of commercial vehicles; and

(B) that the rewards for heavier, more expensive vehicles are proportional to the rewards for lighter, less expensive vehicles;

(5) rewards decrease over time, in order to encourage early purchases of hybrid vehicles; and

(6) to the maximum extent practicable, all emission allowances allocated to the program shall have been distributed as rewards by not later than 5 years after the date of enactment of this Act.

**Subtitle B—Advanced Vehicle Manufacturers**  
**SEC. 1111. CLIMATE CHANGE TRANSPORTATION ENERGY TECHNOLOGY FUND.**

There is established in the Treasury of the United States a fund, to be known as the “Climate Change Transportation Energy Technology Fund” (referred to in this subtitle as the “Fund”).

**SEC. 1112. AUCTIONS.**

(a) **IN GENERAL.**—For each of calendar years 2012 through 2050, the Administrator shall, in accordance with subsection (b), auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year in order to raise funds for deposit in the Fund.

(b) **NUMBER; FREQUENCY.**—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

**SEC. 1113. DEPOSITS.**

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1112, immediately on receipt of those proceeds, into the Fund.

**SEC. 1114. USE OF FUNDS.**

For each of calendar years 2012 through 2050, all funds deposited into the Fund during the preceding year pursuant to section 1113 shall be made available, without further appropriation or fiscal year limitation, to the Climate Change Technology Board established by section 431 for making manufacturer facility conversion awards under section 1115.

**SEC. 1115. MANUFACTURER FACILITY CONVERSION PROGRAM.**

(a) **IN GENERAL.**—The Climate Change Technology Board established by section 431 shall use all amounts in the Fund to provide facility funding awards under this section to manufacturers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(b) **PERIOD OF AVAILABILITY.**—An award under subsection (a) shall apply to—

(1) facilities and equipment placed in service during the period beginning on the date of enactment of this Act and ending on December 31, 2029; and

(2) engineering integration costs incurred after the date of enactment of this Act.

(c) **CAFE REQUIREMENTS.**—The Climate Change Technology Board shall not make an award under this section to an automobile manufacturer or component supplier that, directly or through a parent, subsidiary, or affiliated entity, is not in compliance with each corporate average fuel economy standard under section 32902 of title 49, United States Code, in effect on the date of the award.

(d) **ADDITIONAL REQUIREMENTS.**—

(1) **DEFINITION OF PROSPECTIVE RECIPIENT.**—In this subsection, the term “prospective recipient” means an automobile manufacturer or component supplier (including any parent, subsidiary, or affiliated entity) that seeks to receive an award under this section.

(2) **CERTIFICATION.**—To be eligible to receive an award under this section, a prospective recipient shall certify to the Climate Change Technology Board that, for the 7-calendar year period beginning on the date of receipt of the award, the prospective recipient will maintain in the United States a number of full-time or full-time-equivalent employees that is—

(A) equal to 90 percent of the monthly average number of full-time or full-time-equivalent employees maintained by the prospective recipient for the 12-month period ending on the date of receipt of the award;

(B) sufficient to ensure that the proportion that the workforce of the prospective recipient in the United States bears to the global workforce of the prospective recipient is equal to or greater than the average monthly proportion that the workforce of the prospective recipient in the United States bears to the global workforce of the prospective recipient for the 12-month period ending on the date of receipt of the award; or

(C) sufficient to ensure that any percentage decrease in the hourly workforce of the prospective recipient in the United States is not greater than the aggregate of the percentage decrease in the market share of the prospective recipient in the United States and the increase in the productivity of the prospective recipient, calculated during the period beginning on the date of receipt of the award and ending on the date of certification under this paragraph.

(3) **RECERTIFICATION.**—Not later than 1 year after the date of receipt of an award under this section, and annually thereafter, a prospective recipient shall—

(A) recertify to the Climate Change Technology Board that, during the preceding calendar year, the prospective recipient has achieved compliance with an applicable requirement described in paragraph (2); and

(B) provide to the Climate Change Technology Board sufficient data for verification of the recertification.

(4) **REPAYMENT.**—A prospective recipient that fails to make the recertification required by paragraph (3) shall pay to the Climate Change Technology Board an amount equal to the difference between—

(A) the amount of the original award to the prospective recipient; and

(B) the product obtained by multiplying—

(i) an amount equal to 1/4 of that original amount; and

(ii) the number of years during which the prospective recipient—

(I) received an award under this section; and

(II) made the recertification required by paragraph (3).

(e) **ADMINISTRATION.**—The terms and conditions established for applicants under section 136(d)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) shall apply to prospective recipients under this section.

**Subtitle C—Cellulosic Biofuel**

**SEC. 1121. CELLULOSIC BIOFUEL PROGRAM.**

(a) **ALLOCATION.**—

(1) **FIRST PERIOD.**—Not later than 330 days before the beginning of each of calendar years 2012 and 2013, the Administrator shall allocate to the program established under subsection (b) 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) **SECOND PERIOD.**—Not later than 330 days before the beginning of each of calendar years 2014 through 2017, the Administrator shall allocate to the program established under subsection (b) 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(3) **THIRD PERIOD.**—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall allocate to the program established under subsection (b) 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) **PROGRAM.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to establish a program for distributing emission allowances allocated under subsection (a) to entities in the United States as a reward for production in the United States of fuel from cellulosic biomass grown in the United States.

(2) **REQUIREMENTS.**—The regulations promulgated pursuant to paragraph (1) shall require that emission allowances shall be distributed under the program—

(A) among a variety of feedstocks and a variety of regions of the United States;

(B) on a competitive basis for projects that have produced in the United States fuels that—

(i) meet United States fuel and emissions specifications;

(ii) help diversify domestic transportation energy supplies;

(iii) improve or maintain air, water, soil, and habitat quality and protect scarce water supplies; and

(iv) are cellulosic biofuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); and

(C) in a manner that provides priority to projects that achieve—

(i) low costs to consumers over the medium- and long-terms;

(ii) demonstrably low lifecycle greenhouse gas emissions, taking into account direct and indirect land-use changes;

(iii) high long-term technological potential, taking into consideration production volume, feedstock availability, and process efficiency;

(iv) low environmental impacts, taking into consideration air, water, and habitat quality; and

(v) fuels with the ability to serve multiple economic segments of the transportation sector, including the aviation and marine segments.



**Subtitle D—Low-Carbon Fuel Standard****SEC. 1131. FINDINGS.**

Congress finds that—

(1) oil used for transportation contributes significantly to air pollution, including greenhouse gases, water pollution, and other adverse impacts on the environment; and

(2) to reduce greenhouse gas emissions, the United States should rely increasingly on advanced, clean, low-carbon fuels for transportation.

**SEC. 1132. DEFINITIONS.**

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended—

(1) by redesignating subparagraphs (G) through (L) as subparagraphs (J) through (O), respectively;

(2) by inserting after subparagraph (F) the following:

“(G) **CULTIVATED NOXIOUS PLANT.**—The term ‘cultivated noxious plant’ means a plant that is included on—

“(i) the Federal noxious weed list maintained by the Animal and Plant Health Inspection Service; or

“(ii) any comparable State list.

“(H) **FUEL EMISSION BASELINE.**—The term ‘fuel emission baseline’ means the average lifecycle greenhouse gas emissions per unit of energy of the aggregate of all transportation fuels sold or introduced into commerce in calendar year 2005, as determined by the Administrator under paragraph (13).

“(I) **FUEL PROVIDER.**—The term ‘fuel provider’ includes, as the Administrator determines to be appropriate, any individual or entity that produces, refines, blends, or imports any transportation fuel in commerce in, or into, the United States.”; and

(3) by striking subparagraph (O) (as redesignated by paragraph (1)) and inserting the following:

“(O) **TRANSPORTATION FUEL.**—The term ‘transportation fuel’ means fuel for use in motor vehicles, nonroad vehicles, nonroad engines, or aircraft.”.

**SEC. 1133. ESTABLISHMENT.**

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

“(13) **ADVANCED CLEAN FUEL PERFORMANCE STANDARD.**—

“(A) **STANDARD.**—

“(i) **IN GENERAL.**—Not later than January 1, 2010, the Administrator shall, by regulation—

“(I) establish a methodology for use in determining the lifecycle greenhouse gas emissions per unit of energy of all transportation fuels in commerce for which the Administrator has not already established such a methodology;

“(II) determine the fuel emission baseline; and

“(III) in accordance with clause (ii), establish a requirement applicable to transportation fuel providers to reduce, on an annual average basis, the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of transportation fuel produced, refined, blended, or imported by the fuel provider to a level that is, to the maximum extent practicable—

“(aa) by not later than calendar year 2011, at least equal to or less than the fuel emission baseline;

“(bb) by not later than calendar year 2012, equivalent to the difference between the fuel emission baseline and the lifecycle greenhouse gas emissions per unit of energy reduced by the volumetric renewable fuel requirements of paragraph (2)(B);

“(cc) by not later than calendar year 2023, at least 5 percent less than the fuel emission baseline; and

“(dd) by not later than calendar year 2028, at least 10 percent less than the fuel emission baseline.

“(ii) **PREVENTION OF AIR QUALITY DETERIORATION.**—

“(I) **STUDY.**—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall complete a study to determine whether the greenhouse gas emission reductions required under clause (i)(III) will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

“(II) **CONSIDERATIONS.**—The study shall include consideration of—

“(aa) different blend levels, types of transportation fuels, and available vehicle technologies; and

“(bb) appropriate national, regional, and local air quality control measures.

“(III) **REGULATIONS.**—Not later than 3 years after the date of enactment of this paragraph, the Administrator shall—

“(aa) promulgate fuel regulations to implement appropriate measures to mitigate, to the maximum extent practicable and taking into consideration the results of the study conducted under this clause, any adverse impacts on air quality as a result of the greenhouse gas emission reductions required by this subsection; or

“(bb) make a determination that no such measures are necessary.

“(iii) **CALENDAR YEAR 2033 AND THEREAFTER.**—For calendar year 2033, and every 5 years thereafter, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall revise the applicable performance standard under clause (i)(III) to reduce, to the maximum extent practicable, the average lifecycle greenhouse gas emissions per unit of energy of the aggregate quantity of transportation fuel sold or introduced into commerce in the United States.

“(iv) **REVISION OF REGULATIONS.**—In accordance with the purposes of the Lieberman-Warner Climate Security Act of 2008, the Administrator may, as appropriate, revise the regulations promulgated under clause (i) as necessary to reflect or respond to changes in the transportation fuel market or other relevant circumstances.

“(v) **METHOD OF CALCULATION.**—In calculating the lifecycle greenhouse gas emissions of hydrogen or electricity (when used as a transportation fuel) under clause (i)(I), the Administrator shall—

“(I) include emission resulting from the production of the hydrogen or electricity; and

“(II) consider to be equivalent to the energy delivered by 1 gallon of ethanol the energy delivered by—

“(aa) 6.4 kilowatt-hours of electricity;

“(bb) 32 standard cubic feet of hydrogen; or

“(cc) 1.25 gallons of liquid hydrogen.

“(vi) **DETERMINATION OF LIFECYCLE GREENHOUSE GAS EMISSIONS.**—In carrying out this subparagraph, the Administrator shall use the best available scientific and technical information to determine the lifecycle greenhouse gas emissions per unit of energy of transportation fuels derived from—

“(I) renewable biomass;

“(II) electricity, including the entire lifecycle of the fuel;

“(III) 1 or more fossil fuels, including the entire lifecycle of the fuels; and

“(IV) hydrogen, including the entire lifecycle of the fuel.

“(vii) **EQUIVALENT EMISSIONS.**—In carrying out this subparagraph, the Administrator shall consider transportation fuel derived from cultivated noxious plants, and transportation fuel derived from biomass sources other than renewable biomass, to have emissions equivalent to the greater of—

“(I) the lifecycle greenhouse gas emissions; or

“(II) the fuel emission baseline.

“(B) **ELECTION TO PARTICIPATE.**—An electricity provider may elect to participate in the program under this subsection if the electricity provider provides and separately tracks electricity for transportation through a meter that—

“(i) measures the electricity used for transportation separately from electricity used for other purposes; and

“(ii) allows for load management and time-of-use rates.

“(C) **CREDITS.**—

“(i) **IN GENERAL.**—The regulations promulgated to carry out this paragraph shall permit fuel providers to generate credits for achieving, during a calendar year, greater reductions in lifecycle greenhouse gas emissions of the fuel provided, blended, or imported by the fuel provider than are required under subparagraph (A)(i)(III).

“(ii) **METHOD OF CALCULATION.**—The number of credits received by a fuel provider under clause (i) for a calendar year shall be the product obtained by multiplying—

“(I) the aggregate quantity of fuel produced, distributed, or imported by the fuel provider during the calendar year; and

“(II) the difference between—

“(aa) the lifecycle greenhouse gas emissions per unit of energy of that quantity of fuel; and

“(bb) the maximum lifecycle greenhouse gas emissions per unit of energy of that quantity of fuel permitted for the calendar year under subparagraph (A)(i)(III).

“(D) **COMPLIANCE.**—

“(i) **IN GENERAL.**—Each fuel provider subject to this paragraph shall demonstrate compliance with this paragraph, including, as necessary, through the use of credits banked or purchased.

“(ii) **NO LIMITATION ON TRADING OR BANKING.**—There shall be no limit on the ability of any fuel provider to trade or bank credits pursuant to this subparagraph.

“(iii) **USE OF BANKED CREDITS.**—A fuel provider may use banked credits under this subparagraph with no discount or other adjustment to the credits.

“(iv) **INABILITY TO GENERATE OR PURCHASE SUFFICIENT CREDITS.**—A fuel provider that is unable to generate or purchase sufficient credits to meet the requirements of subparagraph (A)(i)(III) may carry the compliance deficit forward, subject to the condition that the fuel provider, for the calendar year following the year for which the deficit is created—

“(I) achieves compliance with subparagraph (A)(i)(III); and

“(II) generates or purchases additional credits to offset the deficit from the preceding calendar year.

“(v) **TYPES OF CREDITS.**—To encourage innovation in transportation fuels—

“(I) only credits created in the production of transportation fuels may be used for the purpose of compliance described in clause (i); and

“(II) credits created by or in other sectors, such as manufacturing, may not be used for that purpose.

“(E) **IMPACT ON FOOD PRODUCTION.**—Not later than 18 months after the date of enactment of this paragraph, the Administrator shall evaluate and consider promulgating regulations to address any significant impacts on access to, and production of, food due to the sourcing and production of fuels used to comply with this Act.

“(F) **NO EFFECT ON STATE AUTHORITY.**—Nothing in this paragraph affects the authority of any State to establish, or to maintain in effect, any transportation fuel standard that reduces greenhouse gas emissions.”.

**TITLE XII—FEDERAL PROGRAM TO PROTECT NATURAL RESOURCES**  
**Subtitle A—Auctions**

**SEC. 1201. DEFINITIONS.**

In this subtitle:

(1) BUREAU OF LAND MANAGEMENT FUND.—The term “Bureau of Land Management Fund” means the Bureau of Land Management Emergency Firefighting Fund established by section 1211(a).

(2) FOREST SERVICE FUND.—The term “Forest Service Fund” means the Forest Service Emergency Firefighting Fund established by section 1212(a).

(3) WILDLIFE ADAPTATION FUND.—The term “Wildlife Adaptation Fund” means the National Wildlife Adaptation Fund established by section 1231(a).

**SEC. 1202. AUCTIONS.**

(a) IN GENERAL.—In accordance with subsections (b) and (c), to raise funds for deposit in the Bureau of Land Management Fund, the Forest Service Fund, and the Wildlife Adaptation Fund, for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year; and

(2) immediately on receipt of the auction proceeds—

(A) deposit in the Bureau of Land Management Fund the amount of those proceeds that is sufficient to ensure that the amount in the Bureau of Land Management Fund equals \$300,000,000;

(B) deposit in the Forest Service Fund the amount of those proceeds that is sufficient to ensure that the amount in the Forest Service Fund equals \$800,000,000; and

(C) deposit all remaining proceeds from the auctions conducted under this section in the Wildlife Adaptation Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the actions in a manner to ensure that—

(A) each auction takes place during the period beginning on the date that is 35 days after January 1 of the calendar year and ending on the date that is 60 before December 31 of the calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

Calendar Year	Percentage for auction for funds
2012	3
2013	2.5
2014	2.5
2015	2.5
2016	2.5
2017	2.5
2018	2.5
2019	2.5
2020	2.5
2021	2.5
2022	2.5
2023	3
2024	3
2025	4
2026	4
2027	4
2028	4
2029	4
2030	4
2031	4

Calendar Year	Percentage for auction for funds
2032	5
2033	5
2034	5
2035	5
2036	5
2037	5
2038	5
2039	5
2040	5
2041	5
2042	5
2043	5
2044	5
2045	5
2046	5
2047	5
2048	5
2049	5
2050	5

**Subtitle B—Funds**

**SEC. 1211. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Bureau of Land Management Emergency Firefighting Fund”, consisting of such amounts as are deposited in the Bureau of Land Management Fund under section 1202(a)(2)(A).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Bureau of Land Management Fund under section 1202(a)(2)(A) shall be—

(1) used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of the Interior (referred to in this section as the “Secretary”) for normal, non-emergency wildland fire suppression activities; and

(2) made available without further appropriation or fiscal year limitation.

(c) ACCOUNTING AND REPORTING.—

(1) ESTABLISHMENT OF SYSTEM.—In accordance with paragraph (2), not later than 3 years after the date of enactment of this Act, the Secretary shall establish an accounting and reporting system for activities carried out under this section.

(2) REQUIREMENTS OF SYSTEM.—

(A) NATIONAL FIRE PLAN.—To ensure that the accounting and reporting system established by the Secretary under paragraph (1) is compatible with each reporting procedure of the National Fire Plan, the Secretary shall establish the accounting and reporting system in accordance with the National Fire Plan.

(B) MONTHLY AND ANNUAL REPORTS.—The accounting and reporting system under paragraph (1) shall include a requirement that the Secretary submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(i) not later than the last day of each month, a report that contains a description of each expenditure made from the Bureau of Land Management Fund during the preceding month; and

(ii) not later than September 30 of each fiscal year, a report that contains a description of each expenditure made from the Bureau of Land Management Fund during the preceding fiscal year.

**SEC. 1212. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Forest Service Emergency Firefighting Fund”, consisting of such amounts as are deposited in the Forest Service Fund under section 1202(a)(2)(B).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Forest Service Fund under section 1202(a)(2)(B) shall be—

(1) used to pay for wildland fire suppression activities, the costs of which are in excess of amounts annually appropriated to the Secretary of Agriculture (referred to in this section as the “Secretary”) for normal, non-emergency wildland fire suppression activities; and

(2) made available without further appropriation or fiscal year limitation.

(c) ACCOUNTING AND REPORTING.—

(1) ESTABLISHMENT OF SYSTEM.—In accordance with paragraph (2), not later than 3 years after the date of enactment of this Act, the Secretary shall establish an accounting and reporting system for activities carried out under this section.

(2) REQUIREMENTS OF SYSTEM.—

(A) NATIONAL FIRE PLAN.—To ensure that the accounting and reporting system established by the Secretary under paragraph (1) is compatible with each reporting procedure of the National Fire Plan, the Secretary shall establish the accounting and reporting system in accordance with the National Fire Plan.

(B) MONTHLY AND ANNUAL REPORTS.—The accounting and reporting system under paragraph (1) shall include a requirement that the Secretary submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

(i) not later than the last day of each month, a report that contains a description of each expenditure made from the Forest Service Fund during the preceding month; and

(ii) not later than September 30 of each fiscal year, a report that contains a description of each expenditure made from the Forest Service Fund during the preceding fiscal year.

**Subtitle C—National Wildlife Adaptation Strategy**

**SEC. 1221. DEFINITIONS.**

In this subtitle:

(1) ADVISORY BOARD.—The term “Advisory Board” means the Science Advisory Board established by the Secretary under section 1223(a).

(2) GREAT LAKE.—The term “Great Lake” means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario;

(E) Lake Superior; and

(F) the connecting channels of those Lakes, including—

(i) the Saint Marys River;

(ii) the Saint Clair River;

(iii) the Detroit River;

(iv) the Niagara River; and

(v) the Saint Lawrence River to the Canadian border.

(3) NATIONAL STRATEGY.—The term “national strategy” means the National Wildlife Adaptation Strategy developed by the President under section 1222(a).

(4) SCIENCE CENTER.—The term “Science Center” means the Climate Change and Natural Resource Science Center established under section 1224(a).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

**SEC. 1222. NATIONAL STRATEGY.**

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the President shall develop and implement a national strategy to be known as the “National Wildlife Adaptation Strategy” to assist fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes—

(1) to become more resilient; and  
 (2) to adapt to the impacts of climate change and ocean acidification.

(b) ADMINISTRATION.—In establishing and revising the national strategy, the President shall—

(1) base the national strategy on the best available science, as provided by the Advisory Board;

(2) develop the national strategy in cooperation with—

- (A) State fish and wildlife agencies;
- (B) State coastal agencies;
- (C) State environmental agencies;
- (D) territories and possessions of the United States; and
- (E) Indian tribes;

(3) coordinate with—

- (A) the Secretary;
- (B) the Secretary of Commerce;
- (C) the Secretary of Agriculture;
- (D) the Secretary of Defense;
- (E) the Administrator; and
- (F) the head of any other appropriate Federal agency, as determined by the President;

(4) consult with—

- (A) local governments;
  - (B) conservation organizations;
  - (C) scientists; and
  - (D) any other interested stakeholder; and
- (5) provide public notice and opportunity for comment.

(c) CONTENTS.—The President shall include in the national strategy, at a minimum, prioritized goals and measures and a schedule for implementation—

(1) to identify and monitor fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes that—

(A) are particularly likely to be adversely affected by climate change and ocean acidification; and

(B) have the greatest need for protection, restoration, and conservation;

(2) to identify and monitor coastal, estuarine, marine, terrestrial, and freshwater habitats that are at the greatest risk of being damaged by climate change and ocean acidification;

(3) to assist species in adapting to the impacts of climate change and ocean acidification;

(4) to protect, acquire, maintain, and restore fish and wildlife habitat to build resilience to climate change and ocean acidification;

(5) to provide habitat linkages and corridors to facilitate fish, wildlife, and plant movement in response to climate change and ocean acidification;

(6) to restore and protect ecological processes that sustain fish, wildlife, and plant populations that are vulnerable to climate change and ocean acidification;

(7) to protect, maintain, and restore coastal, marine, and aquatic ecosystems to ensure that the ecosystems are more resilient and better able to withstand the additional stresses associated with climate change, including changes in—

- (A) hydrology;
- (B) relative sea level rise;
- (C) ocean acidification; and
- (D) water levels and temperatures of the Great Lakes;

(8) to protect ocean and coastal species from the impacts of climate change and ocean acidification;

(9) to incorporate adaptation strategies and activities to address relative sea level rise and changes in Great Lakes water levels in coastal zone planning;

(10) to protect, maintain, and restore ocean and coastal habitats to build healthy and resilient ecosystems (including through the purchase of aquatic and terrestrial ecosystems and coastal and island land);

(11) to protect, maintain, and restore floodplains to build healthy and resilient ecosystems (including through the purchase of land in floodplains);

(12) to protect, maintain, and restore aquatic and terrestrial ecosystems to ensure the long-term sustainability of the ecosystems for human and ecosystem use;

(13) to explore pollution prevention opportunities to reduce or eliminate the environmental impacts caused by climate change on aquatic and terrestrial ecosystems; and

(14) to incorporate consideration of climate change and ocean acidification, and to integrate adaptation strategies and activities for fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes, in the planning and management of Federal land and water administered by the Federal agencies that receive funding under subtitle D.

(d) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the President shall, to the maximum extent practicable—

(1) take into consideration research and information contained in—

(A) State comprehensive wildlife conservation plans;

(B) the North American Waterfowl Management Plan;

(C) the National Fish Habitat Action Plan;

(D) coastal zone management plans;

(E) reports published by the Pew Oceans Commission and the United States Commission on Ocean Policy;

(F) State or local integrated water resource management plans;

(G) watershed plans developed pursuant to section 208 or 319 of the Federal Water Pollution Control Act (33 U.S.C. 1288 and 1329);

(H) the Great Lakes Regional Collaboration Strategy; and

(I) other relevant plans; and

(2) coordinate and integrate the goals and measures identified in the national strategy with the goals and measures identified in those plans.

(e) REVISIONS.—Not later than 5 years after the date on which the national strategy is developed, and not less frequently than every 5 years thereafter, the President shall review and revise the national strategy in accordance with the procedures described in this section.

#### SEC. 1223. SCIENCE ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and appoint the members of an Advisory Board that is composed of—

(1) not fewer than 10, and not more than 20, members who—

- (A) are recommended by the President of the National Academy of Sciences;
- (B) have expertise in fish, wildlife, plant, aquatic, and coastal and marine biology, hydrology, ecology, climate change, ocean acidification, and other relevant scientific disciplines; and

(C) represent a balanced membership between Federal, State, local, and tribal representatives, universities, and conservation organizations; and

(2) each Director of the Science Center, each of whom shall be an ex officio member of the Advisory Board.

(b) DUTIES.—The Advisory Board shall—

(1) advise the President, the Directors of the Science Center, and relevant Federal agencies and departments on—

(A) the best available science regarding the impacts of climate change and ocean acidification on fish and wildlife, habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes; and

(B) scientific strategies and mechanisms for adaptation;

(2) identify and recommend priorities for ongoing research needs regarding those issues; and

(3) review the quality of the research programs carried out by the Science Center.

(c) COLLABORATION.—The Advisory Board shall collaborate with any other climate change or ecosystem research entity of any other Federal agency.

(d) PUBLIC AVAILABILITY.—The advice and recommendations of the Advisory Board shall be made available to the public.

(e) NONAPPLICABILITY OF FACIA.—The Advisory Board shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

#### SEC. 1224. CLIMATE CHANGE AND NATURAL RESOURCE SCIENCE CENTER.

(a) IN GENERAL.—The Secretary shall establish a Climate Change and Natural Resource Science Center within the Department of the Interior.

(b) FUNCTIONS.—In operating the Science Center, the Secretary, in coordination with the Secretaries of Agriculture, Commerce, and Defense, and the Administrator, and in consultation with State fish and wildlife management agencies, State coastal management agencies, territories or possessions of the United States, and Indian tribes, shall—

(1) conduct scientific research on national issues relating to the impacts of climate change on the respective authority of each Federal agency over, and mechanisms of each Federal agency for, adaptation, and avoidance and minimization of, the impacts on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes;

(2) consult with and advise Federal land, water, and natural resource management and regulatory agencies and Federal fish and wildlife agencies on—

(A) the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes; and

(B) mechanisms for addressing the impacts described in subparagraph (A);

(3) consult and, to the maximum extent practicable, collaborate with State and local agencies, territories or possessions of the United States, Indian tribes, universities, and other public and private entities regarding research, monitoring, and other efforts to address the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and associated ecological processes; and

(4) collaborate and, as appropriate, enter into contracts with Federal and non-Federal climate change research entities to ensure that the full array of ecosystem types are appropriately addressed.

#### Subtitle D—National Wildlife Adaptation Program

#### SEC. 1231. NATIONAL WILDLIFE ADAPTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “National Wildlife Adaptation Fund”, consisting of such amounts as are deposited in the Wildlife Adaptation Fund under section 1202(a)(2)(C).

(b) USE AND AVAILABILITY OF FUNDS.—Amounts deposited in the Wildlife Adaptation Fund under section 1202(a)(2)(C) shall be—

(1) used to carry out activities (including research and education activities) to assist fish and wildlife, fish and wildlife habitat, plants, aquatic and terrestrial ecosystems, and associated ecological processes in becoming more resilient, adapting to, and surviving the impacts of, climate change and ocean acidification (referred to in this subtitle as “adaptation activities”) pursuant to this subtitle; and

(2) made available without further appropriation or fiscal year limitation.

(c) **CONSISTENCY WITH NATIONAL STRATEGY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), effective beginning on the date on which the President establishes the national strategy under section 1222, funds made available under subsection (b) shall be used only for adaptation activities that are consistent with the national strategy.

(2) **INITIAL PERIOD.**—Until the date on which the President establishes the national strategy, funds made available under subsection (b) shall be used only for adaptation activities that are consistent with a workplan established by the President.

**SEC. 1232. DEPARTMENT OF THE INTERIOR.**

Of the amounts made available annually under section 1231(b)—

(1) 34 percent shall be allocated to the Secretary of the Interior for use in funding—

(A) adaptation activities carried out—

(i) under endangered species, migratory bird, and other fish and wildlife programs administered by the United States Fish and Wildlife Service;

(ii) on wildlife refuges and other public land under the jurisdiction of the United States Fish and Wildlife Service, the Bureau of Land Management, or the National Park Service;

(iii) within Federal water managed by the Bureau of Reclamation; or

(iv) to address the requirements of Federal and State natural resource agencies through coordination, dissemination, and augmentation of research regarding the impacts of climate change on fish, wildlife, and plants, the habitats of fish, wildlife, and plants, and ecological processes, and the mechanisms to adapt to, mitigate, or prevent those impacts by the Science Center within the United States Geological Survey—

(I) in coordination with the Secretaries of Agriculture, Commerce, and Defense, and the Administrator; and

(II) in consultation with State fish and wildlife management agencies, State environmental, coastal, and Great Lakes management agencies, territories or possessions of the United States, and Indian tribes;

(B) the Advisory Board; and

(C) the Science Center;

(2) 10 percent shall be allocated to the Secretary of the Interior for adaptation activities carried out under cooperative grant programs, including—

(A) the cooperative endangered species conservation fund authorized under section 6(i) of the Endangered Species Act of 1973 (16 U.S.C. 1535(i));

(B) programs under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(C) the multinational species conservation fund established under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” of title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246);

(D) the Neotropical Migratory Bird Conservation Fund established by section 9(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a));

(E) the Coastal Program of the United States Fish and Wildlife Service;

(F) the National Fish Habitat Action Plan;

(G) the Partners for Fish and Wildlife Program;

(H) the Landowner Incentive Program;

(I) the Wildlife Without Borders Program of the United States Fish and Wildlife Service; and

(J) the Park Flight Migratory Bird Program of the National Park Service; and

(3) 2 percent shall be allocated to the Secretary of the Interior and subsequently made

available to Indian tribes to carry out adaptation activities through the tribal wildlife grants program of the United States Fish and Wildlife Service.

**SEC. 1233. FOREST SERVICE.**

Of the amounts made available annually under section 1231(b), 10 percent shall be allocated to the Secretary of Agriculture for use in funding adaptation activities carried out—

(1) on National Forests and National Grasslands under the jurisdiction of the Forest Service; or

(2) pursuant to the cooperative Wings Across the Americas Program.

**SEC. 1234. ENVIRONMENTAL PROTECTION AGENCY.**

Of the amounts made available annually under section 1231(b), 12 percent shall be allocated to the Administrator for use in adaptation activities for restoring and protecting—

(1) large-scale freshwater aquatic ecosystems, including the Everglades, the Great Lakes, Flathead Lake, the Missouri River, the Mississippi River, the Colorado River, the Sacramento-San Joaquin Rivers, the Ohio River, the Columbia-Snake River System, the Apalachicola, the Chattahoochee and Flint River System, the Connecticut River, and the Yellowstone River;

(2) large-scale estuarine ecosystems, including the Chesapeake Bay, Long Island Sound, Puget Sound, the Mississippi River Delta, San Francisco Bay Delta, Narragansett Bay, and Albemarle-Pamlico Sound; and

(3) other freshwater, estuarine, coastal, and marine ecosystems, watersheds, basins, and groundwater resources identified as priorities by the Administrator (including those identified in accordance with section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330)), working in cooperation with other Federal agencies, States, local governments, scientists, and other conservation partners.

**SEC. 1235. CORPS OF ENGINEERS.**

Of the amounts made available annually under section 1231(b), 15 percent shall be allocated to the Secretary of the Army for use by the Corps of Engineers to carry out adaptation activities for protecting and restoring—

(1) large-scale freshwater aquatic ecosystems, including the ecosystems described in section 1234(1);

(2) large-scale estuarine ecosystems, including the ecosystems described in section 1234(2);

(3) other freshwater, estuarine, coastal and marine ecosystems, watersheds, basins, and groundwater resources identified as priorities by the Corps of Engineers, working in cooperation with other Federal agencies, States, local governments, scientists, and other conservation partners; and

(4) habitats or ecosystems under programs such as—

(A) the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.);

(B) project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for improvement of the environment; and

(C) the program for aquatic restoration under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

**SEC. 1236. DEPARTMENT OF COMMERCE.**

Of the amounts made available annually under section 1231(b), 17 percent shall be allocated to the Secretary of Commerce for use in funding adaptation activities to protect, maintain, and restore coastal, estuarine, Great Lakes, and marine resources, habitats, and ecosystems, including activities carried out under—

(1) the coastal and estuarine land conservation program;

(2) the community-based restoration program;

(3) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), subject to the condition that State coastal agencies shall incorporate, and the Secretary of Commerce shall approve, coastal zone management plan elements that are—

(A) consistent with the National Wildlife Adaptation Strategy developed by the President under section 1222(a), as part of a coastal zone management program established under this Act; and

(B) specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the impacts of—

(i) global warming; and

(ii) where practicable, ocean acidification;

(4) the Open Rivers Initiative;

(5) the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(8) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); and

(9) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

**SEC. 1237. NATIONAL ACADEMY OF SCIENCES REPORT.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall offer to enter into an arrangement with the National Academy of Sciences, under which the Academy shall establish a panel—

(1) to convene multiple regional scientific symposia to examine the ecological impact of climate change on imperiled species in each region of the United States; and

(2) to examine and analyze the reports, data, documents, and other information produced by the regional scientific symposia.

(b) **REPORT.**—

(1) **IN GENERAL.**—The National Academy of Sciences shall prepare and submit to the Secretary of the Interior a report that—

(A) incorporates the information produced through the symposia described in subsection (a)(1); and

(B) includes each component described in paragraph (2).

(2) **CONTENTS.**—The report under paragraph (1) shall include—

(A) an identification and assessment of the impacts of climate change and ocean acidification on imperiled species, ecosystems, and waters under the jurisdiction of the United States (including the possessions and territories of the United States);

(B) an identification and assessment of different ecological scenarios that may result from different intensities, rates, and other critical manifestations of climate change;

(C) recommendations for the responsibilities of the Federal Government, State, local, and tribal agencies, and private parties in assisting imperiled species in adapting to, and surviving the impacts of, climate change (including a recommended list of prioritized remediation actions by those agencies and parties); and

(D) other relevant ecological information.

(3) **PUBLIC AVAILABILITY.**—The report shall be made available to the public as soon as practicable after the date on which the report is completed.

(c) **USE OF REPORT BY HEADS OF CERTAIN FEDERAL AGENCIES.**—The Secretaries of Agriculture, Commerce, the Interior, and Defense, and the Administrator, shall take into account each recommendation contained in the report under subsection (b).

**TITLE XIII—INTERNATIONAL PARTNERSHIPS TO REDUCE EMISSIONS AND ADAPT TO CLIMATE CHANGE**

**Subtitle A—Promoting Fairness While Reducing Emissions**

**SEC. 1301. DEFINITIONS.**

In this subtitle:

(1) **BASELINE EMISSION LEVEL.**—

(A) **COVERED GOODS.**—With respect to a covered good of a foreign country, the term “baseline emission level” means, as determined by the Commission, the total annual greenhouse gas emissions attributed to the category of the covered good of the foreign country during calendar year 2005, based on the best available information.

(B) **COUNTRIES.**—With respect to the United States or a foreign country, the term “baseline emission level” means, as determined by the Commission, the total annual nationwide greenhouse gas emissions attributed to the country during calendar year 2005, based on the best available information.

(2) **BEST AVAILABLE INFORMATION.**—The term “best available information” means—

(A) all relevant data that are available for a particular period; and

(B) to the extent necessary—

(i) economic and engineering models;

(ii) best available information on technology performance levels; and

(iii) any other useful measure or technique for estimating the emissions from emissions activities.

(3) **COMMISSION.**—The term “Commission” means the International Climate Change Commission established by section 1304(a).

(4) **COMPARABLE ACTION.**—

(A) **IN GENERAL.**—The term “comparable action” means any greenhouse gas regulatory programs, requirements, and other measures adopted by a foreign country that, in combination, are comparable in effect to actions carried out by the United States through Federal, State, and local measures to limit greenhouse gas emissions, as determined by the Commission in accordance with subparagraph (B).

(B) **REQUIREMENTS.**—For purposes of subparagraph (A), the Commission shall make a determination on whether a foreign country has taken comparable action for a particular calendar year based on the best available information and in accordance with the following requirements:

(i) A foreign country shall be considered to have taken comparable action if the Commission determines that the percentage change in greenhouse gas emissions in the foreign country during the relevant period is equal to or greater than the percentage change in greenhouse emissions of the United States during that period.

(ii) In the case of a foreign country that is not considered to have taken comparable action under clause (i), the Commission shall take into consideration, in making a determination on comparable action for that foreign country, the extent to which, during the relevant period, the foreign country has implemented, verified, and enforced each of the following:

(I) The deployment and use of state-of-the-art technologies in industrial processes, equipment manufacturing facilities, power generation and other energy facilities, and consumer goods (such as automobiles and appliances), and implementation of other techniques or actions, that have the effect of limiting greenhouse gas emissions of the foreign country during the relevant period.

(II) Any regulatory programs, requirements, and other measures that the foreign country has implemented to limit greenhouse gas emissions during the relevant periods.

(iii) For determinations under clause (i), the Commission shall develop rules for taking into account net transfers to and from the United States and the other foreign country of greenhouse gas allowances and other emission credits.

(iv) Any determination on comparable action made by the Commission under this paragraph shall comply with applicable international agreements.

(5) **COMPLIANCE YEAR.**—The term “compliance year” means each calendar year for which the requirements of this title apply to a category of covered goods of a covered foreign country that is imported into the United States.

(6) **COVERED FOREIGN COUNTRY.**—The term “covered foreign country” means a foreign country that is included on the covered list prepared under section 1306(b)(3).

(7) **COVERED GOOD.**—The term “covered good” means a good that, as identified by the Administrator by regulation—

(A) is a primary product or manufactured item for consumption;

(B) generates, in the course of the manufacture of the good, a substantial quantity of direct greenhouse gas emissions or indirect greenhouse gas emissions; and

(C) is closely related to a good the cost of production of which in the United States is affected by a requirement of this Act.

(8) **ENTER; ENTRY.**—The terms “enter” and “entry” mean the point at which a covered good passes into, or is withdrawn from a warehouse for consumption in, the customs territory of the United States.

(9) **FOREIGN COUNTRY.**—The term “foreign country” means any country or separate customs territory other than the United States.

(10) **INDIRECT GREENHOUSE GAS EMISSIONS.**—The term “indirect greenhouse gas emissions” means greenhouse gas emissions resulting from the generation of electricity consumed in manufacturing a covered good.

(11) **INTERNATIONAL AGREEMENT.**—The term “international agreement” means any international agreement to which the United States is a party, including the Marrakesh agreement establishing the World Trade Organization, done at Marrakesh on April 15, 1994.

(12) **INTERNATIONAL RESERVE ALLOWANCE.**—The term “international reserve allowance” means an allowance (denominated in units of metric tons of carbon dioxide equivalent) that is—

(A) purchased from a special reserve of allowances pursuant to section 1306(a)(2); and

(B) used for purposes of meeting the requirements of section 1306.

(13) **MANUFACTURED ITEM FOR CONSUMPTION.**—The term “manufactured item for consumption” means any good or product—

(A) that is not a primary product;

(B) that generates, in the course of the manufacture, a substantial quantity of direct greenhouse gas emissions or indirect greenhouse gas emissions, including emissions attributable to the inclusion of a primary product in the manufactured item for consumption; and

(C) for which the Commission, in consultation with the Administrator, determines that the application of an international reserve allowance requirement under section 1306 to the particular category of goods or products is administratively feasible and necessary to achieve the purposes of this subtitle.

(14) **PERCENTAGE CHANGE IN GREENHOUSE GAS EMISSIONS.**—The term “percentage change in greenhouse gas emissions”, with respect to a country, means, as determined by the Commission, the percentage by which greenhouse gas emissions, on a nationwide basis, have decreased or increased (as the

case may be) as compared to the baseline emission level of the country, which percentage for the country shall be equal to the quotient obtained by dividing—

(A) the quantity of the decrease or increase in the total nationwide greenhouse gas emissions for the country, as compared to the baseline emission level for the country; by

(B) the baseline emission level for the country.

(15) **PRIMARY PRODUCT.**—The term “primary product” means—

(A) iron, steel, steel mill products (including pipe and tube), aluminum, cement, glass (including flat, container, and specialty glass and fiberglass), pulp, paper, chemicals, or industrial ceramics; and

(B) any other manufactured product that—

(i) is sold in bulk for purposes of further manufacture or inclusion in a finished product; and

(ii) generates, in the course of the manufacture of the product, direct greenhouse gas emissions or indirect greenhouse gas emissions that are comparable (on an emissions-per-output basis) to emissions generated in the manufacture of products by covered entities in the industrial sector.

**SEC. 1302. PURPOSES.**

The purposes of this subtitle are—

(1) to promote a strong global effort to significantly reduce greenhouse gas emissions;

(2) to ensure, to the maximum extent practicable, that greenhouse gas emissions occurring outside the United States do not undermine the objectives of the United States in addressing global climate change; and

(3) to encourage effective international action to achieve those objectives through—

(A) agreements negotiated between the United States and foreign countries; and

(B) measures carried out by the United States that comply with applicable international agreements.

**SEC. 1303. INTERNATIONAL NEGOTIATIONS.**

(a) **FINDING.**—Congress finds that the purposes described in section 1302 can be most effectively addressed and achieved through agreements negotiated between the United States and foreign countries.

(b) **NEGOTIATING OBJECTIVE.**—

(1) **STATEMENT OF POLICY.**—It is the policy of the United States to work proactively under the United Nations Framework Convention on Climate Change and, in other appropriate forums, to establish binding agreements committing all major greenhouse gas-emitting nations to contribute equitably to the reduction of global greenhouse gas emissions.

(2) **INTENT OF CONGRESS REGARDING OBJECTIVE.**—To the extent that the agreements described in subsection (a) involve measures that will affect international trade in any good or service, it is the intent of Congress that—

(A) the negotiating objective of the United States shall be to focus multilateral and bilateral international agreements on the reduction of greenhouse gas emissions to advance achievement of the purposes described in section 1302; and

(B) the United States should attempt to achieve that objective through the negotiation of international agreements that—

(i) with respect to foreign countries that are not taking comparable action, promote the adoption of regulatory programs, requirements, and other measures that are comparable in effect to the actions carried out by the United States to limit greenhouse gas emissions on a nationwide basis; and

(ii) with respect to foreign countries that are taking comparable action, promote the adoption of requirements similar in effect to the requirements of this subtitle to advance the achievement of the purposes described in section 1302.

(c) NOTIFICATION TO FOREIGN COUNTRIES.—As soon as practicable after the date of enactment of this Act, the President shall provide to each applicable foreign country a notification of the negotiating objective of United States described in subsection (b), including—

(1) a request that the foreign country take comparable action to limit the greenhouse gas emissions of the foreign country, unless that foreign country would otherwise be excluded under clause (ii) or (iii) of section 1306(b)(2)(A); and

(2) an estimate of the percentage change in greenhouse gas emissions that the United States expects to achieve annually through Federal, State, and local measures during the 10-year period beginning on January 1, 2012.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the President shall submit to Congress a report describing the progress made by the United States in achieving the negotiating objective described in subsection (b).

#### SEC. 1304. INTERNATIONAL CLIMATE CHANGE COMMISSION.

(a) ESTABLISHMENT.—There is established a commission, to be known as the “International Climate Change Commission”.

(b) ORGANIZATION.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 6 commissioners to be appointed by the President, by and with the advice and consent of the Senate.

(B) REQUIREMENTS.—Each commissioner shall—

(i) be a citizen of the United States; and

(ii) have the required qualifications for developing knowledge and expertise relating to international climate change matters, as the President determines to be necessary for performing the duties of the Commission under this subtitle.

(2) APPOINTMENT OF COMMISSIONERS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President shall appoint the commissioners to the Commission in accordance with this subsection.

(B) FAILURE TO APPOINT.—

(i) IN GENERAL.—If the President fails to appoint 1 or more commissioners by the deadline described in subparagraph (A), the International Trade Commission shall appoint the remaining commissioners by not later than 180 days after the date of enactment of this Act.

(ii) TERMINATION OF AUTHORITY.—On appointment of a commissioner by the International Trade Commission under clause (i), the authority of the President to appoint commissioners under this subsection shall terminate.

(3) POLITICAL AFFILIATION.—

(A) IN GENERAL.—Not more than 3 commissioners serving at any time shall be affiliated with the same political party.

(B) REQUIREMENT.—In appointing commissioners to the Commission, the President or the International Trade Commission, as applicable, shall alternately appoint commissioners from each political party, to the maximum extent practicable.

(4) TERM OF COMMISSIONERS; REAPPOINTMENT.—

(A) IN GENERAL.—The term of a commissioner shall be 12 years, except that the commissioner's first appointed under paragraph (2) shall be appointed to the Commission in a manner that ensures that—

(i) the term of not more than 1 commissioner shall expire during any 2-year period; and

(ii) no commissioner serves a term of more than 12 years.

(B) SERVICE UNTIL NEW APPOINTMENT.—The term of a commissioner shall continue after the expiration of the term of the commissioner until the date on which a replacement is appointed by the President and confirmed by the Senate.

(C) VACANCY.—Any commissioner appointed to fill a vacancy occurring before the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of the term.

(D) REAPPOINTMENT.—An individual who has served as a commissioner for a term of more than 7 years shall not be eligible for reappointment.

(5) CHAIRPERSON AND VICE-CHAIRPERSON.—

(A) DESIGNATION.—

(i) IN GENERAL.—The President shall designate a Chairperson and Vice Chairperson of the Commission from the commissioners that are eligible for designation under subparagraph (C).

(ii) FAILURE TO DESIGNATE.—If the President fails to designate a Chairperson under clause (i), the commissioner with the longest period of continuous service on the Commission shall serve as Chairperson.

(B) TERM OF SERVICE.—The Chairperson and Vice-Chairperson shall each serve for a term of 4 years.

(C) ELIGIBILITY REQUIREMENTS.—

(i) CHAIRPERSON.—The President may designate as Chairperson of the Commission any commissioner who—

(I) is not affiliated with the political party with which the Chairperson of the Commission for the immediately preceding year was affiliated; and

(II) except in the case of the first commissioners appointed to the Commission, has served on the Commission for not less than 1 year.

(ii) VICE-CHAIRPERSON.—The President may designate as the Vice Chairperson of the Commission any commissioner who is not affiliated with the political party with which the Chairperson is affiliated.

(6) QUORUM.—A majority of commissioners shall constitute a quorum.

(7) VOTING.—

(A) REQUIREMENT.—The Commission shall not carry out any duty or power of the Commission unless—

(i) a quorum is present at the relevant public meeting of the Commission; and

(ii) a majority of commissioners comprising the quorum, and any commissioner voting by proxy, votes to carry out the duty or function.

(B) EQUALLY DIVIDED VOTES.—With respect to a determination of the Commission regarding whether a foreign country has taken comparable action under section 1305, if the votes of the commissioners are equally divided, the foreign country shall be considered not to have taken comparable action.

(c) DUTIES.—The Commission shall—

(1) determine whether foreign countries are taking comparable action under section 1305;

(2) establish foreign country lists under section 1306(b);

(3) classify categories of goods and products as manufactured items for consumption in accordance with the requirements of section 1301(13);

(4) determine the economic adjustment ratio that applies to covered goods of covered foreign countries under section 1306(d)(4);

(5) adjust the international reserve allowance requirements pursuant to section 1307; and

(6) carry out such other activities as the Commission determines to be appropriate to implement this subtitle.

(d) POWERS.—

(1) PENALTY FOR NONCOMPLIANCE.—The Commission may impose an excess emissions

penalty on a United States importer of covered goods if that importer fails to submit the required number of international reserve allowances, as specified in section 1306, in an amount equal to the excess emissions penalty that an owner or operator of a covered entity would be required to submit for non-compliance under section 203.

(2) PROHIBITION ON IMPORTERS.—The Commission may prohibit a United States importer from entering covered goods for a period not to exceed 5 years, if the importer—

(A) fails to pay a penalty for noncompliance imposed under paragraph (1); or

(B) submits a written declaration under section 1306(c) that provides false or misleading information for the purpose of circumventing the international reserve requirements of this subtitle.

(3) DELEGATION TO BICE.—

(A) IN GENERAL.—The Commission, as appropriate, may delegate to the Bureau of Immigration and Customs Enforcement any power of the Commission under this subsection.

(B) ENFORCEMENT.—On delegation by the Commission of a power under subparagraph (A), the Bureau of Immigration and Customs Enforcement shall carry out the power in accordance with such procedures and requirements as the Commission may establish.

#### SEC. 1305. DETERMINATIONS ON COMPARABLE ACTION.

(a) IN GENERAL.—Not later than July 1, 2013, and annually thereafter, the Commission shall determine whether, and the extent to which, each foreign country that is not exempted under subsection (b) has taken comparable action to limit the greenhouse gas emissions of the foreign country, based on best available information and a comparison between actions that—

(1) the foreign country carried out during the calendar year immediately preceding the calendar year in which the Commission is making a determination under this subsection; and

(2) the United States carried out during the calendar year referred to in paragraph (1).

(b) EXEMPTION.—The Commission shall exempt from a determination under subsection (a) for a calendar year any foreign country that is placed on the excluded list pursuant to clause (ii) or (iii) of section 1306(b)(2)(A) for that calendar year.

(c) REPORTS.—The Commission shall, as expeditiously as practicable—

(1) submit to the President and Congress an annual report describing the determinations of the Commission under subsection (a) for the most recent calendar year; and

(2) publish a description of the determinations in the Federal Register.

#### SEC. 1306. INTERNATIONAL RESERVE ALLOWANCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator shall establish a program under which the Administrator shall offer for sale to United States importers international reserve allowances in accordance with this subsection.

(2) SOURCE.—International reserve allowances under paragraph (1) shall be issued from a special reserve of allowances that is separate from, and established in addition to, the quantity of allowances established pursuant to section 201(a).

(3) DATE OF SALE.—A United States importer shall be able to purchase international reserve allowances under this subsection by not later than the earliest date on which the Administrator distributes allowances under any of titles V through XI.

(4) PRICE.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, a methodology for

determining the daily price of international reserve allowances for sale under paragraph (1).

(B) REQUIREMENT.—The methodology under subparagraph (A) shall require the Administrator—

(i) not later than the date on which importers may first purchase international allowances under paragraph (3), and annually thereafter, to identify 3 leading publicly reported daily price indices for the sale of emission allowances established pursuant to section 201(a); and

(ii) for each day on which international reserve allowances are offered for sale under this subsection, to establish the price of the allowances in an amount equal to the arithmetic mean of the market clearing price for an allowance for the preceding day pursuant to section 201(a) on the indices identified under clause (i).

(5) SERIAL NUMBER.—The Administrator shall assign a unique serial number to each international reserve allowance issued under this subsection.

(6) TRADING SYSTEM.—The Administrator may establish, by regulation, a system for the sale, exchange, purchase, transfer, and banking of international reserve allowances.

(7) COVERED ENTITIES.—International reserve allowances may not be submitted by covered entities to comply with the allowance submission requirements of section 202.

(8) PROCEEDS.—Subject to appropriation, all proceeds from the sale of international reserve allowances under this subsection shall be allocated to carry out a program that the Administrator, in coordination with the Secretary of State, shall establish to mitigate negative impacts of climate change on disadvantaged communities in foreign countries.

(b) FOREIGN COUNTRY LISTS.—

(1) IN GENERAL.—Not later than January 1 of the third calendar year for which emission allowances are required to be submitted under section 202, and annually thereafter, the Commission shall develop and publish in the Federal Register 2 lists of foreign countries, in accordance with this subsection.

(2) EXCLUDED LIST.—

(A) IN GENERAL.—The Commission shall identify and publish in a list, to be known as the “excluded list” the name of—

(i) each foreign country determined by the Commission under section 1305(a) to have taken action comparable to that taken by the United States to limit the greenhouse gas emissions of the foreign country;

(ii) each foreign country identified by the United Nations as among the least-developed developing countries; and

(iii) each foreign country the share of total global greenhouse gas emissions of which is below the de minimis percentage described in subparagraph (B).

(B) DE MINIMIS PERCENTAGE.—

(i) IN GENERAL.—The de minimis percentage referred to in subparagraph (A)(iii) shall be a percentage of total global greenhouse gas emissions of not more than 0.5, as determined by the Commission, for the most recent calendar year for which emissions and other relevant data are available.

(ii) REQUIREMENT.—The Commission shall place a foreign country on the excluded list under subparagraph (A)(iii) only if the de minimis percentage is not exceeded in 2 distinct determinations of the Commission—

(I) 1 of which reflects the annual average deforestation rate during a representative period for the United States and each foreign country; and

(II) 1 of which does not reflect that annual average deforestation rate.

(3) COVERED LIST.—

(A) IN GENERAL.—The Commission shall identify and publish in a list, to be known as

the “covered list”, the name of each foreign country the covered goods of which are subject to the requirements of this section.

(B) REQUIREMENT.—The covered list shall include each foreign country that is not included on the excluded list under paragraph (2).

(c) WRITTEN DECLARATIONS.—

(1) IN GENERAL.—Effective beginning January 1, 2014, a United States importer of any covered good shall, as a condition of entry of the covered good into the United States, submit to the Administrator and the Bureau of Immigration and Customs Enforcement a written declaration with respect to the entry of such good, including a compliance statement, supporting documentation, and deposit in accordance with this subsection.

(2) COMPLIANCE STATEMENT.—A written declaration under paragraph (1) shall include a statement certifying that the applicable covered good is—

(A) subject to the international reserve allowance requirements of this section and accompanied by the appropriate supporting documentation and deposit, as required under paragraph (3); or

(B) exempted from the international reserve allowance requirements of this section and accompanied by a certification that the good was not manufactured or processed in any foreign country that is on the covered list under subsection (b)(3).

(3) DOCUMENTATION AND DEPOSIT.—If an importer cannot certify that a covered good is exempted under paragraph (2)(B), the written declaration for the covered good shall include—

(A) an identification of each foreign country in which the covered good was manufactured or processed;

(B) a brief description of the extent to which the covered good was manufactured or processed in each foreign country identified under subparagraph (A);

(C) an estimate of the number of international reserve allowances that are required for entry of the covered good into the United States under subsection (d); and

(D) at the election of the importer, the deposit of—

(i) international reserve allowances in a quantity equal to the estimated number required for entry under subparagraph (C); or

(ii) a bond, other security, or cash in an amount sufficient to cover the purchase of the estimated number of international reserve allowances under subparagraph (C).

(4) FINAL ASSESSMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of submission of the written declaration and entry of a covered good under paragraph (1), the Administrator shall make a final assessment of the international reserve allowance requirement for the covered good under this section.

(B) REQUIREMENT.—A final assessment under subparagraph (A) with respect to a covered good shall specify—

(i) the total number of international reserve allowances that are required for entry of the covered good; and

(ii) the difference between—

(I) the amount of the deposit under paragraph (3)(D); and

(II) the final assessment.

(C) RECONCILIATION.—

(i) ALLOWANCE DEPOSIT.—

(I) IN GENERAL.—The Bureau of Immigration and Customs Enforcement shall—

(aa) promptly reconcile the final assessment under subparagraph (A) with the quantity of international reserve allowances deposited under paragraph (3)(D)(i); and

(bb) provide a notification of the reconciliation to the Administrator and each affected importer.

(II) EXCESS ALLOWANCES.—If the quantity of international reserve allowances deposited under paragraph (3)(D)(i) exceed the quantity described in the final assessment, the Bureau of Immigration and Customs Enforcement shall refund the excess quantity of allowances.

(III) INSUFFICIENT ALLOWANCES.—If the quantity of international reserve allowances described in the final assessment exceeds the quantity of allowances deposited under paragraph (3)(D)(i), the applicable importer shall submit to the Administrator international reserve allowances sufficient to satisfy the final assessment by not later than 14 days after the date on which the notice under subclause (I)(bb) is provided.

(ii) BOND, SECURITY, OR CASH DEPOSIT.—

(I) IN GENERAL.—If an importer has submitted a bond, security, or cash deposit under paragraph (3)(D)(ii), the Bureau of Immigration and Customs Enforcement shall use the deposit to purchase a sufficient number of international reserve allowances, as determined in the final assessment under subparagraph (A).

(II) INSUFFICIENT DEPOSIT.—To the extent that the amount of the deposit fails to cover the purchase of sufficient international reserve allowances under subclause (I), the importer shall submit such additional allowances as are necessary to cover the shortage.

(III) EXCESS DEPOSIT.—To the extent that the amount of the deposit exceeds the price of international reserve allowances required under the final assessment, the Bureau of Immigration and Customs Enforcement shall refund to the importer the unused portion of the deposit.

(5) INCLUSION.—A written declaration required under this subsection shall include the unique serial number of each emission allowance associated with the entry of the applicable covered good.

(6) FAILURE TO DECLARE.—A covered good that is not accompanied by a written declaration that meets the requirements of this subsection shall not be permitted to enter the United States.

(7) CORRECTED DECLARATION.—

(A) IN GENERAL.—If, after making a declaration required under this subsection, an importer has reason to believe that the declaration contains information that is not correct, the importer shall provide a corrected declaration by not later than 30 days after the date of discovery of the error, in accordance with subparagraph (B).

(B) METHOD.—A corrected declaration under subparagraph (A) shall be in the form of a letter or other written statement to the Administrator and the office of the Bureau of Immigration and Customs Enforcement to which the original declaration was submitted.

(d) QUANTITY OF ALLOWANCES REQUIRED.—

(1) METHODOLOGY.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, a method for calculating the required number of international reserve allowances that a United States importer is required to submit, together with a written declaration under subsection (c), for each category of covered goods of each covered foreign country.

(B) REQUIREMENTS.—The method shall—

(i) apply to covered goods that are manufactured and processed entirely in a single covered foreign country; and

(ii) require submission for a compliance year of the quantity of international reserve allowances described in paragraph (2) for calculating the international reserve allowance requirement on a per-unit basis for each category of covered goods that are entered into the United States from that covered foreign country during each compliance year.

(2) GENERAL FORMULA.—The quantity of international reserve allowances required to be submitted for a compliance year referred to in paragraph (1) shall be the product obtained by multiplying—

(A) the national greenhouse gas intensity rate for each category of covered goods of each covered foreign country for the compliance year, as determined by the Administrator under paragraph (3);

(B) the allowance adjustment factor for the industry sector of the covered foreign country that manufactured the covered goods entered into the United States, as determined by the Administrator under paragraph (4); and

(C) the economic adjustment ratio for the covered foreign country, as determined by the Commission under paragraph (5).

(3) NATIONAL GREENHOUSE GAS INTENSITY RATE.—The national greenhouse gas intensity rate for a covered foreign country under paragraph (2)(A), on a per-unit basis, shall be the quotient obtained by dividing—

(A) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions that are attributable to a category of covered goods of a covered foreign country during the most recent calendar year (as adjusted to exclude those emissions that would not be subject to the allowance submission requirements of section 202 for the category of covered goods if manufactured in the United States); by

(B) total number of units of the covered good that are produced in the covered foreign country during that calendar year.

(4) ALLOWANCE ADJUSTMENT FACTOR.—

(A) GENERAL FORMULA.—The allowance adjustment factor for a covered foreign country under paragraph (2)(B) shall be equal to 1 minus the ratio that—

(i) the number of allowances, as determined by the Administrator under subparagraph (B), that an industry sector of the covered foreign country would have received at no cost if the allowances were allocated in the same manner in which allowances are allocated at no cost under titles V through XI to that industry sector of the United States; bears to

(ii) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions that are attributable to a category of covered goods of a covered foreign country during a particular compliance year.

(B) ALLOWANCES ALLOCATED AT NO COST.—For purposes of subparagraph (A)(i), the number of allowances that would have been allocated at no cost to an industry sector of a covered foreign country shall be equal to the product obtained by multiplying—

(i) the baseline emission level that the Commission has attributed to a category of covered goods of the covered foreign country; and

(ii) the ratio that—

(I) the quantity of allowances that are allocated at no cost under titles V through XI to entities in the industry sector that manufactures the covered goods for the compliance year during which the covered goods were entered into the United States; bears to

(II) the total quantity of direct greenhouse gas emissions and indirect greenhouse gas emissions of that sector during the same compliance year.

(5) ECONOMIC ADJUSTMENT RATIO.—The economic adjustment ratio for a covered foreign country under paragraph (2)(C) shall be 1, except in any case in which the Commission determines to decrease the ratio in order to account for the extent to which, during the relevant period, the foreign country has implemented, verified, and enforced each of the following:

(A) The deployment and use of state-of-the-art technologies in industrial processes,

equipment manufacturing facilities, power generation and other energy facilities, consumer goods (such as automobiles and appliances) and other techniques or actions that limit the greenhouse gas emissions of the covered foreign country during the relevant period.

(B) Any regulatory programs, requirements, and other measures that the foreign country has implemented to limit greenhouse gas emissions during the relevant period.

(6) ANNUAL CALCULATION.—The Administrator shall—

(A) calculate the international reserve allowance requirements for each compliance year based on the best available information; and

(B) annually revise the applicable international reserve allowance requirements to reflect changes in the variables of the formulas described in this subsection.

(7) PUBLICATION.—Not later than 90 days before the beginning of each compliance year, the Administrator shall publish in the Federal Register a schedule describing the required number of international reserve allowances for each category of imported covered goods of each covered foreign country, as calculated under this subsection.

(8) COVERED GOODS FROM MULTIPLE COUNTRIES.—

(A) IN GENERAL.—The Administrator shall establish, by regulation, procedures for determining the number of the international reserve allowances that a United States importer is required to submit under this section for a category of covered goods that are—

(i) primary products; and

(ii) manufactured or processed in more than 1 foreign country.

(B) REQUIREMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the procedures established under subparagraph (A) shall require an importer—

(I) to determine, for each covered foreign country listed in the written declaration of the importer under subsection (c)(2)(B), the number of international reserve allowances required under this subsection for the category of covered goods manufactured and processed entirely in that covered foreign country for the compliance year; and

(II) of the international reserve allowance requirements applicable to each relevant covered foreign country, to apply the requirement that requires the highest number of international reserve allowances for the category of covered goods.

(C) EXCEPTION.—

(i) IN GENERAL.—The requirements of clause (i) shall not apply if, on request by an importer, the Administrator applies an alternate method for establishing the requirement.

(ii) REQUIREMENT FOR APPLICATION.—The Administrator shall apply an alternate method for establishing a requirement under clause (i) only if the applicable importer demonstrates in an administrative hearing by a preponderance of evidence that the alternate method will establish an international reserve allowance requirement that is more representative than the requirement that would otherwise apply under clause (i).

(D) ADMINISTRATIVE HEARING.—The Administrator shall establish procedures for administrative hearings under subparagraph (C)(ii) to ensure that—

(i) all evidence submitted by an importer will be subject to verification by the Administrator;

(ii) domestic manufactures of the category of covered goods subject to the administrative hearing will have an opportunity to review and comment on evidence submitted by the importer; and

(iii) appropriate penalties will be assessed in cases in which the importer has submitted information that is false or misleading.

(e) FOREIGN ALLOWANCES AND CREDITS.—

(1) FOREIGN ALLOWANCES.—

(A) IN GENERAL.—A United States importer may submit, in lieu of an international reserve allowance issued under this section, a foreign allowance or similar compliance instrument distributed by a foreign country pursuant to a cap-and-trade program that constitutes comparable action.

(B) COMMENSURATE CAP-AND-TRADE PROGRAM.—For purposes of subparagraph (A), a cap-and-trade program that constitutes comparable action shall include any greenhouse gas regulatory program adopted by a covered foreign country to limit the greenhouse gas emissions of the covered foreign country, if the Administrator certifies that the program—

(i)(I) places a quantitative limitation on the total quantity of greenhouse gas emissions of the covered foreign country (expressed in terms of tons emitted per calendar year); and

(II) achieves that limitation through an allowance trading system;

(ii) satisfies such criteria as the Administrator may establish for requirements relating to the enforceability of the cap-and-trade program, including requirements for monitoring, reporting, verification procedures, and allowance tracking; and

(iii) is a comparable action.

(2) FOREIGN CREDITS.—

(A) IN GENERAL.—A United States importer may submit, in lieu of an international reserve allowance issued under this section, an international offset that the Administrator has authorized for use under subtitle B of title III or subtitle B of this title.

(B) APPLICATION.—The limitation on the use of international reserve allowances by covered entities under subsection (a)(7) shall not apply to a United States importer for purposes of this paragraph.

(f) RETIREMENT OF ALLOWANCES.—The Administrator shall retire each international reserve allowance, foreign allowance, and international offset submitted to achieve compliance with this section.

(g) TERMINATION.—The international reserve allowance requirements of this section shall cease to apply to a covered good of a covered foreign country if the Commission places the covered foreign country on the excluded list under subsection (b)(2).

(h) FINAL REGULATIONS.—Not later than January 1, 2013, the Administrator, in consultation with the Commission, shall promulgate such regulations as the Administrator determines to be necessary to carry out this section.

#### SEC. 1307. ADJUSTMENT OF INTERNATIONAL RESERVE ALLOWANCE REQUIREMENTS.

(a) IN GENERAL.—Not later than January 1, 2017, and annually thereafter, the Commission shall prepare and submit to the President and Congress a report that assesses the effectiveness of the international reserve allowance requirements under section 1306 with respect to—

(1) covered goods entered into the United States from each foreign country included on the covered list under section 1306(b)(3); and

(2) the production of covered goods in those foreign countries that are incorporated into manufactured goods that are subsequently entered into the United States.

(b) INADEQUATE REQUIREMENTS.—If the Commission determines that an applicable international reserve allowance requirement is not adequate to achieve the purposes of this subtitle, the Commission shall include in the report under subsection (a) recommendations—



(1) to increase the stringency or otherwise improve the effectiveness of the applicable requirements in a manner that ensures compliance with all applicable international agreements;

(2) to address greenhouse gas emissions attributable to the production of manufactured items for consumption that are not subject to the international reserve allowance requirements under section 1306; or

(3) to take such other action as the Commission determines to be necessary to address greenhouse gas emissions attributable to the production of covered goods in covered foreign countries, in compliance with all applicable international agreements.

(c) **REVISED REGULATIONS.**—The Administrator, in consultation with the Commission, shall promulgate revised regulations to implement the recommended changes to improve the effectiveness of the international reserve allowance requirements under subsection (b).

(d) **EFFECTIVE DATE.**—Any revisions made pursuant to subsection (c) shall take effect on January 1 of the compliance year immediately following the date on which the revision is made.

#### **Subtitle B—International Partnerships to Reduce Deforestation and Forest Degradation**

##### **SEC. 1311. FINDINGS; PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

(1) changes in land use patterns and forest sector emissions account for approximately 20 percent of global greenhouse gas emissions;

(2) land conversion and deforestation are 2 of the largest sources of greenhouse gas emissions in the developing world, comprising approximately 40 percent of the total greenhouse gas emissions of the developing world;

(3) with sufficient data, deforestation and forest degradation rates and forest carbon stocks can be measured with an acceptable degree of uncertainty;

(4) encouraging reduced deforestation and reduced forest degradation in foreign countries could—

(A) provide critical leverage to encourage voluntary participation by developing countries in emission limitation regimes;

(B) facilitate greater overall reductions in greenhouse gas emissions than otherwise would be practicable; and

(C) substantially benefit biodiversity, conservation, and indigenous and other forest-dependent people in developing countries;

(5) in addition to forest carbon activities that can be readily measured, monitored, and verified through national-scale programs and projects, there is great value in reducing emissions and sequestering carbon through forest carbon projects in countries that lack the institutional arrangements to support national-scale accounting of forest carbon stocks; and

(6) providing emission allowances in support of projects in countries that lack fully developed institutions for national-scale accounting could help to build capacity in those countries, sequester additional carbon, and increase participation by developing countries in international climate agreements.

(b) **PURPOSE.**—The purpose of this subtitle is to reduce greenhouse gas emissions by reducing deforestation and forest degradation in foreign countries in a manner that reduces the costs imposed by this Act on covered entities in the United States.

##### **SEC. 1312. CAPACITY BUILDING PROGRAM.**

(a) **ESTABLISHMENT.**—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture,

shall promulgate regulations to establish programs under which the Administrator shall provide emission allowances allocated pursuant to subsection (b) to individuals and entities (including foreign governments) carrying out projects in foreign countries as described in sections 1313 and 1314.

(b) **ALLOCATION.**—Not later than 330 days before January 1 of each of calendar years 2012 through 2050, the Administrator shall allocate for distribution under this section 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

##### **SEC. 1313. FOREST CARBON ACTIVITIES.**

(a) **ELIGIBILITY REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations establishing eligibility requirements for the allocation of emission allowances under this subsection for forest carbon activities directed at sequestration of carbon through restoration of forests and degraded land, afforestation, and improved forest management in countries other than the United States, including requirements that those activities shall be—

(A) carried out and managed in accordance with widely-accepted environmentally sustainable forestry practices; and

(B) designed—

(i) to promote native species and restoration of native forests, where practicable;

(ii) to avoid the introduction of invasive nonnative species;

(iii) so as not to adversely impact or undermine the rights (including internationally recognized rights) of indigenous and other forest-dependent individuals residing in the affected areas; and

(iv) in a manner that ensures that local communities—

(I) are provided the right of free, prior, informed consent regarding projects or other activities;

(II) are able to share equitably in profits or other benefits of the activities; and

(III) receive fair compensation for any damages resulting from the activities.

(2) **QUALITY CRITERIA FOR FOREST CARBON ALLOCATIONS.**—The regulations promulgated pursuant to paragraph (1) shall include requirements to ensure that the emission reductions or sequestrations of a forest carbon activity that receives emission allowances under this section are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage.

(b) **PEATLAND AND OTHER NATURAL LAND THAT SEQUESTER CARBON.**—The Administrator may provide emission allowances under this section for a project for storage of carbon in peatland or other natural land if the Administrator—

(1) determines that—

(A) the peatland or other natural land is capable of storing carbon; and

(B) the project for storage of carbon in the peatland or other natural land is capable of meeting the quality criteria described in subsection (a); and

(2) provides notice and an opportunity for public comment regarding the project.

(c) **RECOGNITION OF FOREST CARBON ACTIVITIES.**—With respect to foreign countries other than the foreign countries described in subsection (a) or (b), the Administrator—

(1) shall recognize any forest carbon activities of the foreign country, subject to the quality criteria for forest carbon activities described in subsection (b); and

(2) is encouraged to identify other incentives, including economic and market-based

incentives, to encourage developing countries with largely intact native forests to protect those forests.

(d) **OTHER FOREST CARBON ACTIVITIES.**—A forest carbon activity other than a reduction in deforestation or forest degradation shall be eligible for a distribution of emission allowances under this section, subject to the eligibility requirements and quality criteria for forest carbon activities described in subsection (a) or other regulations promulgated pursuant to this Act.

##### **SEC. 1314. ESTABLISHING AND DISTRIBUTING OFFSET ALLOWANCES.**

(a) **REGULATIONS.**—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of the Interior, the Secretary of State, and the Secretary of Agriculture, shall promulgate regulations, including quality and eligibility requirements, for the distribution of offset allowances for international forest carbon activities.

(b) **QUALITY AND ELIGIBILITY REQUIREMENTS.**—The regulations promulgated pursuant to subsection (a) shall require that, in order to be approved for use under this section, offset allowances distributed for an international forest carbon activity shall meet such quality and eligibility requirements as the Administrator may establish, including a requirement that—

(1) the activity shall be designed, carried out, and managed—

(A) in accordance with widely-accepted, environmentally sustainable forestry practices;

(B) to promote native species and conservation or restoration of native forests, where practicable, and to avoid the introduction of invasive nonnative species;

(C) in a manner that does not adversely impact or undermine the rights (including internationally recognized rights) of indigenous and other forest-dependent individuals residing in affected areas; and

(D) in a manner that ensures that local communities—

(i) are provided the right of free, prior, informed consent regarding projects or other activities;

(ii) are able to share equitably in profits or other benefits of the activities; and

(iii) receive fair compensation for any damages resulting from the activities;

(2) the emission reductions or sequestrations are real, permanent, additional, verifiable, and enforceable, with reliable measuring and monitoring and appropriate accounting for leakage; and

(3) eligible offset allowances are provided only from countries on a list described in subsection (c).

(c) **LISTS.**—

(1) **IN GENERAL.**—The Administrator, in consultation with the Secretary of State, shall identify and periodically update a list of the names of countries that have—

(A) demonstrated capacity to participate in international forest carbon activities, including—

(i) sufficient historical data on changes in national forest carbon stocks;

(ii) technical capacity to monitor and measure forest carbon fluxes with an acceptable level of uncertainty; and

(iii) institutional capacity to reduce emissions from deforestation and degradation;

(B) capped greenhouse gas emissions or otherwise established a credible national baseline or emission reference scenario that is—

(i) consistent with nationally appropriate mitigation commitments or actions, taking into consideration the average annual deforestation and degradation rates of the country during a period of at least 5 years; and

(ii) projected to result in zero-net deforestation by not later than 2050; and

(C)(i) implemented an emission reduction program for the forest sector; and

(ii) demonstrated those reductions using remote sensing technology, taking into consideration relevant international standards.

(2) PERIODIC REVIEW OF NATIONAL-LEVEL REDUCTIONS IN DEFORESTATION AND DEGRADATION.—The Administrator, in consultation with the Secretary of State, shall identify and periodically update a list of the names of countries included in the list under paragraph (1) that have—

(A) achieved national-level reductions of deforestation and degradation below a historical reference scenario, taking into consideration the average annual deforestation and degradation rates of the country, and of all countries, during a period of at least 5 years; and

(B) demonstrated those reductions using remote sensing technology, taking into consideration relevant international standards.

(3) CREDITING AND ADDITIONALITY.—A verified reduction in greenhouse gas emissions from deforestation and forest degradation under a cap or resulting from a nationwide emissions reference scenario described in paragraph (1)(B) shall be—

(A) eligible for crediting; and

(B) considered to satisfy the additionality criterion.

(d) FACILITY CERTIFICATION.—The owner or operator of a covered entity that submits an offset allowance generated under this section shall certify that the offset allowance has not been retired from use in a registry of the applicable foreign country.

(e) USE.—

(1) IN GENERAL.—Subject to paragraph (3), the quantity of offset allowances distributed pursuant to this section in a calendar year shall not exceed 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(2) USE OF INTERNATIONAL ALLOWANCES.—

(A) IN GENERAL.—If the quantity of offset allowances distributed in a calendar year pursuant to this section is less than 10 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a), the Administrator shall allow the use, by covered entities during that year, of international allowances under section 322.

(B) QUANTITY.—The aggregate quantity of international allowances the use of which is permitted under subparagraph (A) for a calendar year shall be equal to the difference between—

(i) the quantity of offset allowances distributed during that calendar year pursuant to this section; and

(ii) a value equal to 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(3) CARRYOVER.—Notwithstanding paragraph (1), if the sum of the quantity of offset allowances distributed for a calendar year pursuant to this section and the quantity of international allowances permitted to be used during that year under paragraph (2)(B) is less than a value equal to 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a), the quantity of offset allowances distributed pursuant to this section for the following calendar year shall not exceed a value equal to the sum of—

(A) 10 percent of the quantity of emission allowances established for that calendar year pursuant to section 201(a); and

(B) the difference between—

(i) a value equal to the sum of—

(I) the quantity of offset allowances distributed during the preceding calendar year pursuant to this section; and

(II) the quantity of international allowances used during that year pursuant to paragraph (2); and

(ii) 10 percent of the quantity of emission allowances established for that year pursuant to section 201(a).

(f) LIMITATIONS.—

(1) MAXIMUM QUANTITY.—The Administrator shall not distribute to the government of a foreign country a quantity of offset allowances that exceeds the quantity of metric tons of carbon dioxide that have been biologically sequestered or prevented from being emitted as a result of country-wide reductions in deforestation and forest degradation by the foreign country.

(2) MAXIMUM USE.—The regulations promulgated pursuant to this section shall ensure that offset allowances are not issued for sequestration or emission reductions that have been used or will be used by any other country for compliance with a domestic or international obligation to limit or reduce greenhouse gas emissions.

(g) REVIEWS.—Not later than 3 years after the date of enactment of this Act, and 5 years thereafter, the Administrator shall conduct a review of the program under this section.

(h) DISCOUNT.—If, after the date that is 10 years after the date of enactment of this Act, the Administrator determines that foreign countries that, in the aggregate, generate greenhouse gas emissions accounting for more than 0.5 percent of global greenhouse gas emissions have not capped those emissions, established emissions reference scenarios based on historical data, or otherwise reduced total forest emissions of the foreign countries, the Administrator may apply a discount to distributions of emission allowances to those countries under this section.

#### SEC. 1315. LIMITATION ON DOUBLE COUNTING.

Notwithstanding any other provision of this Act, activities that receive credit under subtitle E of title II shall not be eligible to receive emission allowances under this subtitle.

#### SEC. 1316. EFFECT OF SUBTITLE.

Nothing in this subtitle supersedes, limits, or otherwise affects any restriction imposed by Federal law (including regulations) on any interaction between an entity located in the United States and an entity located in a foreign country.

#### Subtitle C—International Partnerships to Deploy Clean Energy Technology

##### SEC. 1321. INTERNATIONAL CLEAN ENERGY DEPLOYMENT.

(a) PURPOSE.—The purpose of this section is to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous anthropogenic interference with the climate system.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means

(A) in the Senate—

(i) the Committee on Foreign Relations;

(ii) the Committee on Finance;

(iii) the Committee on Energy and Natural Resources;

(iv) the Committee on Environment and Public Works; and

(v) the Committee on Appropriations; and

(B) in the House of Representatives—

(i) the Committee on Foreign Affairs;

(ii) the Committee on Ways and Means;

(iii) the Committee on Energy and Commerce;

(iv) the Committee on Natural Resources; and

(v) the Committee on Appropriations.

(2) ELIGIBLE COUNTRY.—The term “eligible country” means a foreign country that, as determined by the President—

(A) is not a member of the Organization for Economic Cooperation and Development; and

(B)(i) has made a binding commitment, pursuant to an international agreement to which the United States is a party, to carry out actions to produce measurable, reportable, and verifiable greenhouse gas emission mitigations; or

(ii) as certified by the President to the appropriate committees of Congress, has in force binding national policies and measures that are capable of producing measurable, reportable, and verifiable greenhouse gas emission mitigations.

(3) FUND.—The term “Fund” means the International Clean Energy Deployment Fund established by subsection (c)(1).

(4) QUALIFIED ENTITY.—The term “qualified entity” means—

(A) the national government of an eligible country;

(B) a regional or local governmental unit of an eligible country; and

(C) a nongovernmental organization or a private entity located or operating in an eligible country.

(c) INTERNATIONAL CLEAN ENERGY DEPLOYMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “International Clean Energy Deployment Fund”.

(2) AUCTIONS.—

(A) IN GENERAL.—In accordance with subparagraph (B), to raise funds for deposit in the Fund, for each of calendar years 2012 through 2017, the Administrator shall auction 0.5 percent of the emission allowances established pursuant to section 201(a) for the calendar year.

(B) NUMBER; FREQUENCY.—For each calendar year during the period described in subparagraph (A), the Administrator shall—

(i) conduct not fewer than 4 auctions; and

(ii) schedule the auctions in a manner to ensure that—

(I) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(II) the interval between each auction is of equal duration.

(C) DEPOSIT OF PROCEEDS.—As soon as practicable after conducting an auction under subparagraph (A), the Administrator shall deposit the proceeds of the auction in the Fund.

(d) USE OF FUNDS.—All amounts in the Fund shall be made available, without further appropriation or fiscal year limitation, to carry out the International Clean Energy Deployment Program established by section 114.

#### Subtitle D—International Partnerships to Adapt to Climate Change and Protect National Security

##### SEC. 1331. INTERNATIONAL CLIMATE CHANGE ADAPTATION AND NATIONAL SECURITY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “International Climate Change Adaptation and National Security Fund” (referred to in this subtitle as the “Fund”).

(b) AUCTIONS.—

(1) IN GENERAL.—In accordance with paragraph (2) and subsection (c), to raise funds for deposit in the Fund, for each of calendar years 2012 through 2050, the Administrator shall auction a certain percentage of the emission allowances established pursuant to section 201(a) for the calendar year.

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(3) DEPOSIT OF PROCEEDS.—As soon as practicable after conducting an auction under paragraph (1), the Administrator shall deposit the proceeds of the auction in the Fund.

(c) PERCENTAGE FOR AUCTION.—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (b) the percentage of emission allowances specified in the following table:

Calendar year	Percentage for auction for Fund
2012	1
2013	1
2014	1.25
2015	1.25
2016	1.25
2017	1.25
2018	2
2019	2
2020	2
2021	2
2022	3
2023	3
2024	3
2025	3
2026	4
2027	4
2028	4
2029	4
2030	4
2031	6
2032	6
2033	6
2034	6
2035	6
2036	6
2037	6
2038	6
2039	7
2040	7
2041	7
2042	7
2043	7
2044	7
2045	7
2046	7
2047	7
2048	7
2049	7
2050	7.

**SEC. 1332. INTERNATIONAL CLIMATE CHANGE ADAPTATION AND NATIONAL SECURITY PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—Not later than 2 years after the date of enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (referred to in this subtitle as the “Administrator of the Agency”) and the Administrator, shall establish within the Agency a program, to be known as the “International Climate Change Adaptation and National Security Program” (referred to in this subtitle as the “Program”).

(b) PURPOSES.—The purposes of the Program shall be—

(1) to protect the economic and national security of the United States by minimizing, averting, or increasing resilience to poten-

tially destabilizing global climate change impacts;

(2) to support the development of national and regional climate change adaptation plans in the most vulnerable developing countries, including the planning, financing, and execution of adaptation projects;

(3) to support the identification and deployment of technologies that would help the most vulnerable developing countries respond to destabilizing impacts of climate change, including appropriate low-carbon and energy-efficient technologies that help reduce greenhouse gas and black carbon emissions of those countries;

(4) to support investments, capacity-building activities, and other assistance to reduce vulnerability and promote community-level resilience relating to climate change and the impacts of climate change on the most vulnerable developing countries, including impacts such as—

- (A) water scarcity (including drought and reductions in access to safe drinking water);
- (B) reductions in agricultural productivity;
- (C) floods;
- (D) sea level rise;
- (E) shifts in agricultural zones or seasons;
- (F) shifts in biodiversity; or
- (G) other impacts that—

(i) affect economic livelihoods;

(ii) result in increases in refugees and internally displaced individuals; or

(iii) otherwise increase social, economic, political, cultural, or environmental vulnerability;

(5) to support climate change adaptation research in or for the most vulnerable developing countries; and

(6) to encourage the enhancement and diversification of agricultural, fishery, and other livelihoods, the reduction of disaster risk, and the protection and rehabilitation of natural systems in order to reduce vulnerability and provide increased resilience to climate change for local communities and livelihoods in the most vulnerable developing countries.

(c) DUTIES.—The director of the Program shall—

(1) submit to the President, the Committees on Environment and Public Works and Foreign Relations of the Senate, the Committees on Energy and Commerce and Foreign Relations of the House of Representatives, and any other relevant congressional committees with national security jurisdiction, annual reports on the economy and foreign policy that describe, with respect to the preceding calendar year—

(A) the extent to which other countries are committed to reducing greenhouse gas emissions through mandatory programs;

(B) the extent to which global climate change, through the potential negative impacts of climate change on sensitive populations and natural resources in the most vulnerable developed countries, might threaten, cause, or exacerbate political, economic, environmental, cultural, or social instability or international conflict in those regions;

(C) the ramifications of any potentially destabilizing impacts climate change might have on the economic and national security of the United States, including—

(i) the creation of refugees and internally displaced individuals;

(ii) national or international armed conflicts over water, food, land, or other resources;

(iii) loss of agricultural and other livelihoods, cultural stability, and other causes of increased poverty and economic destabilization;

(iv) decline in availability of resources needed for survival, including water;

(v) increased impact of natural disasters, including severe weather events, droughts, and flooding;

(vi) increased prevalence or virulence of climate-related diseases; and

(vii) intensified urban migration;

(D) the means by which funds derived from proceeds of auctions under section 1331 were expended to enhance the economic and national security of the United States and assist in avoiding the economically, politically, environmentally, culturally, and socially destabilizing impacts of climate change in volatile regions of the world, particularly least-developed countries; and

(E) cooperative activities carried out by the United States and foreign countries and international organizations to carry out this subtitle; and

(2) identify and make recommendations regarding the developing countries—

(A) that are most vulnerable to climate change impacts; and

(B) in which Federal assistance could have the greatest and most sustainable benefits with respect to reducing vulnerability to climate change, including in the form of deploying technologies, investments, capacity-building activities, and other types of assistance for adaptation to climate change impacts and approaches to reduce emissions of greenhouse gases in ways that could also provide community-level resilience to climate change impacts.

(d) IMPLEMENTATION OF PROGRAM.—

(1) RECOMMENDATIONS.—Amounts deposited in the Fund under section 1331(b)(3) shall be made available, without further appropriation or fiscal year limitation, to carry out—

(A) the Program; and

(B) international activities that meet the requirements described in paragraph (8).

(2) OVERSIGHT.—The Administrator of the Agency shall have oversight authority with respect to the expenditures of the Program.

(3) MOST VULNERABLE DEVELOPING COUNTRIES.—The director of the Program shall use amounts in the Fund to carry out project and programs in the most vulnerable developing countries, as determined by the Administrator of the Agency, including—

(A) least-developed countries;

(B) low-lying and other small island developing countries;

(C) developing countries with low-lying coastal, arid, and semi-arid areas or areas prone to floods, drought, and desertification; and

(D) developing countries with fragile, mountainous ecosystems.

(4) LIMITATION.—Not more than 10 percent of amounts made available to carry out this subtitle shall be spent in any single country in any calendar year.

(5) CONSULTATION WITH LOCAL COMMUNITIES AND STAKEHOLDERS.—The Administrator of the Agency shall ensure that local communities in areas in which a project is proposed to be carried out under the Program are involved in the project through—

(A) full disclosure of information;

(B) consultation with the communities and stakeholders at international, national, and local levels; and

(C) informed participation.

(6) DEVELOPMENT OBJECTIVES.—The Administrator of the Agency shall, to the maximum extent practicable, ensure that projects proposed to be carried out under the Program are carried out in accordance with broader development, poverty alleviation, or natural resource management objectives and initiatives in the countries served by the projects.

(7) INTERNATIONAL FUNDS.—

(A) IN GENERAL.—The Secretary of State may distribute not more than 60 percent of amounts made available to carry out the

Program to an international fund that meets the requirements of paragraph (8).

(B) NOTIFICATION.—Not later than 15 days before the date on which the Secretary of State distributes funds to an international fund under subparagraph (A), the Secretary of State shall submit to the appropriate congressional committees a notification of the distribution.

(8) REQUIREMENTS.—To be eligible to receive funds under paragraph (7), an international fund shall be established pursuant to the Convention (or an agreement negotiated under the Convention) that—

(A) specifies the terms and conditions under which—

(i) the United States will provide amounts to the fund; and

(ii) the international fund will distribute the amounts to recipient countries;

(B) ensures that United States assistance to the international fund and the principal and income of the fund are disbursed only for purposes that are consistent with subsection (b);

(C) requires a regular meeting of a governing body of the international fund that provides full public access and includes members representing the most vulnerable developing countries;

(D) requires that not more than 10 percent of the amounts available to the international fund shall be spent for any single country in any calendar year; and

(E) requires the international fund to prepare and make public an annual report that—

(i) identifies and recommends the developing countries—

(I) that are most vulnerable to climate change impacts; and

(II) in which assistance can have the greatest and most sustainable benefit to reducing vulnerability to climate change;

(ii) describes the process and methodology for selecting the recipients of assistance or grants from the fund;

(iii) describes specific programs and projects funded by the international fund and the extent to which the assistance is addressing the adaptation needs of the most vulnerable developing countries;

(iv) describes the performance goals for assistance under the fund and expresses those goals in an objective and quantifiable form, to the maximum extent practicable;

(v) describes the performance indicators to be used in measuring or assessing the achievement of the performance goals described in clause (iv);

(vi) provides a basis for recommendations for adjustments to assistance under this subtitle to enhance the impact of the assistance; and

(vii) describes the participation of other countries and international organizations in funding and administering the international fund.

**SEC. 1333. MONITORING AND EVALUATION OF PROGRAMS.**

(a) IN GENERAL.—The Administrator of the Agency shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this subtitle on a program-by-program basis in order to maximize the long-term sustainable developmental impact of the assistance, including the extent to which the assistance is—

(1) meeting the purposes of this subtitle in addressing the climate change adaptation needs of developing countries; and

(2) enhancing the national security of the United States.

(b) REQUIREMENTS.—In carrying out subsection (a), the Administrator of the Agency shall—

(1) in consultation with heads of government of recipient foreign countries—

(A) establish performance goals for assistance under this subtitle; and

(B) expresses those goals in an objective and quantifiable form, to the maximum extent practicable;

(2) establish performance indicators for use in assessing the achievement of the performance goals described in paragraph (1);

(3) provide a basis for recommendations for adjustments to assistance under this subtitle to enhance the impact of the assistance; and

(4) include in the report to Congress under section 1332(c)(1) a description of the results of the monitoring and evaluation of programs under this section.

(c) REVIEWS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator of the Agency, in cooperation with the National Academy of Sciences and other research and development institutions, as appropriate, shall conduct a review of—

(1) the global needs and opportunities for, and costs of, adaptation assistance in developing countries, especially least-developed developing countries;

(2) the progress of international adaptation among developing countries, including an evaluation of—

(A) the impact of expenditures by the Secretary under this subtitle; and

(B) the extent to which adaptation needs are addressed;

(3) the best practices for adapting to climate change in terms of promoting community-level resilience and social, economic, political, environmental, and cultural stability; and

(4) any guidelines or regulations established by the Administrator of the Agency to carry out this subtitle.

**TITLE XIV—REDUCING THE DEFICIT**

**SEC. 1401. DEFICIT REDUCTION FUND.**

There is established in the Treasury of the United States a fund, to be known as the “Deficit Reduction Fund”.

**SEC. 1402. AUCTIONS.**

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction, in accordance with subsections (b) and (c), a certain percentage of the emission allowances established pursuant to section 201(a) of the calendar year to raise funds for deposit in the Deficit Reduction Fund.

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and

(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.—For each of calendar years 2012 through 2050, the quantity of emission allowances auctioned pursuant to subsection (a) shall be the quantity represented by the percentages specified in the following table:

Calendar year	Percentage for auction for Deficit Reduction Fund
2012 .....	5.75
2013 .....	5.75
2014 .....	5.75
2015 .....	6.50
2016 .....	6.75
2017 .....	6.75

Calendar year	Percentage for auction for Deficit Reduction Fund
2018 .....	7.25
2019 .....	7
2020 .....	8
2021 .....	9.5
2022 .....	8.75
2023 .....	9.75
2024 .....	10.75
2025 .....	10.75
2026 .....	12.75
2027 .....	12.75
2028 .....	12.75
2029 .....	13.75
2030 .....	13.75
2031 .....	19.75
2032 .....	17.75
2033 .....	17.75
2034 .....	16.75
2035 .....	16.75
2036 .....	16.75
2037 .....	16.75
2038 .....	16.75
2039 .....	16.75
2040 .....	16.75
2041 .....	16.75
2042 .....	16.75
2043 .....	16.75
2044 .....	16.75
2045 .....	16.75
2046 .....	16.75
2047 .....	16.75
2048 .....	16.75
2049 .....	16.75
2050 .....	16.75.

**SEC. 1403. DEPOSITS.**

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1402, immediately on receipt of those proceeds, in the Deficit Reduction Fund.

**SEC. 1404. DISBURSEMENTS FROM FUND.**

No disbursement shall be made from the Deficit Reduction Fund, except pursuant to an appropriation Act.

**TITLE XV—CAPPING HYDROFLUOROCARBON EMISSIONS**

**SEC. 1501. REGULATIONS.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations establishing a program requiring reductions in hydrofluorocarbons consumed in the United States by entities that—

(1) manufacture HFCs in the United States; or

(2) import HFCs into the United States.

(b) DEFINITION OF HFC CONSUMED.—The regulations promulgated pursuant to subsection (a) shall provide that the term “HFC consumed”—

(1) means—

(A) in the case of an HFC producer, a value equal to the difference between—

(i) the sum of—

(I) the quantity of HFC produced in the United States; and

(II) the quantity of HFC imported from any source into the United States, including quantities contained in products or equipment, or acquired in the United States from another HFC producer through sale or other transaction; and

(ii) the quantity of HFC exported or transferred to another HFC producer in the United States through sale or other transaction; and

(B) in the case of an HFC importer for resale, a value equal to the difference between—

(i) the quantity of HFC imported for resale from any source into the United States; and

(ii) the quantity of HFC exported; and

(2) shall not include the consumption of any quantity of HFC that is recycled.

(c) REQUIREMENTS.—The program established under subsection (a) shall—

(1) be based on, and parallel the major regulatory structure of, the program established under this Act for requiring reductions of emissions in the United States of non-HFC greenhouse gases;

(2) provide that the compliance obligation under this section shall require the submission of HFC allowances for any HFC consumed or imported in products or equipment;

(3) provide that the compliance obligation under the program shall not be satisfied, in whole or in part, by the submission of any emission allowances or offset allowances established pursuant to titles II, III, or XIII;

(4) establish annual HFC limitations in accordance with subsection (d);

(5) take into consideration, in establishing the limitations, whether the automobile manufacturing industry will begin selling, before 2012, automobiles the air conditioning systems of which use a refrigerant with a lower global warming potential than HFCs currently in use;

(6) require the auction of—

(A) not more than 10 percent of the quantity of HFC allowances established for calendar year 2012;

(B) for each of calendar years 2013 through 2030, a percentage of the quantity of HFC allowances established for the applicable calendar year that is greater than the percentage auctioned under this section for the preceding calendar year; and

(C) 100 percent of the quantity of HFC allowances established for calendar years 2031 through 2050;

(7) for each of calendar years 2012 through 2030, require the allocation, at no charge, to entities that manufacture HFCs in the United States and import HFCs into the United States of—

(A) subject to subparagraph (B), not less than 80 percent of the HFC allowances established for the applicable calendar year and not auctioned in accordance with paragraph (6), with the allocation being based on 100 percent of the HFCs and 60 percent of the hydrochlorofluorocarbons consumed by an HFC producer or importer for resale during—

(i) a base period covering calendar years 2004 through 2006; or

(ii) as the Secretary determines to be appropriate, an extended base period covering calendar years 2004 through 2008 with respect to an HFC producer or importer for resale that commenced operation of a new manufacturing facility in the United States after 2006; and

(B) not less than 10 percent of the emission allowances established for the applicable calendar year and not auctioned to a class of entities, to be defined by the Administrator, that manufacture in the United States commercial products containing HFCs, including, at a minimum, entities that manufactured in the United States during calendar year 2005 commercial or residential air conditioning, heat pump, commercial, or residential refrigeration products or plastic foam products (including formulated systems) containing HFC or hydrochlorofluorocarbon, if the HFC or hydrochlorofluorocarbon was included in the products at the time of sale;

(8) establish a system under which—

(A) a manufacturer or importer of HFCs may reduce a compliance obligation under this section for a calendar year by demonstrating to the Administrator the quantity of HFCs the manufacturer or importer destroyed during that calendar year; and

(B) the Administrator establishes and distributes HFC allowances, on a discounted basis, to entities for destruction of chloro-

fluorocarbons or hydrochlorofluorocarbons; and

(9) require the use of all proceeds from the auction of HFC allowances under this section to support—

(A) research into commercial alternatives with lower global warming potential than HFCs currently in use;

(B) the recovery, reclamation, and destruction of HFCs;

(C) manufacturers in the United States the products of which contain HFCs to transition to manufacturing products that contain refrigerants or blowing agents with lower global warming potential than HFCs currently in use; and

(D) the promotion of energy-efficient manufactured products that contain refrigerants or blowing agents with low global warming potential.

(d) ANNUAL LIMITATIONS.—The Administrator shall establish HFC allowances for each calendar year in a manner that establishes limitations on annual consumption of HFCs pursuant to the program under this section of—

(1) for calendar year 2012, not more than 289,000,000 carbon dioxide equivalents of HFCs;

(2) for each of calendar years 2013 through 2019, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(3) for calendar year 2020, a quantity of carbon dioxide equivalents of HFCs equal to not more than the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.85;

(4) for each of calendar years 2021 through 2029, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(5) for calendar year 2030, a quantity of carbon dioxide equivalents of HFCs equal to not more than the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.55;

(6) for each of calendar years 2031 through 2036, a quantity of carbon dioxide equivalents of HFCs that is less than the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year;

(7) for each of calendar years 2037 through 2039, a quantity of carbon dioxide equivalents of HFCs that does not exceed the quantity of carbon dioxide equivalents of HFCs established for the preceding calendar year; and

(8) for each of calendar years 2040 through 2050, a quantity of carbon dioxide equivalents of HFCs that does not exceed the product obtained by multiplying—

(A) 289,000,000; and

(B) 0.30.

#### SEC. 1502. NATIONAL RECYCLING AND EMISSION REDUCTION PROGRAM.

Section 608 of the Clean Air Act (42 U.S.C. 7671g) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) DEFINITION OF HYDROFLUOROCARBON SUBSTITUTE.—In this section, the term ‘hydrofluorocarbon substitute’ means a hydrofluorocarbon—

“(1) with a global warming potential of more than 150; and

“(2) that is used in or for types of equipment, appliances, or processes that previously relied on a class I or class II substance.”;

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) in the matter following paragraph (3), by striking “Such regulations” and inserting the following:

“(5) The regulations”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3)(A) Not later than 1 year after date of enactment of the Lieberman-Warner Climate Security Act of 2008, the Administrator shall promulgate regulations establishing standards and requirements regarding the sale or distribution, or offer for sale and distribution in interstate commerce, use, and disposal of hydrofluorocarbon substitutes for class I substances and class II substances not covered by paragraph (1), including the use, recycling, and disposal of those hydrofluorocarbon substitutes during the maintenance, service, repair, or disposal of appliances and industrial process refrigeration equipment.

“(B) The standards and requirements established under subparagraph (A) shall take effect not later than 1 year after the date of promulgation of the regulations.”;

(4) in subsection (c) (as redesignated by paragraph (1))—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through “following—” and inserting the following:

“(c) SAFE DISPOSAL.—The regulations under subsection (b) shall—

“(1) establish standards and requirements for the safe disposal of class I substances and class II substances and hydrofluorocarbon substitutes for those substances; and

“(2) include each of the following:”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting “(or hydrofluorocarbon substitutes for those substances)” after “class I or class II substances”.

#### SEC. 1503. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking “Effective” and inserting the following:

“(1) IN GENERAL.—Effective”;

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in subparagraph (B) (as so redesignated), by striking “or” at the end;

(B) in subparagraph (C) (as so redesignated), by striking the period at the end and inserting “; or”;

(C) by inserting after subparagraph (C) the following:

“(D) the Administrator determines that the substance—

“(i) is used as a fire suppression agent for military, commercial aviation, industrial, space, or national security applications; and

“(ii) reduces overall risk to human health and the environment, as compared to alternative substances.”;

(4) in the second sentence, by striking “As used in” and inserting the following:

“(2) DEFINITION OF REFRIGERANT.—In”.

#### TITLE XVI—PERIODIC REPORTS AND RECOMMENDATIONS

##### SEC. 1601. NATIONAL ACADEMY OF SCIENCES REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Administrator shall offer to enter into an arrangement with the National Academy of Sciences, under which the Academy shall, by not later than January 1, 2012, and every 3 years thereafter, make public and submit to the Administrator a report in accordance with this section.

(b) **LATEST SCIENTIFIC INFORMATION.**—Each report submitted pursuant to subsection (a) shall—

(1) address recent scientific reports on climate change, including the most recent assessment by the Intergovernmental Panel on Climate Change; and

(2) include a description of—

(A) trends in, and projections for, total United States greenhouse gas emissions, including the Inventory of United States Greenhouse Gas Emissions and Sinks;

(B) trends in, and projections for, total worldwide greenhouse gas emissions;

(C) current and projected future atmospheric concentrations of greenhouse gases;

(D) current and projected future global average temperature, including an analysis of whether an increase of global average temperature in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average has occurred or is more likely than not to occur in the foreseeable future;

(E) current and projected future adverse impacts of global climate change on human populations, wildlife, and natural resources; and

(F) trends in, and projections for, the health of the oceans and ocean ecosystems, including predicted changes in ocean acidity, temperatures, extent of coral reefs, and other indicators of ocean ecosystem health, resulting from anthropogenic carbon dioxide emissions and climate change.

(c) **PERFORMANCE OF THIS ACT.**—In addition to information required to be included under subsection (b), each report submitted pursuant to subsection (a) shall include an assessment of—

(1) the extent to which this Act, in concert with other policies, will prevent a dangerous increase in global average temperature;

(2) the extent to which this Act, in concert with other policies, will prevent dangerous atmospheric concentrations of greenhouse gases;

(3) the current and future projected deployment of technologies and practices that reduce or limit greenhouse gas emissions, including—

(A) technologies for capturing, transporting, and sequestering carbon dioxide;

(B) efficiency improvement technologies;

(C) zero- and low-greenhouse gas-emitting energy technologies, including solar, wind, geothermal, and nuclear technologies; and

(D) above- and below-ground biological sequestration technologies;

(4) the extent to which this Act and other policies are accelerating the development and commercial deployment of technologies and practices that reduce and limit greenhouse gas emissions;

(5) the extent to which the allocations and distributions of emission allowances and auction proceeds under this Act are advancing the purposes of this Act;

(6) the feasibility of retiring quantities of the emission allowances established pursuant to section 201(a);

(7) the feasibility of establishing policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(8) whether the use and trading of emission allowances is resulting in increases in pollutants that are listed as criteria pollutants under section 108(a)(1) of the Clean Air Act (42 U.S.C. 7408(a)(1)), defined as toxic air pollutants in section 211(k)(10)(C) of that Act (42 U.S.C. 7545(k)(10)(C)), or listed as hazardous air pollutants in section 112(a) of that Act (42

U.S.C. 7412(a)) (referred to collectively in this title as “covered pollutants”);

(9) whether the transformation of the market and technologies deployed in response to carbon controls and reductions are resulting in increases in covered pollutants;

(10) whether the use and trading of emission allowances and the transformation of the market and technologies deployed in response to carbon controls and reductions are resulting in an increase in covered pollutants in environmental justice communities, specifically; and

(11) with respect to the offset programs established under this Act—

(A) the uncertainty and additionality of domestic offsets, international offsets, and international markets;

(B) the impacts of changing the restrictions on the market and the economic costs of the offset programs;

(C) the interaction with the cost management efforts of the Board;

(D) the impacts on deforestation in foreign countries; and

(E) the progress covered entities are making in reducing emissions from covered activities of the covered entities.

**SEC. 1602. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS.**

(a) **IN GENERAL.**—Not later than January 1, 2013, and every 3 years thereafter, the Administrator shall submit to Congress legislative recommendations based in part on the most recent report submitted by the National Academy of Sciences pursuant to section 1601.

(b) **CATEGORIES OF LEGISLATION.**—The legislative measures eligible for inclusion in the recommendations required by subsection (a) shall include measures that would—

(1) expand the definition of the term “covered entity” under this Act;

(2) expand the scope of the compliance obligation established by section 202;

(3) adjust quantities of emission allowances available in 1 or more calendar years;

(4) establish other policies for reducing greenhouse gas emissions in addition to the policies established by this Act;

(5) establish policies for reducing nationwide emissions into the atmosphere of sulfur dioxide, nitrogen oxides, and mercury in excess of the reductions resulting from the implementation of this Act; and

(6) prevent or abate any direct, indirect, or cumulative increases in covered pollutants resulting from the use and trading of emission allowances or from transformations in technologies or markets.

(c) **CONSISTENCY WITH REPORTS.**—The Administrator shall include with each submission of recommendations made pursuant to subsection (a) an explanation for each significant inconsistency between the recommendations and the reports submitted by the National Academies of Sciences pursuant to section 1601.

(d) **ONGOING EVALUATION OF IMPACTS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee that includes representatives of impacted communities to advise the Administrator on the implementation of Executive Order No. 12898 (59 Fed. Reg. 7629) in implementing this Act.

(e) **EFFECT ON OTHER AUTHORITY.**—Nothing in this title limits the authority of the Administrator, a State, or any person to use any authority under this Act or any other law to promulgate, adopt, or enforce any regulation.

**SEC. 1603. PRESIDENTIAL RECOMMENDATIONS.**

(a) **ESTABLISHMENT OF TASK FORCE.**—Not later than January 1, 2018, the President shall establish a task force, to be known as the “Interagency Climate Change Task Force”.

(b) **COMPOSITION.**—The members of the Interagency Climate Change Task Force shall be—

(1) the Administrator;

(2) the Secretary of Energy;

(3) the Secretary of the Treasury;

(4) the Secretary of Commerce; and

(5) such other Cabinet Secretaries as the President may name to the membership of the Interagency Climate Change Task Force.

(c) **CHAIRMAN.**—The Administrator shall act as Chairperson of the Interagency Climate Change Task Force.

(d) **REPORT TO PRESIDENT.**—

(1) **IN GENERAL.**—Not later than April 1, 2019, the Interagency Climate Change Task Force shall make public and submit to the President a consensus report making recommendations, including for specific legislation for the President to recommend to Congress.

(2) **BASIS.**—The report submitted pursuant to paragraph (1) shall be based on the third set of recommendations submitted by the Administrator to Congress under section 1602.

(3) **INCLUSIONS.**—The Interagency Climate Change Task Force shall include with the consensus report an explanation for each significant inconsistency between the consensus report and the third set of recommendations submitted by the Administrator to Congress pursuant to section 1602.

(e) **PRESIDENTIAL RECOMMENDATION TO CONGRESS.**—Not later than July 1, 2020, the President shall submit to Congress the text of a proposed Act based upon the consensus report submitted to the President pursuant to subsection (d).

**TITLE XVII—MISCELLANEOUS**

**Subtitle A—Climate Security Act  
Administrative Fund**

**SEC. 1701. ESTABLISHMENT.**

There is established in the Treasury of the United States a fund, to be known as the “Climate Security Act Administrative Fund” (referred to in this subtitle as the “Fund”).

**SEC. 1702. AUCTIONS.**

(a) **FIRST PERIOD.**—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2027, the Administrator shall auction, to raise funds for deposit in the Fund, 0.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that is 3 years after the calendar year during which the auction is conducted.

(b) **SECOND PERIOD.**—

(1) **IN GENERAL.**—For each of calendar years 2031 through 2050, the Administrator shall auction, in accordance with paragraph (2), 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, to raise funds for deposit in the Fund.

(2) **NUMBER; FREQUENCY.**—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and

(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of the calendar year; and

(ii) the interval between each auction is of equal duration.

**SEC. 1703. DEPOSITS.**

The Administrator shall deposit all proceeds of auctions conducted pursuant to section 1702, immediately on receipt of those proceeds, in the Fund.

**SEC. 1704. DISBURSEMENTS FROM FUND.**

No disbursements shall be made from the Fund, except pursuant to an appropriation Act.

**SEC. 1705. USE OF FUNDS.**

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the amounts deposited into the Fund during the preceding calendar year under section 1703 shall be made available to pay the administrative costs of carrying out this Act.

(b) TREATMENT OF AMOUNTS IN FUND.—Amounts in the Fund—

(1) may be used as an offsetting collection available to the Administrator, the Secretary of Agriculture, the Secretary of Labor, the Secretary of the Interior, the Secretary of Energy, the heads of other Federal departments or agencies required to carry out activities under this Act, the Board, or the Climate Change Technology Board to offset expenses incurred, or amounts made available through an appropriation Act for use, in carrying out this Act; and

(2) shall remain available until expended.

**Subtitle B—Presidential Emergency Declarations and Proclamations**

**SEC. 1711. EMERGENCY DECLARATION.**

(a) IN GENERAL.—If the President determines that a national security, energy security, or economic security emergency exists, and that it is in the paramount interest of the United States to modify any requirement under this Act to minimize the effects of the emergency, the President may make an emergency declaration.

(b) CONSULTATION.—In making an emergency declaration under subsection (a), the President shall, to the maximum extent practicable, consult with and take into consideration any advice received from—

- (1) the National Security Advisor;
- (2) the Secretary of the Treasury;
- (3) the Secretary of Energy;
- (4) the Administrator;
- (5) relevant committees of Congress; and
- (6) the Board.

**SEC. 1712. PRESIDENTIAL PROCLAMATION.**

After making an emergency declaration under section 1711, the President shall declare by proclamation each action required to minimize the emergency.

**SEC. 1713. CONGRESSIONAL RESCISSION OR MODIFICATION.**

(a) TREATMENT OF PROCLAMATION.—A proclamation issued pursuant to section 1712 shall be considered to be a final action by the President.

(b) ACTION BY CONGRESS.—Congress shall rescind or modify a proclamation issued pursuant to section 1712, if necessary, not later than 30 days after the date of issuance of the proclamation.

**SEC. 1714. REPORT TO FEDERAL AGENCIES.**

Not later than 30 days after the date on which a proclamation issued pursuant to section 1712 takes effect, and every 30 days thereafter during the effective period of the proclamation, the President shall submit to the head of each appropriate Federal agency a report describing the actions required to be carried out by the proclamation.

**SEC. 1715. TERMINATION.**

(a) IN GENERAL.—Subject to subsection (b), a proclamation issued pursuant to section 1712 shall terminate on the date that is 180 days after the date on which the proclamation takes effect.

(b) EXTENSION.—The President may request an extension of a proclamation terminated under subsection (a), in accordance with the requirements of this subtitle.

(c) CONGRESSIONAL APPROVAL.—Congress shall approve or disapprove a request of the President under subsection (b) not later than 30 days after the date of receipt of the request.

**SEC. 1716. PUBLIC COMMENT.**

(a) IN GENERAL.—During the 30-day period beginning on the date on which a proclama-

tion is issued pursuant to section 1712, the President shall accept public comments relating to the proclamation.

(b) RESPONSE.—Not later than 60 days after the date on which a proclamation is issued, the President shall respond to public comments received under subsection (a), including by providing an explanation of—

(1) the reasons for the relevant emergency declaration; and

(2) the actions required by the proclamation.

(c) NO IMPACT ON EFFECTIVE DATE.—Notwithstanding subsections (a) and (b), a proclamation under section 1712 shall take effect on the date on which the proclamation is issued.

**SEC. 1717. PROHIBITION ON DELEGATION.**

The President shall not delegate to any individual or entity the authority—

(1) to make a declaration under section 1711; or

(2) to issue a proclamation under section 1712.

**Subtitle C—Administrative Procedure and Judicial Review**

**SEC. 1721. REGULATORY PROCEDURES.**

(a) IN GENERAL.—Except as provided in subsection (b), any rule, requirement, regulation, method, standard, program, determination, or final agency action made or promulgated pursuant to this Act shall be subject to the regulatory procedures described in subchapter II of chapter 5 of title 5, United States Code.

(b) EXCEPTION.—Subsection (a) does not apply to the establishment or any allocation of emission allowances under this Act by the Administrator.

**SEC. 1722. ENFORCEMENT.**

(a) VIOLATIONS.—

(1) IN GENERAL.—It shall be unlawful for any owner or operator of a covered entity to violate any prohibition, requirement, or other provision of this Act (including a regulation promulgated pursuant to this Act).

(2) OPERATION OF COVERED ENTITIES.—The operation of any covered entity in a manner that results in emissions of greenhouse gas in excess of the number of emission allowances submitted for compliance with section 202 by the covered entity shall be considered to be a violation of this Act.

(3) TREATMENT.—Each carbon dioxide equivalent of greenhouse gas emitted by a covered entity in excess of the number of emission allowances held by the covered entity shall be considered to be a separate violation of this Act.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Each provision of this Act, and any regulation promulgated pursuant to this Act, shall be fully enforceable in accordance with sections 113, 303, and 304 of the Clean Air Act (42 U.S.C. 7413, 7603, 7604).

(2) TREATMENT.—For purposes of enforcement under this subsection, all requirements under this Act shall be considered to be requirements of the Clean Air Act (42 U.S.C. 7401 et seq.), and, for purposes of enforcement under section 304 of that Act (42 U.S.C. 7604), all requirements of this Act shall be considered to be emission standards or limitations under that Act (42 U.S.C. 7401 et seq.).

(3) MANDATORY DUTIES.—Any provision of this Act relating to a mandatory duty of the Administrator or any other Federal official shall be fully enforceable in accordance with section 304 of the Clean Air Act (42 U.S.C. 7604).

(4) JURISDICTION OF UNITED STATES DISTRICT COURTS.—Each United States district court shall have jurisdiction to compel agency action (including discretionary agency action) required under this Act that, as determined by the United States district court, has been unreasonably delayed.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any individual or entity may submit a petition for judicial review of any regulation promulgated, or final action carried out, by the Administrator or any other Federal official pursuant to this Act.

(2) COURT JURISDICTION.—

(A) IN GENERAL.—Subject to subparagraph (B), a petition under paragraph (1) may be filed in the United States court of appeals for the appropriate circuit.

(B) PETITIONS AGAINST ADMINISTRATOR.—A petition under paragraph (1) relating to a regulation promulgated, or final action carried out, by the Administrator shall be filed only in the United States Court of Appeals for the District of Columbia Circuit, in accordance with section 307(b) of the Clean Air Act (42 U.S.C. 7607(b)).

(3) REMEDY.—

(A) CORRECTION OF DEFICIENCIES.—Subject to subparagraph (B), on a determination by the reviewing court that a final agency action under this Act is arbitrary, capricious, or unlawful, the court shall require the agency to correct each deficiency identified by the court—

(i) as expeditiously as practicable; and

(ii) in no case later than the earlier of—

(I) the date that is 1 year after the date on which the court makes the determination; and

(II) the applicable deadline under this Act for the relevant original agency action.

(B) REQUIREMENT.—In selecting a remedy for an arbitrary, capricious, or unlawful action by the agency in carrying out this Act, the reviewing court shall avoid vacating the action if vacating the action could jeopardize the full and timely achievement of the emission reductions required by this Act.

(d) LITIGATION COSTS.—A court of competent jurisdiction may award costs of litigation (including reasonable attorney and expert witness fees) for a civil action filed pursuant to this section in accordance with section 307(f) of the Clean Air Act (42 U.S.C. 7607(f)).

**SEC. 1723. POWERS OF ADMINISTRATOR.**

The Administrator shall have the same powers and authorities provided under sections 114 and 307(a) of the Clean Air Act (42 U.S.C. 7414, 7607(a)) in carrying out, administering, and enforcing this Act.

**Subtitle D—State Authority**

**SEC. 1731. RETENTION OF STATE AUTHORITY.**

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this Act precludes, diminishes, or abrogates the right of any State to adopt or enforce—

(1) any standard, limitation, or prohibition, or cap relating to emissions of greenhouse gas; or

(2) any requirement relating to control, abatement, mitigation, or avoidance of emissions of greenhouse gas.

(b) EXCEPTION.—Notwithstanding subsection (a), no State may adopt a standard, limitation, prohibition, cap, or requirement that is less stringent than the applicable standard, limitation, prohibition, or requirements under this Act.

**Subtitle E—Tribal Authority**

**SEC. 1741. TRIBAL AUTHORITY.**

For the purposes of this Act, the Administrator may treat any Indian tribe as a State in accordance with section 301(d) of the Clean Air Act (42 U.S.C. 7601(d)).

**Subtitle F—Clean Air Act**

**SEC. 1751. INTEGRATION.**

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the President shall submit to Congress a report describing any direct regulation of carbon dioxide emissions that has occurred or may occur under the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) **RECOMMENDATIONS.**—The report shall include recommendations of the President to ensure efficiency and certainty in the regulation of carbon dioxide emissions by the Federal Government.

**Subtitle G—State–Federal Interaction and Research**

**SEC. 1761. STUDY AND RESEARCH.**

(a) **IN GENERAL.**—The Administrator shall enter into an arrangement with the National Academy of Sciences or an institution of higher education or collaborative of such institutions under which the National Academy of Sciences or institutions shall conduct a study of—

(1) the reasonably foreseeable economic and environmental benefits and costs to a State and the United States as a result of the operation by the State of a cap-and-trade program for greenhouse gases, in addition to the Federal programs under this Act;

(2) the reasonably foreseeable economic and environmental benefits and costs to a State and the United States as a result of the operation by the State, in addition to the Federal programs under this Act, of a program that achieves greenhouse gas reductions through mechanisms other than a cap-and-trade program, including—

(A) efficiency standards for vehicles, buildings, and appliances;

(B) renewable electricity standards;

(C) land use planning and transportation policy; and

(D) fuel carbon intensity standards; and

(3) the reasonably foreseeable effect on emission allowance prices and price volatility, costs to businesses and consumers (including low-income consumers), economic growth, and total cumulative emissions associated with each State program described in paragraphs (1) and (2), as compared to a national greenhouse gas control policy limited to the Federal programs under this Act.

(b) **GREAT LAKES CENTER FOR GREEN TECHNOLOGY MANUFACTURING.**—

(1) **DESIGNATION.**—The Administrator, in cooperation with the Secretary of Commerce and the Secretary of Energy, shall designate the University of Toledo as the “Great Lakes Center for Green Technology Manufacturing”, to recognize the importance of research, development, and deployment of manufacturing technology needed to reduce worldwide greenhouse gas emissions.

(2) **PURPOSES.**—The purposes of the Great Lakes Center for Green Technology Manufacturing shall be—

(A) to carry out activities to increase domestic production of renewable energy technology and components;

(B) to develop, or assist in the development and commercialization of, advanced manufacturing processes, materials, and infrastructure for a low-carbon economy; and

(C) to assist the transition of historically manufacturing-based economies to the production of renewable energy technologies.

(3) **FUNDING.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(c) **PROCEEDS FROM AUCTIONS.**—None of the proceeds from any auction conducted under this Act may be obligated after fiscal year 2047 except as provided in an appropriations Act.

**SA 4826.** Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end of title XIII, insert the following:

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

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

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

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

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

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

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the “Convention”).

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear “common but differentiated responsibilities” for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world’s major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a “binding international agreement” with participation by all countries with major economies in “goals and policies that reflect their unique energy resources and economic circumstances”.

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) The United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;



(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

**SA 4827.** Mr. REID (for Mr. BIDEN) proposed an amendment to amendment SA 4826 proposed by Mr. REID (for Mr. BIDEN) to the amendment SA 4825 proposed by Mrs. BOXER (for herself, Mr. WARNER, and Mr. LIEBERMAN) to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment, strike all after the word “SEC” on line 2 and insert the following:

**1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse

gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the “Convention”).

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear “common but differentiated responsibilities” for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world’s major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a “binding international agreement” with participation by all countries with major economies in “goals and policies that reflect their unique energy resources and economic circumstances”.

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and

developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

The provisions of this section shall become effective in 7 days after enactment.

**SA 4828.** Mr. REID proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end of the bill, add the following:  
The provision of this Act shall become effective 5 days after enactment.

**SA 4829.** Mr. REID proposed an amendment to amendment SA 4828 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment, strike “5” and insert “4”.

**SA 4830.** Mr. REID proposed an amendment to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

At the end, insert the following:

This section shall become effective 3 days after enactment of the bill.

**SA 4831.** Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

On line 2, strike “3” and insert “2”.

**SA 4832.** Mr. REID proposed an amendment to amendment SA 4831 proposed by Mr. REID to the amendment SA 4830 proposed by Mr. REID to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; as follows:

In the amendment strike “2” and insert “1”.

**SA 4833.** Mr. KERRY (for himself, Mrs. FEINSTEIN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 2, strike “and”.

On page 15, line 12, strike the period and insert “; and”.

On page 15, between lines 12 and 13, insert the following:

(25) a Federal climate program for the United States must respond in a timely fashion to the most up-to-date science on climate change, including scientific findings on the reductions in United States greenhouse gas emissions needed to avert the worst effects of climate change.

On page 471, strike lines 3 through 5 and insert the following:

(1) consider and incorporate existing findings and reports, including the most recent assessments from the U.S. Global Change Research Program and the Intergovernmental Panel on Climate Change; and

On page 471, line 24, strike “and” at the end.

On page 472, line 7, strike the period at the end and insert “; and”.

On page 472, between lines 7 and 8, insert the following:

(G) the potential for abrupt changes in climate that occur so rapidly or unexpectedly that human or natural systems have difficulty adapting.

On page 475, between lines 5 and 6, insert the following:

(d) **RECOMMENDATIONS ON GLOBAL AND UNITED STATES EMISSION BUDGETS.**—In addition to and taking into account the information required to be included under subsections (b) and (c), each report required to be submitted under subsection (a) shall include recommendations regarding—

(1) a global cumulative emission budget for the period beginning on the date of submission of the first report under subsection (a) and ending on December 31, 2050, that would likely achieve the goals of—

(A) preventing an increase in global average temperature of more than 2 degrees Celsius above the preindustrial average; or

(B) preventing an alternate temperature increase above the preindustrial average, if

the Academy finds that such an alternate average temperature is the threshold above which warming is likely to cause dangerous interference with the climate system; and

(2) a range for the emission budget of the United States, for the period described in paragraph (1), that—

(A) is realistically consistent with remaining within the global cumulative emission budget recommended under paragraph (1); and

(B) takes into consideration emission reductions and other commitments by industrialized and developing nations under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

Beginning on page 475, strike line 6 and all that follows through page 478, line 17, and insert the following:

**SEC. 1602. PRESIDENTIAL RECOMMENDATIONS.**

(a) **IN GENERAL.**—Not later than September 30, 2018, and every 3 years thereafter, the Administrator shall make public and submit to the President a report making legislative recommendations to achieve cumulative United States emission reductions through calendar year 2050 for the President to transmit to Congress.

(b) **COORDINATION WITH OTHER AGENCIES.**—In developing those recommendations, the Administrator shall coordinate with—

- (1) the Secretary of Energy;
- (2) the Secretary of the Treasury;
- (3) the Secretary of Commerce;
- (4) the Secretary of the Interior; and
- (5) other relevant Federal officials, as determined by the Administrator, appointed to a position at level I of the Executive Schedule and listed in section 5312 of title 5, United States Code.

(c) **BASIS.**—The recommendations submitted pursuant to subsection (a) shall be based on the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.

(d) **INCLUSIONS.**—The report shall include—

(1) recommendations for amendments to this Act to achieve cumulative United States emission reductions through calendar year 2050 that are realistically consistent with remaining within the global cumulative emission budget described in section 1601(d)(1), including measures that would—

- (A) adjust the definition of the term “covered entity” under this Act;
- (B) adjust the scope of the compliance obligation established by section 202;
- (C) adjust quantities of emission allowances available in 1 or more calendar years;
- (D) establish other policies for reducing greenhouse gas emissions in addition to the policies established by this Act;
- (E) establish policies for reducing nationwide emissions into the atmosphere of sulfur dioxide, nitrogen oxides, and mercury in excess of the reductions resulting from the implementation of this Act; and
- (F) prevent or abate any direct, indirect, or cumulative increases in covered pollutants resulting from the use and trading of emission allowances or from transformations in technologies or markets; and

(2) safeguards to achieve all the purposes of this Act in accordance with paragraph (1), including—

- (A) the accomplishment of robust growth and the creation of new jobs in the United States economy; and
- (B) the protection of United States consumers, especially consumers in greatest need, from hardship.

(e) **CONSISTENCY WITH REPORTS.**—The Administrator shall include with each submission of recommendations made pursuant to subsection (a) an explanation for each significant inconsistency between the rec-

ommendations and the most recent reports submitted by the National Academy of Sciences pursuant to section 1601.

(f) **PRESIDENTIAL RECOMMENDATION TO CONGRESS.**—Not later than January 1, 2019, and every 3 years thereafter, the President shall submit to Congress the text of proposed legislation based on the recommendations submitted to the President pursuant to subsection (a).

(g) **ONGOING EVALUATION OF IMPACTS.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an advisory committee that includes representatives of affected communities to advise the Administrator on the implementation of Executive Order No. 12898 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations) in implementing this Act.

(h) **EFFECT ON OTHER AUTHORITY.**—Nothing in this title limits the authority of the Administrator, a State, or any person to use any authority under this Act or any other law to promulgate, adopt, or enforce any regulation.

**SEC. 1603. CONGRESSIONAL REVIEW OF PRESIDENTIAL RECOMMENDATIONS.**

(a) **DEFINITION OF IMPLEMENTING LEGISLATION.**—In this section, the term “implementing legislation” means only legislation introduced in the period beginning on the date on which recommendations for legislation are submitted to Congress under section 1602(f), and every third year thereafter, and ending 60 days after such submission (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), which proposes the legislative changes recommended by the President under section 1602.

(b) **REFERRAL.**—Implementing legislation described in subsection (a) shall be referred immediately to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) **CONSIDERATION.**—

(1) **IN GENERAL.**—Implementing legislation shall be considered by the committee to which the legislation is referred under subsection (b).

(2) **SENATE PROCEDURE.**—In the Senate—

(A) a committee to which legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation at the end of the period of 30 calendar days after the introduction of the legislation, upon a petition supported in writing by 30 Members of the Senate; and

(B) after that 30-calendar-day period, the legislation shall be placed on the calendar.

(d) **MOTION TO PROCEED IN SENATE.**—

(1) **IN GENERAL.**—In the Senate, after the committee to which implementing legislation is referred under subsection (b) has reported the legislation or been discharged under subsection (c)(2)(A) from further consideration of the legislation, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the implementing legislation.

(2) **DEBATE AND POSTPONEMENT.**—A motion to proceed described in paragraph (1) shall not be debatable or subject to a motion to postpone, or to a motion to proceed to the consideration of other business.

(3) **MOTION TO RECONSIDER.**—A motion to reconsider the vote by which a motion to proceed under paragraph (1) is agreed to or disagreed to shall not be in order.

(4) AGREEMENT.—If a motion to proceed to the consideration of the implementing legislation is agreed to, the implementing legislation shall remain the unfinished business of the Senate until disposed of.

(e) PROCEDURE IN HOUSE OF REPRESENTATIVES.—In the House of Representatives—

(1) the committee to which implementing legislation is referred under subsection (b) may be discharged from further consideration of the implementing legislation—

(A) at the end of the 60-calendar-day period beginning on the date of introduction of the legislation in the House of Representatives; and

(B) upon a petition supported in writing by 130 Members of the House of Representatives; and

(C) the implementing legislation shall be placed on the calendar, and called up on the floor of the House of Representatives, subject to the rules of the House of Representatives.

(f) EFFECT OF SECTION ON CONGRESSIONAL RULES.—This section—

(1) is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively;

(2) as such rulemaking power—

(A) is deemed to be part of the rules of each of the Senate and House of Representatives, respectively;

(B) shall be applicable only with respect to the procedure to be followed in the Senate or House of Representatives, respectively, in the case of implementing legislation described in subsection (a); and

(C) supersedes other rules only to the extent that the section is inconsistent with those other rules; and

(3) is enacted by Congress with full recognition of the constitutional right of either the Senate or House of Representatives to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SA 4834.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, between lines 7 and 8, insert the following:

**SEC. 127. FUTUREGEN COOPERATIVE AGREEMENT.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Energy shall continue the cooperative agreement numbered DE-FC 26-06NT42073, as in effect on the date of enactment of this Act, through March 30, 2009.

(b) ADMINISTRATION.—During the period beginning on the date of enactment of this Act and ending on March 30, 2009—

(1) the agreement described in subsection (a) may not be terminated except by the mutual consent of the parties to the agreement; and

(2) funds may be expended under the agreement only to complete and provide information and documentation to the Department of Energy.

**SA 4835.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION.**

(a) SHORT TITLE.—This section may be cited as the “Protect Science Act of 2008”.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given under section 551(1) of title 5, United States Code.

(2) SCIENTIFIC.—The term “scientific” means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering.

(c) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) Scientific research and innovation is a principal component to American prosperity.

(B) There have been numerous cases where Federal scientific studies and reports have been altered by political appointees and Federal employees to misrepresent or omit information.

(C) Political interference has also resulted in—

(i) the censorship of scientific information and documents requested by Congress;

(ii) the delayed release of Government science reports; and

(iii) the denial of media access to scientific researchers.

(D) Such political interference with science in the Federal agencies undermines the credibility, integrity, and consistency of the United States Government.

(2) PURPOSE.—The purpose of this section is to protect scientific credibility, integrity, and communication in research and policymaking.

(d) PROHIBITION OF POLITICAL INTERFERENCE WITH SCIENCE.—

(1) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end the following:

**“§ 7354. Interference with science**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘censorship’ means improper prevention of the dissemination of valid and nonclassified scientific findings;

“(2) the term ‘scientific’ means relating to the natural, physical, environmental, earth, ocean, climate, atmospheric, mathematical, medical, or social sciences or engineering; and

“(3) the term ‘tampering’ means improperly altering or obstructing so as to substantially distort, or directing others to do so.

“(b) IN GENERAL.—An employee may not engage in any of the following:

“(1) Tampering with the conduct or findings of federally funded scientific research or analysis.

“(2) Censorship of findings of federally funded scientific research or analysis.

“(3) Directing the dissemination of scientific information known by the directing employee to be false or misleading.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, is amended by inserting after the item relating to section 7353 the following:

“7354. Interference with science.”.

(e) PUBLICATION REQUIREMENT RELATING TO SCIENTIFIC STUDIES AND REPORTS.—

(1) DEFINITION.—In this subsection, the term “political appointee” means an individual who holds a position that—

(A) requires appointment by the President, by and with the advice and consent of the Senate;

(B) is within the Executive Office of the President;

(C) is on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

(D) is a Senior Executive Service position as defined under section 3132 (2) of title 5, United States Code, and not a career reserved position as defined under paragraph (8) of that section; or

(E) is in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 48 hours after an agency publishes a scientific study or report, including a summary, synthesis, or analysis of a scientific study or report, that has been modified to incorporate oral or written comments by a political appointee that change the force, meaning, emphasis, conclusions, findings, or recommendations of the scientific or technical component of the study or report, the head of that agency shall—

(i) make available on a departmental or agency website, and on a public docket, if any, that is accessible by the public—

(I) the final version by the principal scientific investigators before review;

(II) the final version as published by the agency; and

(III) a version making a comparison of the versions described under subclauses (I) and (II), that identifies—

(aa) any modifications; and

(bb) the text making those modifications;

(i) identify any political appointee who made those comments; and

(ii) provide uniform resource locator links on that website to both versions and related publications.

(B) PRINTED PUBLICATIONS.—The head of each agency shall ensure that the printed publication of any summary, synthesis, or analysis of a scientific study or report described under subparagraph (A) shall include a reference to the website described under that paragraph.

(3) FORMAT AND EASE OF COMPARISON.—The versions of any study or report described under paragraph (2) shall be made available—

(A) in a format that is generally available to the public; and

(B) in the same format and accessible on the same page with equal prominence, or in any other manner that facilitates comparison of the 2 versions.

(f) STATE OF SCIENTIFIC INTEGRITY REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General shall submit a report to Congress on compliance with the requirements of section 7354 of title 5, United States Code, (as added by subsection (d) of this section) and section (e) of this section.

**SA 4836.** Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. WARNER, Mr. MENENDEZ, Ms. SNOWE, Mr. CARDIN, Mr. CASEY, Mr. BAYH, Ms. COLLINS, Mr. OBAMA, Mr. WEBB, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. NELSON, of Florida, Mr. BINGAMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, insert the following:

**SEC. 1334. SENSE OF SENATE REGARDING INTERNATIONAL NEGOTIATIONS TO ADDRESS GLOBAL CLIMATE CHANGE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change concluded that most of the global warming observed since the mid-20th century is very likely due to anthropogenic greenhouse gas emissions and that anthropogenic warming is strongly linked to many observed physical and biological impacts.

(3) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(4) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(5) The United States has the largest economy in the world and is also the largest historical emitter of greenhouse gases.

(6) The greenhouse gas emissions of the United States are projected to continue to rise.

(7) The greenhouse gas emissions of some developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(8) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(9) The 2006 Stern Review on the Economics of Climate Change commissioned by the United Kingdom and the 2008 World Economic Outlook from the International Monetary Fund each concluded that the economic costs of addressing climate change are limited.

(10) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(11) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(12) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(13) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(14) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources for solving the problem of the overreliance of the United States and the world on high-carbon energy.

(15) The United States is a party to the United Nations Framework Convention on

Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994 (in this preamble referred to as the "Convention").

(16) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(17) The Convention establishes that parties bear "common but differentiated responsibilities" for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(18) At the December 2007 United Nations Climate Change Conference in Bali, the United States and other parties to the Convention adopted the Bali Action Plan with the aim of reaching a new global agreement in 2009.

(19) The Bali Action Plan calls for a shared vision on long-term cooperative action, increased mitigation efforts from developed and developing countries that are measurable, reportable, and verifiable, and support for developing countries in addressing technology transfers, adaptation, financing, deforestation, and capacity-building.

(20) The Major Economies Process on Energy Security and Climate Change, initiated by President George W. Bush, seeks a consensus among the countries with the world's major economies on how those countries can contribute to a new agreement under the Convention.

(21) In April 2008, President Bush called for a "binding international agreement" with participation by all countries with major economies in "goals and policies that reflect their unique energy resources and economic circumstances".

(22) An effective global effort to address climate change must provide for commitments and actions by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among developed and developing countries may require that such commitments and actions vary.

(23) The latest scientific evidence suggests that anthropogenic climate change is increasing and the United States has supported the goal of achieving a new international agreement during 2009, both lending urgency to the need for renewed United States leadership in the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and to foster sustained economic growth through a new generation of technologies by participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force March 21, 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements, consistent with the Bali Action Plan, that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) the President should support the establishment of a bipartisan Senate observer group, the members of which should be des-

ignated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the responsibility of the Senate under article II, section 2 of the Constitution of the United States to provide advice and consent to the President with respect to treaties be carried out in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

**SA 4837.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 553. EXCLUSION OF NEW FOSSIL FUEL-FIRED ELECTRICITY GENERATORS.**

Notwithstanding any other provision of this subtitle shall not apply to fossil fuel-fired electricity generators (including fossil fuel-fired electricity generators owned or operated by a rural electric cooperative) for 2 which construction began after January 19, 2007.

At the end of section 614(d), add the following:

(2) EXCLUSION OF FOSSIL FUEL-FIRED ELECTRICITY GENERATORS.—Notwithstanding paragraph (1), a State shall not use any emission allowance (or proceeds of sale of an emission allowance) to mitigate obstacles to investment by fossil fuel-fired electricity generators (including fossil fuel-fired electricity generators owned or operated by a rural electric cooperative) or fossil fuel-fired electricity generation markets.

**SA 4837.** Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 2 and 3, insert the following:

(d) NATIONAL EMISSION REDUCTION MILESTONES FOR 2050.—Not later than January 1, 2012, after an opportunity for public notice and comment, the Administrator shall promulgate rules and take any other actions necessary (including revising the post-2020 emission allowances in the chart in subsection (a)) to achieve an 80 percent reduction in all United States global warming emissions by calendar year 2050, as compared to calendar year 1990.

**SA 4839.** Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 833. REBATES FOR PURCHASE AND INSTALLATION OF PHOTOVOLTAIC SYSTEMS FOR 10 MILLION-SOLAR ROOFS.**

(a) FINDINGS.—Congress finds that—  
 (1)(A) there is huge potential for increasing the quantity of electricity produced in the United States from distributed solar photovoltaics; and

(B) the use of photovoltaics on the roofs of 10 percent of existing buildings could meet 70 percent of peak electric demand;

(2) investment in solar photovoltaics technology will create economies of scale that will allow the technology to deliver electricity at prices that are competitive with electricity from fossil fuels;

(3) electricity produced from distributed solar photovoltaics helps to reduce greenhouse gas emissions and does not emit harmful air pollutants, such as mercury, sulfur dioxide, and nitrogen oxides;

(4) electricity produced from distributed solar photovoltaics enhances national energy security;

(5) investments in renewable energy stimulate the development of green jobs that provide substantial economic benefits;

(6)(A) rebate programs in several States have been successful in increasing the quantity of solar energy from distributed photovoltaics;

(B) the State of California has used rebate programs to install nearly 190 megawatts of grid-connected photovoltaics since 2000; and

(C) the State of New Jersey has installed nearly 50 megawatts of grid-connected photovoltaics since 2001, including 20 megawatts in 2007 alone; and

(7) Germany has installed nearly 4,000 megawatts of distributed solar photovoltaics and sustained an annual growth rate approaching 67 percent since enacting aggressive laws to encourage photovoltaic installations

(b) PROGRAM.—The Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program under which the Secretary shall provide rebates to eligible individuals or entities for the purchase and installation of photovoltaic systems for residential and commercial properties in order to install, over the 10-year period beginning on the date of enactment of this Act, at least an additional 10,000,000 solar systems in the United States (as compared to the number of solar systems installed in the United States as of the date of enactment of this Act) with a cumulative capacity of at least 30,000 megawatts.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), to be eligible for a rebate under this section—

(A) the recipient of the rebate shall be a homeowner, business, nonprofit entity, or State or local government that purchased and installed a photovoltaic system for a property located in the United States;

(B) the total capacity of the photovoltaic system for the property shall not exceed 4 megawatts;

(C) the buildings on the property for which the photovoltaic system is installed shall—

(i) in the case of a new or renovated building, achieve a rating of not less than 75 under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) (or an equivalent rating under an established benchmarking metric); and

(ii) in the case of any building not described in clause (i), be retrofitted to achieve a rating improvement of not less than 30 points under the Energy Star program (or an equivalent improvement under an established benchmarking metric); and

(D) the recipient of the rebate shall meet such other eligibility criteria as are determined to be appropriate by the Secretary.

(2) OTHER ENTITIES.—After public review and comment, the Secretary may identify other individuals or entities located in the United States that qualify for a rebate under this section.

(d) AMOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the amount of a rebate provided to an eligible individual or entity for the purchase and installation of a photovoltaic system for a property under this section shall be at least \$3 for each watt of installed capacity.

(2) MAXIMUM AMOUNT.—The total amount of a rebate provided to an eligible individual or entity for the purchase and installation of a photovoltaic system for a property under this section shall not exceed 50 percent of the cost of the purchase and installation of the system.

(e) RELATIONSHIP TO OTHER LAW.—The authority provided under this section shall be in addition to any other authority under which credits or other types of financial assistance are provided for installation of a photovoltaic system for a property.

(f) ALLOCATION.—

(1) IN GENERAL.—Notwithstanding section 551, not later than 330 days before the beginning of each of calendar years 2012 through 2021, of the quantity of emission allowances established pursuant to section 201(a) that are made available under section 551 for each of those calendar years, the Administrator shall allocate a percentage to provide rebates under this section.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for rebates under 10-million solar roofs program
2012 .....	9.73
2013 .....	9.19
2014 .....	8.73
2015 .....	8.33
2016 .....	8.06
2017 .....	7.82
2018 .....	7.60
2019 .....	7.42
2020 .....	7.25
2021 .....	7.01

**SA 4840.** Mr. SANDERS (for himself, Mr. MENENDEZ, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

**Subtitle C—Renewable Energy Standard**

**SEC. 921. RENEWABLE PORTFOLIO STANDARD.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**“SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

“(a) DEFINITIONS.—In this section:

“(1) BASE AMOUNT OF ELECTRICITY.—The term ‘base amount of electricity’ means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding municipal waste and

electricity generated by a hydroelectric facility (including a pumped storage facility, but excluding incremental hydropower).

“(2) BIOMASS.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘biomass’ means—

“(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy; or

“(ii) nonhazardous, plant or algal matter that is derived from any of—

“(I) an agricultural crop, crop byproduct or residue resource;

“(II) waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, or wood contaminated with plastic or metals);

“(III) gasified animal waste; or

“(IV) landfill methane.

“(B) NATIONAL FOREST LAND AND CERTAIN OTHER PUBLIC LAND.—With respect to organic material removed from National Forest System land or from public land administered by the Secretary of the Interior, the term ‘biomass’ means only organic material from—

“(i) ecological forest restoration;

“(ii) pre-commercial thinnings;

“(iii) brush;

“(iv) mill residues; and

“(v) slash.

“(C) EXCLUSION OF CERTAIN FEDERAL LAND.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass shall not be included in the term ‘biomass’ if the material or matter is located on—

“(i) Federal land containing old growth forest or late successional forest, unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from the Federal land—

“(I) is appropriate for the applicable forest type; and

“(II) maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition;

“(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System;

“(iii) a Wilderness Study Area;

“(iv) an inventoried roadless area of Federal land;

“(v) any part of the National Landscape Conservation System; or

“(vi) a National Monument.

“(3) DISTRIBUTED GENERATION FACILITY.—The term ‘distributed generation facility’ means a facility at a customer site.

“(4) EXISTING RENEWABLE ENERGY.—The term ‘existing renewable energy’ means, except as provided in paragraph (8)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass, or landfill gas.

“(5) GEOTHERMAL ENERGY.—The term ‘geothermal energy’ means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

“(6) INCREMENTAL GEOTHERMAL PRODUCTION.—

“(A) IN GENERAL.—The term ‘incremental geothermal production’ means for any year the excess of—

“(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

“(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

“(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall, commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

“(7) INCREMENTAL HYDROPOWER.—

“(A) IN GENERAL.—The term ‘incremental hydropower’ means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

“(B) EXCLUSION.—The term ‘incremental hydropower’ does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions.

“(C) MEASUREMENT.—Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

“(8) NEW RENEWABLE ENERGY.—The term ‘new renewable energy’ means—

“(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

- “(i) solar, wind, or geothermal energy or ocean energy;
- “(ii) biomass;
- “(iii) landfill gas; or
- “(iv) incremental hydropower; and

“(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

“(i) the additional energy above the average generation during the 3-year period ending on the date of enactment of this section at the facility from—

- “(I) solar or wind energy or ocean energy;
  - “(II) biomass;
  - “(III) landfill gas; or
  - “(IV) incremental hydropower; and
- “(ii) incremental geothermal production.

“(9) OCEAN ENERGY.—The term ‘ocean energy’ includes current, wave, tidal, and thermal energy.

“(b) RENEWABLE ENERGY REQUIREMENT.—

“(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity the electric utility sells to electric consumers in any calendar year from new renewable energy or existing renewable energy.

“(2) MINIMUM ANNUAL PERCENTAGE.—The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

“Calendar year:	Minimum annual percentage:
2010 .....	1
2011 .....	2
2012 .....	4
2013 .....	6
2014 .....	8
2015 .....	10

S0655 “Calendar year:	Minimum annual percentage:
2016 .....	12
2017 .....	14
2018 .....	16
2019 .....	18
2020 .....	20

“(3) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of this subsection by—

“(A) submitting to the Secretary renewable energy credits issued under subsection (c);

“(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (h)); or

“(C) conducting a combination of activities described in subparagraphs (A) and (B).

“(c) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

“(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a renewable energy credit trading program under which each electric utility shall submit to the Secretary renewable energy credits to certify the compliance of the electric utility with respect to obligations under subsection (b).

“(2) ADMINISTRATION.—As part of the program, the Secretary shall—

“(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

“(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

“(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (i);

“(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section;

“(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

“(F) ensure that, with respect to a purchaser that as of the date of enactment of this section has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy.

“(3) DURATION.—A credit described in subparagraph (A) or (B) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

“(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (b) may transfer the credits to another electric utility in the same utility holding company system.

“(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate entity that establishes markets the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

“(d) ENFORCEMENT.—

“(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance requirements of subsection (b) shall be subject to a civil penalty.

“(2) AMOUNT OF PENALTY.—Subject to paragraph (3), the amount of the civil penalty shall be equal to the product obtained by multiplying—

“(A) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); by

“(B) the greater of—

“(i) 2 cents (adjusted for inflation under subsection (h)); or

“(ii) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

“(3) MITIGATION OR WAIVER.—

“(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (b) for reasons outside of the reasonable control of the utility.

“(B) REDUCTION.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (b).

“(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

“(e) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

“(1) IN GENERAL.—Not later than December 31, 2008, the Secretary of the Treasury shall establish a State renewable energy account in the Treasury.

“(2) DEPOSITS.—

“(A) IN GENERAL.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established under paragraph (1).

“(B) SEPARATE ACCOUNT.—The State renewable energy account shall be maintained as a separate account in the Treasury and shall not be transferred to the general fund of the Treasury.

“(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

“(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

“(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

“(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

“(B) to State programs to stimulate or enhance innovative renewable energy technologies.

“(f) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

“(g) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

“(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

“(2) in Hawaii.

“(h) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and December 31 of

each year thereafter, the Secretary shall adjust for United States dollar inflation (as measured by the Consumer Price Index)—

“(1) the price of a renewable energy credit under subsection (c)(2); and

“(2) the amount of the civil penalty per kilowatt-hour under subsection (d)(2).

“(i) STATE PROGRAMS.—

“(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (d)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section.

“(2) COORDINATION.—The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

“(3) REGULATIONS.—

“(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility subject to the requirements of this section that is also subject to a State renewable energy standard receives renewable energy credits in relation to equivalent quantities of renewable energy associated with compliance mechanisms, other than the generation or purchase of renewable energy by the electric utility, including the acquisition of certificates or credits and the payment of taxes, fees, surcharges, or other financial compliance mechanisms by the electric utility or a customer of the electric utility, directly associated with the generation or purchase of renewable energy.

“(B) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

“(j) RECOVERY OF COSTS.—

“(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

“(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

“(k) WIND ENERGY DEVELOPMENT STUDY.—The Secretary, in consultation with appropriate Federal and State agencies, shall conduct, and submit to Congress a report describing the results of, a study on methods to increase transmission line capacity for wind energy development.

“(l) SUNSET.—This section expires on December 31, 2040.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

“Sec. 609. Rural and remote communities electrification grants.

“Sec. 610. Federal renewable portfolio standard.”

**SA 4841.** Mr. SANDERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 833. GRANTS FOR DEVELOPMENT OR CONSTRUCTION OF CONCENTRATING SOLAR POWER PLANTS.**

(a) GOAL.—It is the goal of this section to add, over the 10-year period beginning on the date of enactment of this Act, at least an additional 200,000 megawatts of renewable electric power from concentrating solar power plants.

(b) GRANTS.—The Secretary of Energy, in consultation with the Administrator, shall establish a program under which the Secretary shall provide grants to eligible entities to pay the Federal share of the cost of developing or constructing concentrating solar power plants.

(c) FEDERAL SHARE.—The Federal share of a grant under this section shall be 12.5 percent of the cost of developing or constructing a concentrating solar power plant.

(d) RELATIONSHIP TO OTHER LAW.—The authority provided under this section shall be in addition to any other authority under which credits or other types of financial assistance are provided for the development or construction of a concentrating solar power plant.

(e) ALLOCATION.—

(1) IN GENERAL.—Notwithstanding section 551, not later than 330 days before the beginning of each of calendar years 2012 through 2021, of the quantity of emission allowances established pursuant to section 201(a) that are made available under section 551 for each of those calendar years, the Administrator shall allocate a percentage to provide grants under this section.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for grants for concentrating solar power plants
2012 .....	9.7
2013 .....	9.2
2014 .....	8.7
2015 .....	8.3
2016 .....	8.1
2017 .....	7.8
2018 .....	7.6
2019 .....	7.4
2020 .....	7.3
2021 .....	7.0.

**SA 4842.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 291, strike line 24 and all that follows through page 292, line 16.

On page 301, line 12, strike “(a) IN GENERAL.—”

On page 302, strike lines 6 through 22.

Beginning on page 306, strike line 17 and all that follows through page 307, line 9.

**SA 4843.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which

was ordered to lie on the table; as follows:

On page 64, strike lines 6 through 12 and insert the following:

(c) LEGAL STATUS.—

(1) IN GENERAL.—An emission allowance shall constitute a property right.

(2) COMPENSATION.—The Administrator shall provide to the holder of an emission allowance just compensation for the termination or limitation of the emission allowance.

**SA 4844.** Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

**SEC. 16 . REPORT ON THE ECONOMIC IMPACTS OF CLIMATE CHANGE.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academy of Sciences (referred to in this section as the “Academy”), under which the Academy shall, not later than January 1, 2011, and every 5 years thereafter, submit to the Administrator and make available to the public a report that assesses the costs of climate change on the United States economy, including the costs associated with hurricanes and other storms, drought, hunger, water shortages, and coastal flooding.

(b) INITIAL REPORT.—

(1) REQUIREMENTS.—The initial report required under subsection (a) shall—

(A) include an analysis of the economic, social, and environmental consequences of climate change in the United States if action is not taken to reduce global greenhouse gas emissions;

(B) take into account the risks of increased climate volatility and major irreversible impacts of climate change;

(C) be organized by region of the United States;

(D) identify—

(i) the key economic and environmental effects from climate change; and

(ii) the main impacts to be expected from climate change, including impacts on—

(I) agriculture and forestry;

(II) the food supply;

(III) energy;

(IV) transportation;

(V) fisheries;

(VI) coastal impacts and habitability;

(VII) recreation and tourism;

(VIII) public health;

(IX) water quantity and quality;

(X) low-income consumers; and

(XI) ecosystems, such as forests, rivers, and lakes;

(E) include estimates of costs of the main impacts of climate change identified under subparagraph (D)(ii);

(F) express in monetary terms the cost of climate change on each sector of the economy on a regional basis and to the United States as a whole;

(G) make predictions for the economic cost of climate change in the United States for each decade beginning in 2020 and ending in 2100; and

(H) reference the latest information available from—

(i) the U.S. Global Change Research Program; and

(ii) the Intergovernmental Panel on Climate Change.

(2) LIMITATION.—The initial report shall not take into account any possible adaptations to the effects of climate change, including the construction of levies or other infrastructure adjustments.

(c) SUBSEQUENT REPORTS.—In addition to including the components required under subsection (b)(1), any report submitted after the date of the initial report shall include an estimate of the savings to the United States economy achieved due to any reduced climate change impacts associated with reductions in greenhouse gas emissions since the submission of the previous report.

**SA 4845.** Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 196, strike line 15 and all that follows through page 198, line 16.

At the end of section 614(d)(1), add the following:

(W) To promote the development of renewable-energy sources, as defined in section 832(a).

At the end of section 614, add the following:

(e) ADDITIONAL ALLOCATION.—

(1) IN GENERAL.—In addition to the allocation made under subsection (a), not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) that are made available for that calendar year for distribution to reduce greenhouse gas emissions and promote renewable electricity generation in accordance with this subsection.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for additional allocation
2012	2
2013	2
2014	2
2015	2
2016	2
2017	2
2018	1
2019	1
2020	1
2021	1
2022	1
2023	1
2024	1
2025	1
2026	1
2027	1
2028	1
2029	1
2030	1

(3) USE.—During any calendar year, of the total quantity of allowances allocated to a State under this section, a State shall use at least 25 percent to promote renewable electricity generation under subsection (d)(1)(W).

In section 832(b), strike “start-up, expansion, and operation of the facilities” and insert “start-up or expansion of the facilities”.

**SA 4846.** Mr. MENENDEZ (for himself and Mr. KERRY) submitted an amend-

ment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Strike the table that appears on page 193, before line 1, and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	16.5
2013	16.5
2014	16.5
2015	16.5
2016	16.25
2017	16
2018	15.75
2019	14.75
2020	13.5
2021	12
2022	9.75
2023	8.75
2024	7.5
2025	7.25
2026	4.25
2027	3
2028	2.75
2029	1.5
2030	1.25.

On page 426, strike lines 14 through 16 and insert the following: section—

(1) for each of calendar years 2012 through 2030, 2.5 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a); and

(2) for each of calendar years 2031 through 2050, 1 percent of the aggregate quantity of emission allowances established for the applicable calendar year pursuant to section 201(a).

**SA 4847.** Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

In section 551(a), strike “2030” and insert “2022”.

In section 551(b), strike the table and insert the following:

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2012	18
2013	16.25

Calendar year	Percentage for distribution among fossil fuel-fired electricity generators in United States
2014	14.5
2015	12.75
2016	11
2017	9.25
2018	7.5
2019	5.75
2020	4
2021	2.25
2022	0.5

In section 552(a), strike “2030” and insert “2022”.

At the end of section 614(d)(1), add the following:

(W) To promote the development of renewable-energy sources, as defined in section 832(a).

(X) To provide funding to pay the costs of training for climate change adjustment assistance-eligible individuals under section 535(h).

At the end of section 614, add the following:

(e) ADDITIONAL ALLOCATION.—

(1) IN GENERAL.—In addition to the allocation made under subsection (a), not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall allocate a percentage of the quantity of emission allowances established pursuant to section 201(a) that are made available for that calendar year for distribution to reduce greenhouse gas emissions, promote renewable electricity generation, assist low-income consumers, train workers, and improve energy efficiency in accordance with this subsection.

(2) QUANTITIES OF EMISSION ALLOWANCES ALLOCATED.—The quantities of emission allowances allocated pursuant to paragraph (1) shall be the quantities represented by the percentages in the following table:

Calendar year	Percentage for additional allocation
2012	0
2013	1.75
2014	3.5
2015	5.25
2016	6.75
2017	8.25
2018	9.75
2019	10.5
2020	11
2021	11.25
2022	10.75
2023	10.25
2024	9
2025	8.75
2026	5.75
2027	4.5
2028	4.25
2029	3



Calendar year	Per-centage for addi-tional al-loca-tion
2030 .....	2.75

(3) USE.—During any calendar year, of the total quantity of allowances allocated to a State under this section, a State shall use—

(A) at least 20 percent to promote renewable electricity generation under subsection (d)(1)(W);

(B) at least 10 percent to promote energy efficiency under subsection (d)(1)(B);

(C) at least 15 percent to train workers under subsection (d)(1)(X); and

(D) at least 5 percent to mitigate impacts on low-income energy consumers under subsection (d)(1)(A).

In section 832(b), strike “start-up, expansion, and operation of the facilities” and insert “start-up or expansion of the facilities”.

**SA 4848.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . NATIONAL COMMISSION ON ENERGY POLICY AND GLOBAL CLIMATE CHANGE.**

(a) ESTABLISHMENT.—There is established a commission, to be known as the “National Commission on Energy Policy and Global Climate Change” (referred to in this section as the “Commission”).

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine all aspects of the national energy situation and related policies in order to develop a comprehensive, economy-wide policy approach to energy issues;

(2) to examine relevant data relating to global climate change, including impacts of human activities; and

(3) to report to Congress and the President the findings, conclusions, and recommendations of the Commission for legislation to establish a comprehensive national energy policy that ensures national energy security and significantly reduces greenhouse gas emissions in order to address global climate change without damaging the economy.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Commission shall be composed of 12 members, of whom—

(A) 1 shall be jointly appointed by the Majority Leader of the Senate and the Speaker of the House of Representatives, who shall serve as Chairperson of the Commission;

(B) 1 shall be jointly appointed by the Minority Leader of the Senate and the Minority Leader of the House of Representatives, who shall serve as Vice-Chairperson of the Commission;

(C) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Environment and Public Works of the Senate;

(D) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives, in consultation with the Select Committee on Energy Independence and Global Warming of the House of Representatives;

(E) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Natural Resources of the Senate;

(F) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Energy and Commerce of the House of Representatives;

(G) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate;

(H) 1 shall be jointly appointed by the Chairpersons and Ranking Members of the Committees on Science and Technology and Transportation and Infrastructure of the House of Representatives;

(I) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(J) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Agriculture of the House of Representatives;

(K) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Finance of the Senate; and

(L) 1 shall be jointly appointed by the Chairperson and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS.—

(A) POLITICAL PARTY AFFILIATION.—An appointment of a member of the Commission under paragraph (1) shall be made—

(i) without regard to the political party affiliation of the member; and

(ii) on a nonpartisan basis.

(B) NONGOVERNMENTAL APPOINTEES.—A member appointed to the Commission under paragraph (1) shall not be an officer or employee of—

(i) the Federal Government; or

(ii) any unit of State or local government.

(C) SENSE OF CONGRESS REGARDING OTHER QUALIFICATIONS.—It is the sense of Congress that members appointed to the Commission under paragraph (1) should be prominent, nationally recognized United States citizens, with a significant depth of experience in professions such as governmental service, science, energy, economics, the environment, agriculture, manufacturing, public administration, and commerce (including aviation matters).

(3) DEADLINE FOR APPOINTMENTS.—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(4) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall hold the initial meeting of the Commission as soon as practicable, and not later than 60 days, after the date on which all members of the Commission are appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting under subparagraph (A), the Commission shall meet at the call of—

(i) the Chairperson; or

(ii) a majority of the members of the Commission.

(5) QUORUM.—7 members of the Commission shall constitute a quorum.

(6) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

(d) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) study and evaluate relevant data, studies, and proposals relating to national energy policies and policies to address global climate change, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure relating to—

(i) domestic production and consumption of energy from all sources and imported sources of energy, particularly oil and natural gas;

(ii) domestic and international oil and gas exploration, production, refining, and pipelines and other forms of infrastructure and transportation;

(iii) energy markets, including energy market speculation, transparency, and oversight;

(iv) the structure of the energy industry, including the impacts of consolidation, anti-trust, and oligopolistic concerns, market manipulation and collusion concerns, and other similar matters;

(v) electricity production and transmission issues, including fossil fuels, renewable energy, energy efficiency, and energy conservation matters;

(vi) transportation fuels, biofuels and other renewable fuels, fuel cells, motor vehicle power systems, efficiency, and conservation; and

(vii) nuclear energy, including matters relating to permitting, regulation, and legal liability;

(B) examine relevant data relating to global climate change and the national and global environment, including—

(i) the impacts on the global climate system and the environment of human activities, particularly greenhouse gas emissions and pollution; and

(ii) the consequences of global climate change on humans and other species, particularly consequences to the national security, economy, and public health and safety of the United States;

(C) identify, review, and evaluate the lessons of past energy policies, energy crises, environmental problems, and attempts to address global climate change;

(D) evaluate proposals for energy and global climate change policies, including proposals developed by Members of Congress, congressional Committees, relevant Federal, regional, and State government agencies, nongovernmental organizations, independent organizations, and international organizations, with the goal of expanding those proposals to develop a blueprint for comprehensive energy and global climate change legislation; and

(E) submit to Congress and the President the reports required under subsection (h).

(2) RELATIONSHIP TO EFFORTS OF CONGRESS.—The Commission shall—

(A) review the information compiled by, and the findings, conclusions, and recommendations of, congressional Committees of relevant jurisdiction; and

(B) based on the results of the review, pursue any appropriate inquiry that the Commission determines to be necessary to carry out the duties of the Commission under paragraph (1).

(e) POWERS.—

(1) IN GENERAL.—

(A) RULES.—The Commission may establish such rules relating to administrative procedures as are reasonably necessary to enable the Commission to carry out this section.

(B) HEARINGS AND EVIDENCE.—

(i) IN GENERAL.—The Commission or any subcommittee or member of the Commission may, for the purpose of carrying out this section—

(I) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission determines to be appropriate; and

(II) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence,

memoranda, papers, and documents, as the Commission determines to be necessary.

(i) **PUBLIC REQUIREMENT.**—In accordance with applicable laws (including regulations) and Executive orders regarding protection of information acquired by the Commission, the Commission shall ensure that, to the maximum extent practicable—

(I) all hearings of the Commission are open to the public, including by—

(aa) providing live and recorded public access to hearings on the Internet; and

(bb) publishing all transcripts and records of hearings at such time and in such manner as is agreed to by the majority of members of the Commission; and

(II) all findings and reports of the Commission are made public.

(2) **SUBPOENAS.**—

(A) **ISSUANCE.**—

(i) **IN GENERAL.**—A subpoena may be issued under this subsection only—

(I) on agreement of the Chairperson and Vice-Chairperson of the Commission; or

(II) on the affirmative vote of at least 6 members of the Commission.

(ii) **SIGNATURE.**—Subject to clause (i), a subpoena issued under this paragraph may be—

(I) issued under the signature of the Chairperson of the Commission (or a designee who is a member of the Commission); and

(II) served by any individual or entity designated by the Chairperson or designee.

(B) **ENFORCEMENT.**—

(i) **IN GENERAL.**—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed individual or entity resides, is served, or may be found, or to which the subpoena is returnable, may issue an order requiring the individual or entity to appear at a designated place to testify or to produce documentary or other evidence.

(ii) **FAILURE TO OBEY.**—

(I) **IN GENERAL.**—A failure to obey the order of a United States district court under clause (i) may be punished by the United States district court as a contempt of the court.

(II) **ENFORCEMENT BY COMMISSION.**—In the case of failure of a witness to comply with a subpoena, or to testify if summoned pursuant to this paragraph—

(aa) the Commission, by majority vote, may certify to the appropriate United States Attorney a statement of fact regarding the failure; and

(bb) the United States Attorney may bring the matter before the grand jury for action in accordance with sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 et seq.).

(3) **CONTRACTING.**—To the extent amounts are made available in appropriations Acts, the Commission may enter into contracts to assist the Commission in carrying out the duties of the Commission under this section.

(4) **INFORMATION FROM FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) **TREATMENT.**—Information provided to the Commission under this paragraph shall be received, handled, stored, and disseminated by members and staff of the Commission in accordance with applicable law (including regulations) and Executive orders.

(5) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(A) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support and other

services to assist the Commission in carrying out the duties of the Commission under this section.

(B) **OTHER DEPARTMENTS AND AGENCIES.**—In addition to the assistance described in subparagraph (A), any other Federal department or agency may provide to the Commission such services, funds, facilities, staff, and other support as the head of the department or agency determines to be appropriate.

(6) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(7) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property only in accordance with the ethical rules applicable to congressional officers and employees.

(8) **VOLUNTEER SERVICES.**—

(A) **IN GENERAL.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use the services of volunteers serving without compensation.

(B) **REIMBURSEMENT.**—The Commission may reimburse a volunteer for office supplies, local travel expenses, and other travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

(C) **TREATMENT.**—A volunteer of the Commission shall be considered to be an employee of the Federal Government in carrying out activities for the Commission, for purposes of—

(i) chapter 81 of title 5, United States Code;

(ii) chapter 11 of title 18, United States Code; and

(iii) chapter 171 of title 28, United States Code.

(f) **COMMISSION PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—A member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Commission.

(C) **COMPENSATION.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(D) **STATUS.**—The executive director and any employee (not including any member) of the Commission shall be considered to be

employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(E) **CONSULTANT SERVICES.**—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid to an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) **REPORTS.**—

(1) **INTERIM REPORTS.**—Not later than June 1, 2009, and thereafter as the Commission determines to be appropriate, the Commission shall submit to Congress and the President an interim report describing the findings and recommendations agreed to by a majority of members of the Commission during the period beginning on the date on which, as applicable—

(A) all members of the Commission are appointed under subsection (c); or

(B) the most recent interim report was submitted under this paragraph.

(2) **FINAL REPORT.**—Not later than 18 months after the date on which all members of the Commission are appointed under subsection (c), the Commission shall submit to Congress and the President a final report establishing a plan for development of legislation for a comprehensive national policy relating to energy security that—

(A) addresses global climate change; and

(B) describes the findings and recommendations agreed to by a majority of members of the Commission.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this section, to remain available until the later of—

(1) the date on which the funds are expended; or

(2) the date of termination of the Commission under subsection (j).

(j) **TERMINATION.**—

(1) **IN GENERAL.**—The Commission shall terminate on the date that is 60 days after the date on which the final report is submitted under subsection (h)(2).

(2) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—During the 60-day period described in paragraph (1), the Commission may conclude the activities of the Commission, including—

(A) providing testimony to appropriate committees of Congress regarding the reports of the Commission; and

(B) publishing the final report of the Commission.

**SA 4849.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

**Subtitle H—Committees of Appropriate Jurisdiction**

**SEC. 1771. COMMITTEES OF APPROPRIATE JURISDICTION.**

No revenue or outlays may be disbursed from any fund established in the Treasury of the United States by this Act, except pursuant to legislation reported by the congressional Committees of appropriate jurisdiction and subsequently enacted by Congress.

**SA 4850.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, between lines 9 and 10, insert the following:

(50) **TAX RELIEF FUND.**—The term “Tax Relief Fund” means the fund established by section 581.

On page 31, line 10, strike “(50)” and insert “(51)”.

On page 31, line 14, strike “(51)” and insert “(52)”.

On page 161, strike lines 9 through 12.

On page 161, lines 15 and 16, strike “Climate Change Worker Training and Assistance” and insert “Tax Relief Fund”.

On page 161, lines 23 and 24, strike “Climate Change Worker Training and Assistance” and insert “Tax Relief Fund”.

In the heading of the right column of the table contained on page 162, after line 17, strike “Climate Change Worker Training and Assistance” and insert “Tax Relief Fund”.

On page 163, lines 4 and 5, strike “Climate Change Worker Training and Assistance” and insert “Tax Relief Fund”.

Beginning on page 163, strike line 6 and all that follows through page 183, line 3.

On page 201, strike lines 20 through 23 and insert the following:

**SEC. 581. ESTABLISHMENT OF TAX RELIEF FUND.**

There is established in the Treasury of the United States a fund, to be known as the “Tax Relief Fund”.

On page 202, strike lines 3 and 4 and insert the following:

(b) and (c) and in addition to other auctions conducted pursuant to this Act, to raise funds for deposit in the Tax Relief Fund, for each of calendar

On page 202, lines 10 and 11, strike “Climate Change Consumer Assistance” and insert “Tax Relief Fund”.

In the heading of the right column of the table contained on page 203, after line 2, strike “Climate Change Consumer Assistance” and insert “Tax Relief Fund”.

On page 204, lines 1 and 2, strike “Climate Change Consumer Assistance” and insert “Tax Relief Fund”.

On page 204, strike lines 3 through 14 and insert the following:

**SEC. 584. SENSE OF SENATE REGARDING USE OF AMOUNTS IN TAX RELIEF FUND.**

It is the Sense of the Senate that the Secretary of the Treasury should use amounts deposited in the Tax Relief Fund pursuant to this Act for each calendar year to provide tax relief to consumers in the United States.

Beginning on page 204, strike line 22 and all that follows through page 217, line 4, and insert the following:

**SEC. 601. AUCTIONS FOR TAX RELIEF.**

(a) **AUCTION.**—

(1) **FIRST PERIOD.**—Not later than 330 days before the beginning of calendar year 2012, the Administrator shall auction 12.75 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(2) **SECOND PERIOD.**—Not later than 330 days before the beginning of each of calendar years 2013 through 2025, the Administrator shall auction 13 percent of the quantity of emission allowances established pursuant to section 201(a) for that calendar year.

(3) **THIRD PERIOD.**—Not later than 330 days before the beginning of each of calendar years 2026 through 2050, the Administrator shall auction 13.5 percent of the quantity of

emission allowances established pursuant to section 201(a) for that calendar year.

(b) **USE OF PROCEEDS.**—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Tax Relief Fund for use in accordance with section 584.

On page 217, strike lines 8 through 16 and insert the following:

(1) **IN GENERAL.**—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with the table contained in paragraph (2).

On page 217, line 19, strike “allocate to States described in” and insert “auction under”.

In the heading of the right column of the table contained on page 217, after line 21, strike “allocation among States relying heavily on manufacturing and on coal” and insert “auction”.

Beginning on page 218, strike line 1 and all that follows through page 222, line 4, and insert the following:

(b) **USE OF PROCEEDS.**—The Administrator shall deposit all proceeds of auctions conducted pursuant to subsection (a) in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 222, strike line 8 and all that follows through page 223, line 11, and insert the following:

**SEC. 611. AUCTIONS FOR TAX RELIEF.**

(a) **AUCTION OF ALLOWANCES.**—In accordance with subsections (b) and (c), for each of calendar years 2012 through 2050, the Administrator shall auction a quantity of the emission allowances established pursuant to section 201(a) for each calendar year.

(b) **NUMBER; FREQUENCY.**—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and  
(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and  
(B) the interval between each auction is of equal duration.

(c) **QUANTITIES OF EMISSION ALLOWANCES AUCTIONED.**—For each calendar year of the period described in subsection (a), the Administrator shall auction a quantity of emission allowances in accordance with the applicable percentages described in the following table:

In the heading of the right column of the table contained on page 223, after line 11, strike “for public transportation”.

Beginning on page 224, strike line 1 and all that follows through page 228, line 25, and insert the following:

(d) **USE OF PROCEEDS.**—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

On page 240, strike lines 5 through 17 and insert the following:

(a) **IN GENERAL.**—In accordance with subsection (b), for each of calendar years 2012 through 2050, the Administrator shall—

(1) auction 2 percent of the emission allowances established pursuant to section 201(a) for the calendar year; and

(2) immediately on completion of an auction, deposit the proceeds of the auction in the Tax Relief Fund, for use in accordance with section 584.

On page 241, strike lines 6 through 21 and insert the following:

(a) **AUCTION.**—

(1) **IN GENERAL.**—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with paragraph (2).

(2) **PERCENTAGES FOR AUCTION.**—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with paragraph (1) the percentage of emission allowances specified in the following table:

In the heading of the right column of the table contained on page 241, after line 21, strike “State leaders in reducing greenhouse gas emissions and improving energy efficiency” and insert “auction”.

Beginning on page 242, strike line 1 and all that follows through page 249, line 9, and insert the following:

(b) **USE OF PROCEEDS.**—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

On page 249, strike lines 13 through 24 and insert the following:

**SEC. 621. AUCTIONS.**

(a) **IN GENERAL.**—Not later than 330 days before the beginning of each of calendar years 2012 through 2050, the Administrator shall auction a percentage of the quantity of emission allowances established pursuant to section 201(a) for the applicable calendar year, in accordance with subsection (b).

(b) **PERCENTAGES FOR ALLOCATION.**—For each of calendar years 2012 through 2050, the Administrator shall auction in accordance with subsection (a) the per-

In the heading of the right column of the table contained on page 250, after line 2, strike “States and Indian tribes for adaptation activities” and insert “auction”.

Beginning on page 250, strike line 3 and all that follows through page 267, line 11, and insert the following:

**SEC. 622. USE OF PROCEEDS.**

The Administrator shall deposit all proceeds of auctions conducted pursuant to this subtitle, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 283, strike line 14 and all that follows through page 292, line 16, and insert the following:

**SEC. 801. AUCTIONS FOR TAX RELIEF.**

(a) **FIRST PERIOD.**—Not later than 330 days before the beginning of each of calendar years 2012 through 2030, the Administrator shall auction 6.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) **SECOND PERIOD.**—Not later than 330 days before the beginning of each of calendar years 2031 through 2050, the Administrator shall auction 3.25 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(c) **USE OF PROCEEDS.**—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 292, strike line 22 and all that follows through page 302, line 22, and insert the following:

**SEC. 901. AUCTIONS FOR TAX RELIEF.**

(a) **FIRST PERIOD.**—

(1) **IN GENERAL.**—For each of calendar years 2012 through 2021, the Administrator shall auction 1.75 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) SECOND PERIOD.—

(1) IN GENERAL.—For each of calendar years 2022 through 2030, the Administrator shall auction 2 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(c) THIRD PERIOD.—

(1) IN GENERAL.—For each of calendar years 2031 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(d) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 303, strike line 2 and all that follows through page 304, line 7, and insert the following:

**SEC. 911. AUCTIONS FOR TAX RELIEF.**

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction 0.25 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with subsection (b).

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and  
(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 304, strike line 9 and all that follows through page 307, line 19, and insert the following:

**Subtitle A—Auctions for Tax Relief**

**SEC. 1001. AUCTIONS FOR TAX RELIEF.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and annually thereafter through 2022, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year that occurs 3 years after the calendar year during which the auction is conducted.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

**SEC. 1002. ADDITIONAL AUCTIONS.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall auction

In the heading of the right column of the table contained on page 307, after line 22, strike “allocation to Bonus Allowance Account” and insert “auction”.

Beginning on page 308, strike line 1 and all that follows through page 318, line 4, and insert the following:

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 330, strike line 8 and all that follows through page 332, line 9, and insert the following:

**SEC. 1101. AUCTIONS FOR TAX RELIEF.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall auction 0.5 percent of the quantity of emission allowances established pursuant to section 201(a) for calendar years 2012 through 2017.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 332, strike line 12 and all that follows through page 338, line 5, and insert the following:

**SEC. 1111. AUCTIONS.**

(a) IN GENERAL.—For each of calendar years 2012 through 2050, the Administrator shall auction 1 percent of the quantity of emission allowances established pursuant to section 201(a) for the calendar year, in accordance with subsection (b).

(b) NUMBER; FREQUENCY.—For each calendar year during the period described in subsection (a), the Administrator shall—

(1) conduct not fewer than 4 auctions; and  
(2) schedule the auctions in a manner to ensure that—

(A) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(B) the interval between each auction is of equal duration.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 338, strike line 7 and all that follows through page 340, line 21, and insert the following:

**SEC. 1121. AUCTIONS FOR TAX RELIEF.**

(a) AUCTIONS.—

(1) FIRST PERIOD.—Not later than 330 days before the beginning of each of calendar years 2012 and 2013, the Administrator shall

auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(2) SECOND PERIOD.—Not later than 330 days before the beginning of each of calendar years 2014 through 2017, the Administrator shall auction 0.75 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(3) THIRD PERIOD.—Not later than 330 days before the beginning of each of calendar years 2018 through 2030, the Administrator shall auction 1 percent of the emission allowances established pursuant to section 201(a) for that calendar year.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

Beginning on page 426, strike line 1 and all that follows through page 442, line 2, and insert the following:

**SEC. 1312. AUCTIONS FOR TAX RELIEF.**

(a) AUCTIONS.—For each of calendar years 2012 through 2050, the Administrator shall auction a quantity of allowances described in subsection (b) established pursuant to section 201(a) for that calendar year.

(b) QUANTITY OF ALLOWANCES.—The quantity of allowances referred to in subsection (a) is, with respect to each applicable calendar year—

(1) 1 percent of the quantity of emission allowances established for that calendar year; and

(2) of the quantity of offset allowances established for that calendar year—

(A) the number of offset allowances that the Administrator determines to be appropriate; but

(B) in no case more than 10 percent of the quantity of emission allowances established for that calendar year.

(c) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

**SEC. 1313. ADDITIONAL AUCTIONS.**

(a) AUCTIONS.—

(1) IN GENERAL.—For each of calendar years 2012 through 2017, the Administrator shall auction 0.5 percent of the emission allowances established pursuant to section 201(a) for the calendar year, in accordance with paragraph (2).

(2) NUMBER; FREQUENCY.—For each calendar year during the period described in paragraph (1), the Administrator shall—

(A) conduct not fewer than 4 auctions; and  
(B) schedule the auctions in a manner to ensure that—

(i) each auction takes place during the period beginning 330 days before, and ending 60 days before, the beginning of each calendar year; and

(ii) the interval between each auction is of equal duration.

(b) USE OF PROCEEDS.—The Administrator shall deposit all proceeds of auctions conducted pursuant to this section, immediately on receipt of those proceeds, in the Tax Relief Fund, for use in accordance with section 584.

**SA 4851.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:
Subtitle E—Carbon Output Reduction Plans
for National Forest Land and Resource
Management Areas

SEC. 1241. CARBON OUTPUT REDUCTION PLANS.

(a) DEFINITIONS.—In this section:
(1) MANAGEMENT PLAN.—The term “man-
agement plan” means—

(A) a National Forest management plan
under—

(i) the Forest and Rangeland Renewable
Resources Planning Act of 1974 (16 U.S.C. 1600
et seq.); and

(ii) the National Forest Management Act
of 1976 (16 U.S.C. 1600 et seq.); and

(B) a resource management plan under the
Federal Land Policy and Management Act of
1976 (43 U.S.C. 1701 et seq.).

(2) SECRETARY.—The term “Secretary”
means—

(A) with respect to subsection (b), the Sec-
retary of Agriculture (acting through the
Chief of the Forest Service); and

(B) with respect to subsection (c) the Sec-
retary of the Interior (acting through the Di-
rector of the Bureau of Land Management).

(b) NATIONAL FOREST LAND MANAGED BY
THE SECRETARY OF AGRICULTURE.—

(1) CARBON OUTPUT REDUCTION PLANS.—

(A) IN GENERAL.—Not later than 1 year
after the date of enactment of this Act, in
accordance with subparagraph (B), the Sec-
retary shall require the forest supervisor of
each National Forest to amend the manage-
ment plan of the National Forest under the
jurisdiction of the forest supervisor to de-
velop and carry out a carbon output reduc-
tion plan to reduce the quantity of carbon
output generated by hazardous fuels and
wildfires, to the maximum extent practic-
able, by—

- (i) as of January 1, 2015, 10 percent;
(ii) as of January 1, 2020, 25 percent; and
(iii) as of January 1, 2050, 50 percent.

(B) CARBON OUTPUT BASELINE.—

(i) IN GENERAL.—In developing a carbon
output reduction plan under subparagraph
(A), the forest supervisor of each National
Forest shall include in the carbon output re-
duction plan applicable to the National For-
est under the jurisdiction of the forest super-
visor a carbon output baseline developed in
accordance with clause (ii).

(ii) BASELINE METHODOLOGY.—

(I) IN GENERAL.—In developing a carbon
output baseline under clause (i), each forest
supervisor of a National Forest shall base
the carbon output baseline for the National
Forest on the average annual quantity of
carbon output generated by the National
Forest during the most recent 5 calendar-
year period for which data are available.

(II) PRESCRIBED BURNS AND WILDLAND FIRE
USE FIRES.—In developing a carbon output
baseline under clause (i), each forest super-
visor of a National Forest shall not consider
carbon output generated as the result of pre-
scribed burns or wildland fire use fires in the
National Forest.

(iii) USE.—Each forest supervisor of a Na-
tional Forest shall use the carbon output
baseline applicable to the National Forest to
determine the reduction of carbon output
generated by the National Forest for each
calendar year.

(2) AUTHORIZED FORMS OF PAYMENT.—In car-
rying out a carbon output reduction plan
under paragraph (1), a forest supervisor of a
National Forest may enter into a contract
with an appropriate individual or entity to
allow the individual or entity to perform
services in exchange for any form of pay-
ment authorized by the forest supervisor (in-
cluding any goods-for-services contract or
stewardship contract).

(c) RESOURCE MANAGEMENT AREAS MAN-
AGED BY THE SECRETARY OF THE INTERIOR.—

(1) CARBON OUTPUT REDUCTION PLANS.—

(A) IN GENERAL.—Not later than 1 year
after the date of enactment of this Act, in
accordance with subparagraph (B), the Sec-
retary shall require the district director of
each resource management area that the
Secretary determines to be extensively for-
ested to amend the management plan of the
resource management area under the juris-
diction of the district director to develop and
carry out a carbon output reduction plan to
reduce the quantity of carbon output gener-
ated by hazardous fuels and wildfires, to
the maximum extent practicable, by—

- (i) as of January 1, 2015, 10 percent;
(ii) as of January 1, 2020, 25 percent; and
(iii) as of January 1, 2050, 50 percent.

(B) CARBON OUTPUT BASELINE.—

(i) IN GENERAL.—In developing a carbon
output reduction plan under subparagraph
(A), the district director of each resource
management area described in subparagraph
(A) shall include in the carbon output reduc-
tion plan applicable to the resource manage-
ment area under the jurisdiction of the dis-
trict director a carbon output baseline devel-
oped in accordance with clause (ii).

(ii) BASELINE METHODOLOGY.—

(I) IN GENERAL.—In developing a carbon
output baseline under clause (i), each dis-
trict director of a resource management area
described in subparagraph (A) shall base the
carbon output baseline for the resource man-
agement area on the average annual quan-
tity of carbon output generated by the re-
source management area during the most re-
cent 5 calendar-year period for which data
are available.

(II) PRESCRIBED BURNS AND WILDLAND FIRE
USE FIRES.—In developing a carbon output
baseline under clause (i), each district direc-
tor of a resource management area described
in subparagraph (A) shall not consider car-
bon output generated as the result of pre-
scribed burns or wildland fire use fires in the
resource management area.

(iii) USE.—Each district director of a re-
source management area described in sub-
paragraph (A) shall use the carbon output
baseline applicable to the resource manage-
ment area to determine the reduction of car-
bon output generated by the resource man-
agement area for each calendar year.

(2) AUTHORIZED FORMS OF PAYMENT.—In car-
rying out a carbon output reduction plan
under paragraph (1), a district director of a
resource management area may enter into a
contract with an appropriate individual or
entity to allow the individual or entity to
perform services in exchange for any form of
payment authorized by the district director
(including any goods-for-services contract or
stewardship contract).

SA 4852. Mr. BARRASSO submitted
an amendment intended to be proposed
by him to the bill S. 3036, to direct the
Administrator of the Environmental
Protection Agency to establish a pro-
gram to decrease emissions of green-
house gases, and for other purposes;
which was ordered to lie on the table;
as follows:

Strike the table that begins on page 183,
after line 18, and ends on page 184, before line
1, and insert the following:

Table with 2 columns: Calendar Year, Percentage for distribution among carbon-intensive manufacturing facilities in United States. Rows for years 2012-2014.

Table with 2 columns: Calendar Year, Percentage for distribution among carbon-intensive manufacturing facilities in United States. Rows for years 2015-2030.

On page 184, line 16, insert “and nonfuel
minerals” after “metals”.

Strike the table that begins on page 458,
after line 5, and insert the following:

Table with 2 columns: Calendar year, Percentage for auction for Deficit Reduction Fund. Rows for years 2012-2050.

SA 4853. Mr. BARRASSO submitted
an amendment intended to be proposed
by him to the bill S. 3036, to direct the
Administrator of the Environmental
Protection Agency to establish a pro-
gram to decrease emissions of green-
house gases, and for other purposes;
which was ordered to lie on the table;
as follows:

At the end of subtitle B of title X, add the
following:

**SEC. 10 . . . ADVANCED COAL AND SEQUESTRATION TECHNOLOGIES PROGRAM.****(a) ADVANCED COAL TECHNOLOGIES.—****(1) DEFINITIONS.—**In this section:

(A) **ADVANCED COAL GENERATION TECHNOLOGY.**—Subject to paragraph (2), the term “advanced coal generation technology” means an advanced coal-fueled power plant technology that meets 1 of the following performance standards for limiting carbon dioxide emissions from an electric generation unit on an annual average basis, as determined by the Climate Change Technology Board:

(i) For an electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment not later than December 31, 2015—

(I) treatment of at least the quantity of flue gas equivalent to 100 megawatts of the output of the electric generation unit; and

(II) a capability of capturing and sequestering at least 85 percent of the carbon dioxide in that flue gas.

(ii) For an electric generation unit that is not a new entrant and that commences operation of carbon capture and sequestration equipment after December 31, 2016, achievement of an average annual emission rate of not more than 1,200 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(iii) For a new entrant electric generation unit for which construction of the unit commenced prior to July 1, 2018, achievement of an average annual emission rate of not more than 800 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(iv) For a new entrant electric generation unit for which construction of the unit commenced on or after July 1, 2018, achievement of an average annual emissions rate of not more than 350 pounds of carbon dioxide per megawatt-hour of net electricity generation, after subtracting the carbon dioxide that is captured and sequestered.

(v) For any unit at a covered entity that is not an electric generation unit, achievement of an average annual emission rate that is achieved by the capture and sequestration of a minimum of 85 percent of the total carbon dioxide emissions produced by the unit.

(B) **COMMENCED.**—The term “commenced”, with respect to construction, means that an owner or operator has—

(i) obtained the necessary permits to carry out a continuous program of construction; and

(ii) entered into a binding contractual obligation, with substantial financial penalties for cancellation, to undertake such a program.

(C) **CONSTRUCTION.**—The term “construction”, with respect to a carbon capture and sequestration project, means the fabrication, erection, or installation of technology for the project.

**(2) ADJUSTMENT OF PERFORMANCE STANDARDS.—**

(A) **IN GENERAL.**—The Climate Change Technology Board may adjust the emission performance standards for a carbon capture and sequestration project under paragraph (1)(A) for an electric generation unit that uses subbituminous coal, lignite, or petroleum coke in significant amounts.

(B) **REQUIREMENT.**—If the Climate Change Technology Board adjusts a standard under subparagraph (A), the adjusted performance standard for the applicable project shall prescribe an annual emission rate that requires the project to achieve an equivalent reduction from uncontrolled carbon dioxide emissions levels from the use of subbituminous coal, lignite, or petroleum coke, as compared

to the emissions the project would have achieved if that unit had combusted only bituminous coal during the particular calendar year.

(C) **APPLICABILITY OF BONUS ALLOWANCE ADJUSTMENT RATIO.**—The bonus allowance adjustment ratio under section 1013(b) shall apply to an electric generation unit described in paragraph (1)(A)(i) only with respect to the megawatt-hours and carbon dioxide emissions attributable to the treated share of the flue gas of the electric generation unit.

**(3) DEMONSTRATION PROJECTS AND DEPLOYMENT INCENTIVES.—**

(A) **IN GENERAL.**—The Climate Change Technology Board shall use not less than \$40,000,000,000 of amounts made available from the sale of allowances under the program to carry out this section to support demonstration projects using advanced coal generation technology, including retrofit technology that could be deployed on existing coal generation facilities, and to provide financial incentives to facilitate the deployment of not more than 20 gigawatts of advanced coal generation technologies.

(B) **CERTAIN PROJECTS.**—Of the amounts described in subparagraph (A), the Climate Change Technology Board shall make available up to 25 percent for projects that meet the carbon dioxide emission performance standard under paragraph (1)(A)(i).

(C) **ADMINISTRATION.**—In providing incentives under this paragraph, the Climate Change Technology Board shall—

(i) provide appropriate incentives for regulated investor-owned utilities, municipal utilities, electric cooperatives, and independent power producers, as determined by the Secretary of Energy; and

(ii) ensure that a range of the domestic coal types is employed in the facilities that receive incentives under this paragraph.

**(D) FUNDING REQUIREMENTS.—**

(i) **SEQUESTRATION ACTIVITIES.**—The Climate Change Technology Board shall provide incentives only to projects that meet 1 of the emission performance standards for limiting carbon dioxide described in clause (ii) or (iii) of paragraph (1)(A).

(ii) **PROJECTS USING CERTAIN COALS.**—In providing incentives under this paragraph, the Climate Change Technology Board shall set aside not less than 25 percent of any amounts made available to carry out this subsection for projects using coal with an energy content of not more than 10,000 British thermal units per pound.

(4) **STORAGE AGREEMENT REQUIRED.**—The Climate Change Technology Board shall require a binding storage agreement for the carbon dioxide captured in a project under this subsection in a geological storage project permitted by the Administrator under regulations promulgated pursuant to section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)).

**(5) DISTRIBUTION OF FUNDS.—**

(A) **REQUIREMENT.**—The Climate Change Technology Board shall make awards under this section in a manner that maximizes the avoidance or reduction of greenhouse gas emissions.

(B) **INCENTIVES.**—A project that receives an award under this subsection may elect 1 of the following financial incentives:

(i) A loan guarantee.

(ii) A cost-sharing grant to cover the incremental cost of installing and operating carbon capture and storage equipment (for which utilization costs may be covered for the first 10 years of operation).

(iii) Production payments of not more than 1.5 cents per kilowatt-hour of electric output during the first 10 years of commercial service of the project.

(6) **LIMITATION.**—A project may not receive an award under this subsection if the project receives an award under section 4402.

**(b) SEQUESTRATION.—**

(1) **IN GENERAL.**—The Climate Change Technology Board shall use not less than \$10,000,000,000 of amounts made available from the sale of allowances to carry out this section for large-scale geological carbon storage demonstration projects that store carbon dioxide captured from electric generation units using coal gasification or other advanced coal combustion processes, including units that receive assistance under subsection (a).

**(2) PROJECT CAPITAL AND OPERATING COSTS.—**

(A) **IN GENERAL.**—The Climate Change Technology Board shall provide assistance under this subsection to reimburse the project owner for a percentage of the incremental project capital and operating costs of the project that are attributable to carbon capture and sequestration, as the Secretary determines to be appropriate.

(B) **CERTAIN PROJECTS.**—Of the assistance provided under subparagraph (A), the Climate Change Technology Board shall make available up to 25 percent for projects that meet the carbon dioxide emissions performance standard under subsection (a)(1)(A)(i).

**SA 4854.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 381, between lines 9 and 10, insert the following:

**SEC. 1238. RECOVERY PLANS.**

Nothing in this subtitle requires the Secretary of the Interior (or the Secretary of Commerce, with respect to any species for which the Secretary of Commerce has program responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)) to update any recovery plan developed under section 4(f) of the At Act 916 U.S.C. 1533(f) that was approved before the date of enactment of this Act.

**SA 4855.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**Subtitle J—Small Business Refiners****SEC. 591. DEFINITION OF SMALL BUSINESS REFINER.**

In this subtitle:

(1) **IN GENERAL.**—The term “small business refiner” means a refiner that meets the applicable Federal refinery capacity and employee limitations criteria described in section 45H (c) of the Internal Revenue Code of 1986 (in effect on the date of enactment of this Act).

(2) **EXCLUSION.**—The term “small business refiner” does not include an entity formed by a merger or acquisition involving a refining entity that—

(A) does not meet the applicable criteria referred to in paragraph (1); and

(B) occurred after December 31, 2007.

**SEC. 592. ALLOCATIONS.**

(a) **CALENDAR YEARS 2012 THROUGH 2017.**—Notwithstanding any other provision of this

Act, for each of calendar years 2012 through 2017, the Administrator shall—

(1) adjust the allocations under subtitles E and F to owners and operators of carbon-intensive manufacturing facilities and fossil fuel-fired electric power generating facilities, respectively, by ½ percent; and

(2) allocate 1 percent of the emission allowances established under section 201(a) for those facilities to small business refiners in accordance with this subtitle.

(b) **CALENDAR YEARS 2018 THROUGH 2030.**—Notwithstanding any other provision of this Act, for each of calendar years 2012 through 2017, the Administrator shall—

(1) adjust the allocations under subtitle G to owners and operators of facilities that manufacture petroleum-based liquid or gaseous fuel by 1 percent; and

(2) allocate 1 percent of the emission allowances established under section 201(a) for those facilities to small business refiners in accordance with this subtitle.

**SEC. 593. TREATMENT OF EXPANSIONS.**

Emissions of carbon dioxide equivalent from transportation fuel resulting from an expansion in capacity by a small business refiner that qualifies under section 179(c) of the Internal Revenue Code of 1986 shall be added to the 2006 carbon dioxide equivalents of the small business refiner for the purpose of calculating the quantity of emission allowances to be distributed to the small business refiner under this subtitle.

**SA 4856.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

**Subtitle H—Atmospheric Removal of Greenhouse Gases**

**SEC. 1771. SHORT TITLE.**

This subtitle may be cited as the “Greenhouse Gas Emission Atmospheric Removal Act” or the “GEAR Act”.

**SEC. 1772. STATEMENT OF POLICY.**

It is the policy of the United States to provide incentives to encourage the development and implementation of technology to permanently remove greenhouse gases from the atmosphere on a significant scale.

**SEC. 1773. DEFINITIONS.**

In this subtitle:

(1) **COMMISSION.**—The term “Commission” means the Greenhouse Gas Emission Atmospheric Removal Commission established by section 1775(a).

(2) **GREENHOUSE GAS.**—The term “greenhouse gas” means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) sulfur hexafluoride;

(E) a hydrofluorocarbon;

(F) a perfluorocarbon; and

(G) any other gas that the Commission determines is necessary to achieve the purposes of this subtitle.

(3) **INTELLECTUAL PROPERTY.**—The term “intellectual property” means—

(A) an invention that is patentable under title 35, United States Code; and

(B) any patent on an invention described in subparagraph (A).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

**SEC. 1774. GREENHOUSE GAS EMISSION ATMOSPHERIC REMOVAL PROGRAM.**

The Secretary, acting through the Commission, shall provide to public and private

entities, on a competitive basis, financial awards for the achievement of milestones in developing and applying technology that could significantly slow or reverse the accumulation of greenhouse gases in the atmosphere by permanently capturing or sequestering those gases without significant countervailing harmful effects.

**SEC. 1775. GREENHOUSE GAS EMISSION ATMOSPHERIC REMOVAL COMMISSION.**

(a) **ESTABLISHMENT.**—There is established within the Department of Energy a commission to be known as the “Greenhouse Gas Emission Atmospheric Removal Commission”.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of 11 members appointed by the President, by and with the advice and consent of the Senate, who shall provide expertise in—

(A) climate science;

(B) physics;

(C) chemistry;

(D) biology;

(E) engineering;

(F) economics;

(G) business management; and

(H) such other disciplines as the Commission determines to be necessary to achieve the purposes of this subtitle.

(2) **TERM; VACANCIES.**—

(A) **TERM.**—A member of the Commission shall serve for a term of 6 years.

(B) **VACANCIES.**—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) **MEETINGS.**—The Commission shall meet at the call of the Chairperson.

(5) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(7) **COMPENSATION.**—A member of the Commission shall be compensated at level III of the Executive Schedule.

(c) **DUTIES.**—The Commission shall—

(1) subject to subsection (d), develop specific requirements for—

(A) the competition process;

(B) minimum performance standards;

(C) monitoring and verification procedures; and

(D) the scale of awards for each milestone identified under paragraph (3);

(2) establish minimum levels for the capture or net sequestration of greenhouse gases that are required to be achieved by a public or private entity to qualify for a financial award described in paragraph (3);

(3) in coordination with the Secretary, offer those financial awards to public and private entities that demonstrate—

(A) a design document for a successful technology;

(B) a bench scale demonstration of a technology;

(C) technology described in subparagraph (A) that—

(i) is operational at demonstration scale; and

(ii) achieves significant greenhouse gas reductions; and

(D) operation of technology on a commercially viable scale that meets the minimum levels described in paragraph (2); and

(4) submit to Congress—

(A) an annual report that describes the progress made by the Commission and recipients of financial awards under this section in achieving the demonstration goals established under paragraph (3); and

(B) not later than 1 year after the date of enactment of this Act, a report that describes the levels of funding that are necessary to achieve the purposes of this subtitle.

(d) **PUBLIC PARTICIPATION.**—In carrying out subsection (c)(1), the Commission shall—

(1) provide notice of and, for a period of at least 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subsection (c)(1); and

(2) take into account public comments received in developing the final version of those requirements.

(e) **PEER REVIEW.**—No financial award may be provided under this subtitle until such time as the proposal for which the award is sought has been peer reviewed in accordance with such standards for peer review as the Commission shall establish.

**SEC. 1776. INTELLECTUAL PROPERTY CONSIDERATIONS.**

(a) **IN GENERAL.**—Title to any intellectual property arising from a financial award provided under this subtitle shall vest in 1 or more entities that are incorporated in the United States.

(b) **RESERVATION OF LICENSE.**—The United States—

(1) may reserve a nonexclusive, non-transferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subsection (a); but

(2) shall not, in the exercise of a license reserved under paragraph (1), publicly disclose proprietary information relating to the license.

(c) **TRANSFER OF TITLE.**—Title to any intellectual property described in subsection (a) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

**SEC. 1777. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

**SEC. 1778. TERMINATION OF AUTHORITY.**

The Commission and all authority of the Commission provided under this subtitle terminate on December 31, 2020.

**SA 4857.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 304, strike line 19 and insert the following:

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment

On page 304, after line 25, add the following:

(b) **ADDITIONAL FUNDS.**—

(1) **IN GENERAL.**—For the period of calendar years 2009 through 2018, of the proceeds of the auctions conducted under section 1402(a), \$20,000,000,000 shall be allocated by the Administrator to the Kick-Start Program in accordance with the schedule described in paragraph (2).

(2) **SCHEDULE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), of the \$20,000,000,000 described in paragraph (1), the Administrator shall allocate—

- (i) \$1,200,000,000 in calendar year 2009;
- (ii) \$1,100,000,000 in calendar year 2010;
- (iii) \$900,000,000 in calendar year 2011;
- (iv) \$3,100,000,000 in 2012;
- (v) \$3,000,000,000 in each of calendar years 2013 and 2014; and
- (vi) \$2,000,000,000 in each of calendar years 2015 through 2018.

(B) INCREASE IN ALLOCATION.—If any portion of the funds to be allocated under subparagraph (A) for a calendar year is unavailable for that allocation, that portion shall be added to the amount to be allocated in the subsequent calendar year.

On page 305, line 19, insert “research, development, demonstration, and” before “early deployment”.

Beginning on page 305, strike line 22 and all that follows through page 306, line 2, and insert the following:

(b) GOALS.—The Board shall design and operate the Kick-Start Program with the goals of—

(1) advancing additional advanced coal research and development innovations for capturing and storing carbon dioxide; and

(2) rapidly bringing into operation in the United States not fewer than 5 commercial facilities that capture and geologically sequester carbon released when coal is used to generate electricity.

(c) KICK-START COMPONENTS.—

(1) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—For each fiscal year, the Secretary of Energy shall use 50 percent of the amounts in the Fund derived from auctions conducted under section 1002(b) to carry out the programs established under sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293).

(B) REQUIREMENTS.—In carrying out the programs, the Secretary of Energy shall provide for the investigation of a wide variety of technologies for carbon capture for—

(i) retrofitting of existing facilities; and

(ii) installation of carbon-capture technology on next-generation coal-fueled facilities.

(2) DEPLOYMENT.—The Secretary of Energy shall use 50 percent of the amounts in the Fund derived from auctions conducted under section 1002(b) to carry out a program to facilitate the deployment of the technologies described in paragraph (1)(B).

On page 306, line 3, strike “(c)” and insert “(d)”.

On page 306, strike lines 4 through 9 and insert the following:  
Program on—

(1) the “Early Deployment Fund” recommendations contained in the final report issued by the Advanced Coal Technology Work Group of the Clean Air Act Advisory Committee of the Environmental Protection Agency and dated January 29, 2008; and

(2) the programs established under sections 962 and 963 of the Energy Policy Act of 2005 (42 U.S.C. 16292, 16293).

(e) COAL DIVERSITY.—The Kick-Start Program

On page 306, line 13, strike “(e)” and insert “(f)”.

On page 306, line 17, strike “(f)” and insert “(g)”.

On page 457, line 13, insert “and the Carbon Capture and Sequestration Technology Fund established by section 1001” before the period at the end.

**SA 4858.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 341, strike lines 5 through 7 and insert the following:

(2) to reduce greenhouse gas emissions, the United States should not rely on ethanol produced from corn and should rely increasingly on advanced, clean, low-carbon fuels for transportation.

**SA 4859.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 84, strike lines 13 and 14 and insert the following:

(i) forest management activities inclusive of associated recognized carbon pools, including—

(I) forest product carbon sequestration;

(II) afforestation; and

(III) forest management activities that contribute to forest carbon sequestration;

**SA 4860.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

**Subtitle H—Sense of the Senate Regarding the Need to Expedite Certain Outer Continental Shelf Oil and Gas Lease Sales**

**SEC. 1771. SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds that—

(1) the citizens of the United States face economic hardships due to high fuel costs;

(2) the citizens of the United States rely on oil and gas produced from resources located in the approximately 1,760,000,000 acres of the outer Continental Shelf;

(3) the Secretary of the Interior (referred to in this section as the “Secretary”), in accordance with section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), has prepared, for calendar years 2007 through 2012, an oil and gas leasing program (referred to in this section as the “5-year program”) indicating a 5-year schedule of lease sales designed to best meet the energy needs of the United States;

(4) the 5-year program includes 21 lease sales in 8 areas, including—

(A) 4 areas located off of the coast of the State of Alaska;

(B) 1 area located off of the Atlantic Coast; and

(C) 3 areas located in the Gulf of Mexico;

(5) the analysis completed for the 5-year program has indicated that implementation of the 5-year program would result in—

(A) the production of an estimated 10,000,000,000 barrels of oil and 45,000,000,000 cubic feet of natural gas; and

(B) the generation of \$170,000,000,000 in net benefits for the United States during the 40-year period beginning on the date of implementation of the 5-year program; and

(6) the United States should—

(A) be less dependent on foreign oil; and

(B) develop more domestic sources of energy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as soon as practicable after the date of enactment of this Act, the Secretary should expedite each remaining lease sale included in the 5-year program re-

gardless of the year for which any particular lease sale is scheduled.

**SA 4861.** Mrs. DOLE (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 291, strike line 24 and all that follows through page 292, line 16.

On page 301, strike line 12 and insert the following:

In making awards under this sub-

On page 302, strike lines 6 through 22.

Beginning on page 306, strike line 17 and all that follows through page 307, line 9.

**SA 4862.** Mrs. DOLE (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, strike lines 1 through 13 and insert the following:

(A) IN GENERAL.—The term “Coastal State” means any State or territory of the United States with a coastal zone management plan or program that is approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

On page 251, line 14, strike “(C)” and insert “(B)”.

On page 254, strike lines 13 through 20 and insert the following:

(B) to identify and develop plans to protect, or, as necessary or applicable, to relocate public facilities and infrastructure, coastal resources of national significance, public energy facilities, or other public water uses located in the coastal watershed that are affected by climate change, including the development of strategies that use natural resources, such as natural buffer zones, natural shorelines, and habitat protection or restoration, to mitigate risks and impacts;

On page 255, strike lines 23 and 24 and insert the following:

(v) coastal habitat loss;

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on June 17, 2008, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1774, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the



National Trails System, and for other purposes; S. 2359, to establish the St. Augustine 450th Commemoration Commission, and for other purposes; S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; S. 3010, to reauthorize the Route 66 Corridor Preservation Program; S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan; S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes; and H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to [rachel\\_pasternack@energy.senate.gov](mailto:rachel_pasternack@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 4, 2008 at 11 a.m. in room 332 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 4, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Improving Detainee Policy: Handling Terrorism Detainees within the American Justice System" on Wednesday, June 4, 2008, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, June 4, 2008 to conduct a hearing. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. CARPER. I ask unanimous consent that Karl Cordova, Alicia Jackson, Lucas Knowles, and Bryan Mignone, of the Committee on Energy and Natural Resources, be granted the privilege of the floor during debate on the Climate Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMERICAN EAGLE DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 583.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 583) designating June 20, 2008, as "American Eagle Day," and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 583) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### RES. 583

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned citizens of the United States that represented Federal, State, and private sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens of the United States, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2006, the population of bald eagles that nested in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles will still be protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934)—

(1) was signed into law on December 23, 2004; and

(2) directs the Secretary of the Treasury to mint commemorative coins in 2008—

(A) to celebrate the recovery and restoration of the bald eagle; and

(B) to mark the 35th anniversary of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

Whereas section 7(b) of the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3937) provides that each surcharge

received by the Secretary of the Treasury from the sale of a coin issued under that Act "shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee" to support efforts to protect the bald eagle;

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins;

Whereas, if not for the vigilant conservation efforts of concerned citizens and the enactment of strict environmental protection laws (including regulations) the bald eagle would be extinct;

Whereas the dramatic recovery of the population of bald eagles is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 20, 2008, as "American Eagle Day";

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to help generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the citizens of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

#### MEASURE READ THE FIRST TIME—H.R. 6049

Mr. DURBIN. Mr. President, I understand that H.R. 6049 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

Mr. DURBIN. Mr. President, I ask for its second reading and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

#### SIGNING AUTHORIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader, Senator REID of Nevada, be authorized to sign duly enrolled bills and joint resolutions through June 9, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110-18

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 4, 2008, by the President of the United States: Tax Convention with Bulgaria with Proposed Protocol of Amendment, Treaty Document No. 110-18. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007 (the "Proposed Treaty"), as well as the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed at Sofia on February 26, 2008 (the "Proposed Protocol of Amendment"). The Proposed Treaty and Proposed Protocol of Amendment are consistent with U.S. tax treaty policy. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Proposed Treaty and Proposed Protocol of Amendment.

The Proposed Treaty generally reduces the withholding tax on cross-border dividend, interest, and royalty payments. Importantly, the Proposed Treaty generally eliminates withholding tax on cross-border dividend payments to pension funds and cross-border interest payments made to financial institutions. The Proposed Treaty also contains provisions, consistent with current U.S. tax treaty policy, that are designed to prevent so-called treaty shopping. The Proposed Protocol of Amendment further strengthens these treaty shopping provisions.

I recommend that the Senate give early and favorable consideration to the Proposed Treaty and give its advice and consent to ratification to both the Proposed Treaty and the Proposed Protocol of Amendment.

GEORGE W. BUSH.  
THE WHITE HOUSE June 4, 2008.

#### ORDERS FOR THURSDAY, JUNE 5, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. today, June 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 2 hours, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; I further ask that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 743, S. 3044, the Consumer-First Energy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, as a reminder, cloture was filed on the substitute amendment to the climate change bill. Under the rule, the filing deadline for first-degree amendments is 1 p.m. tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:18 a.m., adjourned until Thursday, June 5, 2008, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### UNITED STATES SENTENCING COMMISSION

WILLIAM B. CARR, JR., OF PENNSYLVANIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011, VICE JOHN R. STEER.

##### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

JOHN L. BAEKE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

JOSEPH C. LEE  
SHERRIE L. MORGAN  
BRAD A. NIESET

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be lieutenant colonel*

ROBERT B. KOHL  
JAMES J. REYNOLDS

*To be major*

RICHARD P. ANDERSON

BRUNO KALDRE  
ALVIN W. ROWELL

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JOHN KISSLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

MARK A. ARTURI  
LISA K. WILLIS

*To be major*

DANA F. CAMPBELL

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

KATHLEEN AGOGLIA

*To be major*

ROBERT NICHOLS  
JAMES R. TAYLOR

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

ROBERT J. EGIDIO  
DOUGLAS MACGREGOR

*To be major*

LINDA L. ABEL  
DALE W. ASBURY  
MICHAEL J. ROSSI  
ALAN Z. SIEDLECKI

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

MICHAEL J. MASELLY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

HILLARY KING, JR.  
JAMES E. WATTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

ROOSEVELT H. BROWN  
WALTER E. EAST  
WILLIAM K. FAUNTLEROY  
ROBERT L. KEANE  
WILLIAM M. KENNEDY  
CRAIG G. MUEHLER  
MARK W. SMITH  
DALE C. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

DAVID R. BUSTAMANTE  
DAVID B. CORTINAS  
KATHRYN A. DONOVAN  
ANTONIO M. EDMONDS  
CRAIG S. HAMER  
GREGORY W. HARSHBERGER  
LEWIS S. HURST  
CHRISTOPHER J. LACARIA  
CHRISTOPHER S. LAPLATNEY  
DANIEL A. MCNAIR  
THOMAS G. MORRIS  
LAURENCE J. READAL  
OODNEY O. WORDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

VIDA M. ANTOLINJENKINS  
PAMELA E. C. BALL  
STEVEN M. BARNEY  
KEVIN M. BREW  
FRANCIS J. BUSTAMANTE  
JAMES R. CRISFIELD, JR.  
MATTHEW C. DOLAN  
DAVID J. GRUBER  
ERROL D. HENRIQUES  
PAUL C. KIAMOS  
SCOTT J. LAURER  
GORDON E. MODARAI  
CHARLES N. PURNELL II

STEPHANIE M. SMART  
JONATHAN S. THOW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

ANGELICA L. C. ALMONTE  
KATHY T. BECKER  
PATRICE D. BIBEAU  
TERRY V. BOLA  
DEBRA P. CARTER  
JEAN B. COMLISH  
CYNTHIA J. GANTT  
PAMELA R. HATALA  
JAMIE M. KERSTEN  
SARAH L. MARTIN  
ANNE M. MITCHELL  
ELIZABETH B. MYHRE  
MARY S. NADOLNY  
MARY K. NUNLEY  
MAUREN M. PENNINGTON  
ANDREW P. SPENCER  
LISA K. STENSURD  
MARY A. SUTHERLAND  
DICK W. TURNER  
NANCY J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

SMITH C. E. BARONE  
JOHN D. BLOOM  
WILLIAM R. K. DAVIDSON  
K. K. ERICKSON  
RICK FREDMAN  
JEANETTE M. GORTHY  
MATTHEW J. GRAMKEE  
ALAN F. HAMAMURA  
DAVID H. HARTZELL  
HOLLY D. HATT  
MARIA I. KORSNES  
FRANCISCO R. LEAL  
MICHAEL G. MARKS  
PAUL G. OLOUGHLIN  
MARK F. ROBACK  
PETER A. RUOCCO  
GARRY SCHULTE  
GAYLE D. SHAFFER  
MARTA W. TANAKA  
NGOC N. TRAN  
CAROL D. WEBER  
CURTIS M. WERKING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

ROLAND E. ARELLANO  
TIMOTHY D. BARNES  
LEA A. BEILMAN  
SEAN BIGGERSTAFF  
LANNY L. BOSWELL, JR.  
JIMMY A. BRADLEY  
LARRY R. CIOLORITO  
ANDREW M. DAVIDSON  
MICHAEL E. EBY  
DAVID P. GRAY  
DAVID L. HAMMELL  
LINDA S. HITE  
JOHN W. LEFAVOUR  
MARGARET A. LUY  
MARTIN D. MCCUE  
LESLIE A. MOORE  
REGINA P. ONAN  
JEFFREY M. PLUMMER  
JAMES B. POINDEXTER III  
DARIN P. ROGERS  
ROBERT M. SCHLEGEL  
DAVID B. SERVICE  
MICHELE L. WEINSTEIN  
DOUGLAS E. WELCH  
MARVA L. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

CHRISTOPHER BOWER  
BRUCE R. BRETH  
RONALD K. CARR  
TIMOTHY W. COLYER  
PIERRE C. COULOMBE  
ROBERT R. COX  
DAVID F. CRUZ  
KENNETH DIXON  
BRIAN M. GOODWIN  
GREGORY A. HAJZAK  
WILLIAM P. HAYES  
CHARLES K. HEAD  
ROBERT D. HECK  
BETH A. HOWELL  
ROBERT E. HOWELL  
FRANK J. HRUSKA  
DONALD S. HUGHES  
ROBERT M. JENNINGS  
STEVEN W. KINSKIE  
RONALD J. KOCHER  
JAMES R. LIBERKO  
CHRISTOPHER S. MOSHER  
ANDREW B. MUECK  
THEODORE C. OLSON  
JOHN T. PALMER  
MICHAEL J. ROPIAK

WILLIAM T. SKINNER  
MICHELLE C. SKUBIC  
PETER G. STAMATOPOULOS  
JAMES J. WEISER  
CARL F. WEISS  
ANDREW F. WICKARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

DEBRA A. ARSENAULT  
KEVIN K. BACH  
TANIS M. BATSEL  
ABHIK K. BISWAS  
MICHAEL L. BURLESON  
DUANE C. CANEVA  
DARYL K. DANIELS  
DAVID M. DELONGA  
DAMIAN P. DERIENZO  
NANCY G. DIXON  
WALTER M. DOWNS, JR.  
TIMOTHY D. DUNCAN  
JUDITH E. EPSTEIN  
ROBERT W. FARR  
TONIANNE FRENCH  
EMORY A. FRY  
BRADEN R. HALE  
MICHAEL J. HARRISON  
KURT A. S. HENRY  
WARREN S. INOUYE  
CHRISTOPHER J. JANKOSKY  
ANDREW S. JOHNSON  
SARA M. KASS  
JOHN C. KING  
KENNETH C. KUBIS  
FREDERICK J. LANDRO  
GARY W. LATSON  
LAWRENCE L. LECLAIR  
WILLIAM M. LEININGER  
ALAN A. LIM  
JOHN S. LOCKE  
ROBERT P. MARTIN  
STEPHEN D. MATTSOON  
TERENCE M. MCGEE  
KIMBERLY M. MCNEIL  
JOSEPH G. MCQUADE  
BARTH E. MERRILL  
JOHN C. NICHOLSON  
JOHN D. OBOYLE  
MAUREEN O. PADDEN  
EDWIN Y. PARK  
PATRICIA V. PEPPER  
ALAN F. PHILIPPI  
VISWANADHAM POTHULA  
MARK D. PRESSLEY  
JOHN G. RAHEB  
SCOTT R. REICHARD  
JONATHAN W. RICHARDSON  
PAUL D. ROCKSWOLD  
KEVIN L. RUSSELL  
ROBERT N. SAWYER  
RICHARD P. SHARPE  
MARTIN P. SORENSEN  
WILLIAM A. SRAY  
MARK B. STEPHENS  
JONATHAN F. STINSON  
DALE F. SZPISJAK  
ANIL TANEJA  
DAVID A. TANEN  
WILLIAM J. TANNER  
JON T. UMLAUF  
JOHN E. WANEBO  
MICHAEL S. WEINER  
CLIFTON WOODFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

MICHAEL L. BAKER  
LEONARDO A. DAY  
MARK A. IMBLUM  
KWAN LEE  
PATRICK J. PATERSON  
JASON R. J. TESTA  
SAM J. VALENCIA  
CHAD G. WAHLIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

BRENT T. CHANNELL  
MITCHELL R. CONOVER  
CLEDO L. DAVIS  
SHAWN M. DISARUFINO  
SCOTT B. JOSSELYN  
KERRY D. KUYKENDALL  
BLAINE S. LORIMER  
RICHARD M. PLAGGE  
LAURA A. SCHUESSLER  
MICHAEL J. SUPKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

ALLEN C. BLAXTON

KENNETH J. BROWN, JR.  
GERALD A. COOK  
CHRISTOPHER J. COUCH  
DUANE L. DECKER  
CHRISTOPHER HAMMOND  
MICHAEL H. MCCURDY  
MARK E. NIETO  
JEFFREY J. PRONESTI  
DAVID L. SPENCER  
JOEL R. TESSIER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

MARC E. BOYD  
CHARLES W. BROWN  
AMY E. DERRICKFROST  
BRADLEY A. FAGAN  
KATHERINE E. GOODE  
THURRAYA S. KENT  
SCOTT D. MCILNAY  
DAVID L. NUNNALLY  
MONICA M. ROUSSELOW  
MELISSA J. SCHURMANN  
ELISSA J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

TODD E. BARNHILL  
MARK D. BUTLER  
WENDY A. CHICOINE  
RICHARD K. CONSTANTIAN  
CHRISTOPHER L. GABRIEL  
SCOTT A. KEY  
MARVIN B. MCBRIDE III  
MATTHEW J. MOORE  
JOHN W. SIMMS  
NEIL T. SMITH  
TIMOTHY B. SMITH  
PAULA H. TRAVIS  
DOMINICK A. VINCENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

EDWARD F. BOSQUE  
CHRISTINE J. CASTON  
VICKY A. CUMMINGS  
NICOLE L. DERAMUS  
NANCY J. FINK  
STEVEN F. FRILOUX  
AUDREY HERVEY  
JOHN R. LESKOVICH  
TARA M. MCARTHURMILTON  
ERIN A. MCAVOY  
SHEILA A. NOLES  
RICHARD OBREGON  
ALEJANDRO E. ORTIZ  
SHARON L. PERRY  
DANIELLE A. PICCO  
KAREN L. SRAY  
KIM C. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JOHN D. BANDY  
DAMIAN S. BLOSSEY  
RICHARD A. BORDEN  
BERNARD J. BOSSUYT  
JOSEPH E. BRENNAN  
JAMES L. CAROLAND  
MICHAEL S. COONEY  
GUY H. EVANS  
PETER GIANGRASSO  
VANESSA P. HAMM  
JOHN P. HIBBS  
CHRISTOPHER E. HOWSE  
STEVEN T. HUDSON  
WILLIAM J. KRAMER  
DANNY L. NOLES  
GREG L. NYGARD  
BOSWYCK D. OFFORD  
WILLIAM A. PETERSON  
VANE A. RHEAD  
MICHAEL RIGGINS  
CHRISTOPHER P. SLATTERY  
JULIA L. SLATTERY  
FRED K. STRATTON  
ABRAHAM A. THOMPSON  
DAVID C. VANBRUNT  
JEFFREY L. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

CLAUDE W. ARNOLD, JR.  
VINCENT A. AUGELLI  
RODNEY J. BURLLEY  
JEFFREY D. BUSS  
WILLIAM M. CARTER  
GEORGE D. DAVIS III  
BRIAN ERICKSON  
IDELLA R. FOLGATE  
ANDREW D. GAINER  
WYATTE B. JONESCOLEMAN

ADAM C. LYONS  
BRADLEY F. MAAS  
ERIK R. MARSHBURN  
DARRELL NEALY  
BRAULIO PAIZ  
MARGARET M. SCHULT  
SATISH SKARIAH  
BYRON B. SNYDER  
CHARLES A. P. TURNER  
WILLIAM R. WAGGONER  
MICHELLE G. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

TIMOTHY A. BARNEY  
STUART R. BLAIR  
DANIEL J. COLPO  
KATHERINE M. DOLLOFF  
HAROLD W. DUBOIS  
DANIEL W. ETTLICH  
KEVIN R. GALLAGHER  
TRENT R. GOODING  
TIMOTHY N. HANEY  
JAMES W. HARRELL  
MATTHEW A. HAWKS  
ANDREW P. JOHNSON  
JON A. JONES  
JOSEPH J. KELLER  
DANIEL L. LANNAMANN  
BRIAN D. LAWRENCE  
ASSUNTA M. C. LOPEZ  
PHILIP E. MALONE  
BRIAN A. METCALF  
RONNIE L. MOON  
ELIZABETH S. OKANO  
KARL F. PRIGGE  
JACK S. RAMSEY, JR.  
JOHN ROROS  
JONATHAN E. RUCKER  
JACK W. RUST  
MARIA E. SILSDORF  
DANA F. SIMON  
KEVIN R. SMITH  
STEPHEN D. TOMLIN  
JONATHON J. VANSLYKE  
BRIAN K. VAZQUEZ  
GUSTAVO J. VERGARA  
VINCENT C. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

ALBERT ANGEL  
TODD R. BOONE  
PHILIP N. CAMPBELL  
ANDREW N. COREY  
MATTHEW G. DISCH  
PATRICK J. DRAUDE  
EDWIN D. EXUM  
JEFFREY S. FREELAND  
JON R. GABRIELSON  
VINCENT C. GIAMPIETRO  
EMILY P. HAMPTON  
BRIAN D. HOPFER  
MATTHEW F. HOPSON  
JEFFREY J. JAKUBOSKI  
CHRISTOPHER L. JONES  
CHRISTOPHER R. KOPACH  
ROBERT W. KRAFT  
RICHARD J. LEGRANDE, JR.  
DEREK L. MACINNIS  
STEVEN A. NEWTON  
EDWARD J. PADINSKE  
WILLIAM D. J. PHARIS  
CHAD E. PIACENTI  
ADAM D. PORTER  
JEFFREY P. RICHARD  
KIM H. RIGAZZI  
DAVID C. SASSER  
LAWRENCE E. SHAFFIELD  
TROY A. SHOULDER  
MIRIAM K. SMYTH  
BENJAMIN A. SNELL  
THOMAS D. VANDERMOLEN  
MATTHEW A. VERICH  
HIRAM J. WEEEDON  
THOMAS P. WYPYSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JONATHAN Q. ADAMS  
SHANE A. AHALT  
BRADLEY A. ALANIZ  
LEOPOLDO S. J. ALBEA  
MITCHELL W. ALBIN  
BRENT A. ALFONZO  
ERIK P. ALFSEN  
JASON C. ALLEYNE  
QUINO P. ALONZO, JR.  
CHRISTOPHER D. ANDERSON  
EDWARD T. ANDERSON  
JAMES A. ANDERSON  
KEVIN S. ANDERSON  
SEAN R. ANDERSON  
BRADLEY J. ANDROS  
ERIC J. ANDUZE  
CHRISTOPHER ANGELOPOULOS  
EDAN B. ANTOINE  
JULITO T. ANTOLIN, JR.

JULIANA F. ANTONACCI  
CHRISTOPHER E. ARCHER  
MATTHEW L. ARNY  
MARTIN F. ARRIOLA  
BRAD L. ARTHUR  
SCOTT M. ASACK  
KUMAR ATARTHI  
CHRISTOPHER J. ATKINSON  
KEVIN L. AUSTIN  
CONNIE J. AVERY  
ADAM M. AYCOCK  
ROBERT L. BAHR  
EUGENE R. BAILEY  
ANTHONY P. BAKER  
BOBBY J. BAKER  
BRADFORD W. BAKER  
BRETT T. BAKER  
JOHN A. BALTES  
ROBERT C. BARBEE  
JONATHAN B. BARON  
STEVEN M. BARR  
DAVID S. BARTELL  
CHARLES B. BASSEL  
AMY N. BAUERNSCHMIDT  
DANIEL V. BAXTER  
JOSEPH M. BAXTER  
WILLIAM H. BAXTER  
BRIAN C. BECKER  
JOEL R. BECKER  
JAMES W. BELL  
PAUL J. BERNARD  
JEFFREY A. BERNHARD  
JOSEPH J. BIONDI  
JOHN R. BIXBY  
MICHAEL F. BLACK  
BRENT M. BLACKMER  
JEFFREY D. BLAKE  
JAMES R. BLANKENSHIP  
TODD D. BODE  
MATTHEW J. BONNER  
DALE W. BOPP  
KEVIN D. BORDEN  
JAMES P. M. BORGHARDT  
MICHAEL L. BOSSHARD  
PAUL D. BOWDICH  
ERIC J. BOWER  
COLIN A. BOWSER  
BRIAN D. BOYCOURT  
KEVIN P. BOYKIN  
SEAN P. BOYLE  
JOSEPH P. BOZZELLI  
DOUGLAS A. BRADLEY  
MATTHEW J. BRAUN  
MICHAEL S. BRAUN  
DAVID A. BRETZ  
GEORGE D. BRICKHOUSE III  
BRADEN O. BRILLER  
SCOTT A. BRIQUELET  
PHILIP M. BROCK  
ROBERT D. BRODIE  
AARON G. BRODSKY  
CHARLES W. BROWN IV  
CHRISTOPHER D. BROWN  
JEREMY D. BRUN  
CHADWICK B. BRYANT  
JOSEPH C. BUCKLER  
CHRISTOPHER J. BUDDE  
MICHAEL L. BURD  
COLVEET P. BURGOS  
JASON A. BURNS  
MATTHEW J. BURNS  
CHRISTOPHER BUZIAK  
GREGORY D. BYERS  
ROBERT L. BYERS  
KEVIN P. BYRNE  
MARCELLO D. CACERES  
DANIEL W. CALDWELL  
JOHN R. CALLAWAY  
CURTIS S. CALLOWAY  
DARRELL S. CANADY  
MARVIN W. CARLIN II  
ARON S. CARMAN  
GREGORY P. CARO  
DOMINIC S. CARONELLO  
JOSEPH CARRGAN  
RYAN T. CARON  
JEFFREY J. CARTY  
ROBERT A. CASPER, JR.  
GREGORY F. CHAPMAN  
CHI K. CHEUNG  
JAMES D. CHRISTIE  
CHRISTOPHER F. CIGNA  
CARLOS J. CINTRON  
CHAD C. CISCO  
CHRISTOPHER J. CIZEK  
BENEDICT D. CLARK  
CHARLES M. COHN  
LANCE A. COLLIER  
PETER M. COLLINS  
KYLE J. COLTON  
MATTHEW B. COMMERFORD  
JOHN C. COMPTON  
MICHAEL P. CONNOR  
ERIC L. CONZEN  
TIMOTHY V. COOKE  
PETER A. CORRAO, JR.  
ERIC C. CORRELL  
GREGORY E. COTTEN  
DANIEL F. COVELLI  
SHAWN R. COWAN  
JOHN S. CRANSTON  
ANTHONY C. CREGO  
RYAN F. CROLEY  
ADAM G. CRUZ  
PATRICK J. CUMMINGS  
WARREN E. CUPPS  
TIMOTHY S. CURRY

DOUGLAS W. CZARNECKI  
NOEL J. DAHLKE  
PAUL M. DALE  
JOSEPH J. DANTONE III  
DEARCY P. DAVIS IV  
DANIEL M. DEGNER  
CARL W. DEGRACE  
TRES D. DEHAY  
TOM S. DEJARNETTE  
KEVIN H. DELANO  
STEPHEN J. DELANTY  
PAUL C. DEMARCELLUS  
CHRISTOPHER R. DEMAY  
STEVEN H. DEMOSS  
HOMER R. DENIUS III  
ERIC T. DEWITT  
ROBERT L. DEWITT, JR.  
MICHAEL J. DILLENDER  
PAUL K. DITCH  
CHARLES S. DITTBENNER II  
CORY A. DIXON  
THOMAS J. DIXON  
SHAWN C. DOMINGUEZ  
ELLIOTT J. DONALD  
BRAD P. DONNELLY  
RONALD A. DOWDELL  
DAVID M. DOWLER  
RICHARD H. DOWNEY  
DAVID W. DRY  
RICHARD F. DUBNANSKY, JR.  
DWAYNE D. DUCOMMUN  
JONATHAN C. DUFFY  
ERIC V. DUKE  
CHRISTIAN A. DUNBAR  
GRANT A. DUNN  
JAMES P. DUNN III  
ROBERT M. DURLACHER  
DAVID C. DYE  
CLINTON S. EANES  
JASON C. EATON  
JAMES W. EDWARDS, JR.  
MICHAEL L. EGAN  
ANDREW C. EHLERS  
TODD EHRHARDT  
EDWARD T. EISNER  
BRIAN P. ELKOWITZ  
JENNIFER L. ELLINGER  
WILLIAM R. ELLIS, JR.  
DIRK W. ELLIS, JR.  
PHILIP L. ENGLE, JR.  
DAVID G. ERICKSON  
DANILO A. ESPRITU  
TODD M. EVANS  
DARIN A. EVANSON  
DOUGLAS A. FACTOR  
DANIEL S. FAHEY  
JOSEPH FAUTH  
JOHN H. FERGUSON  
MARK A. FERLEY  
TOMMY L. FIFEY  
ROBERT D. FIGGS  
JOHN A. FISCHER  
CHRISTOPHER E. FLAHERTY  
STEPHEN A. FLAHERTY  
BRIAN C. FLICK  
JORGE R. FLORES  
GEORGE A. FLOYD  
CHRISTOPHER S. FORD  
DAVID E. FOWLER  
JOHN H. FOX  
JOEY L. FRANTZEN  
HARRY P. FULTON III  
JOHN C. GALLEGRO  
FERNANDO GARCIA  
KARL GARCIA  
MICHAEL S. GARRICK  
BRENT C. GAUT  
SAM R. GEIGER  
ERIC E. GEORGE  
FRANK E. GIANOCARO  
TIMOTHY M. GIBBONEY  
SCOTT A. GILES  
MARCO P. GIORGI  
DAVID A. GIVEY  
CHRISTOPHER F. J. GLANZMANN  
ANTHONY S. GLOVER  
CHADWICK A. GODLEWSKI  
FREDERIC C. GOLDHAMMER  
DANIEL C. GORDON  
WILLIAM M. GOTTEN, JR.  
MATTHEW M. GRAHAM  
TAMARA K. GRAHAM  
CHARLES R. GRASSI  
GREGGORY A. GRAY  
HOWARD C. GRAY  
SCOTT W. GRAY  
JOHN P. GREENE  
MARK D. GROB  
DARREN B. GUNTHER  
JOSEPH H. GUERREIN III  
SCOTT A. GUNDERSON  
JEREMY W. GUNTER  
RUSSELL S. GUTHRIE  
EDDY HA  
IN H. HA  
MICHAEL D. HAAS  
CRAIG A. HACKSTAFF  
KEVIN K. HAGAN  
BRIAN J. HAMLING  
BRANDON S. HAMMOND  
PATRICK D. HANRAHAN  
WILLIAM B. HANRAHAN  
JAMES K. HANSEN  
KEVIN K. HANSON  
BRANDAN D. HARRIS  
MICHAEL T. HARRISON  
GALEN R. HARTMAN

KEITH E. HARTMAN  
JOEL HARVEY  
SCOTT A. HARVEY  
DANIEL E. HARWOOD  
KEITH A. HASH  
MICHAEL E. HAYES  
DANIEL A. HEIDT  
BRYN J. HENDERSON, JR.  
LAWRENCE H. HENKE III  
WILLIAM C. HERRMANN  
ANDREW C. HERTEL  
TURHAN I. HIDALGO  
SCOTT M. HIELEN  
ROBIN L. HIGGS  
STEPHEN F. HIGUERA  
CRAIG A. HILL  
JEREMY R. HILL  
CHADWICK Q. HIXSON  
KEITH A. HOLIHAN  
ROBERT C. HOLLOWAY  
MARK F. HOLZRICHTER  
PATRICK C. HONECK  
DAVID HOPPER  
BRIAN S. HORSTMAN  
JACK E. HOUESHELL  
MONROE M. HOWELL II  
GREGORY W. HUBBARD  
TODD C. HUBER  
KEVIN D. HUDSON  
JAMES H. HUMPHREY  
MARK C. HUSTIS  
ROBERT H. HYDE  
MATTHEW C. JACKSON  
STEPHEN J. JACKSON  
JAMES E. JACOBS  
DAVID C. JAMES  
LUKE P. JAMES  
STEVEN M. JAUREGUIZAR  
BRYAN L. JOHNSON  
DAVID R. JOHNSON  
IAN L. JOHNSON  
VINCENT R. JOHNSON  
MICHAEL S. JOHNSTON  
GARRETT D. JONES  
MICHAEL K. JONES IV  
RUSSELL W. JONES  
THOMAS C. KAIT, JR.  
ROBERT A. KAMINSKI  
RONALD J. KARUN, JR.  
DAVID E. KAUFMAN  
SEAN D. KEARNS  
RICHARD M. KELLY  
MARK T. KELSO  
COREY J. KENISTON  
JOHN D. KENNARD  
MATTHEW J. KENNEDY  
CALEB A. KERR  
CHRISTIAN N. KIDDER  
JACKIE L. KILMAN  
ANDREW J. KIMSEY  
CHRISTOPHER J. KIPP  
JONATHAN P. KLINE  
CARY M. KNOX  
KIRK A. KNOX  
JOHN N. KOCHENDORFER  
ANDREW P. KOELSCH  
MATTHEW G. KONOPKA  
JOHN R. KOON  
JEFFREY K. KRAUSE, JR.  
RICHARD E. KREH, JR.  
ROBERT A. KRIVACS  
JAMES W. KUEHL  
BRIAN S. KULLEY  
ARMEN H. KURDIAN  
MATTHEW A. LABONTE  
VICTOR A. LAKE  
DAVID J. LALIBERTE  
JASON D. LAMB  
PAUL J. LANZLOTTA  
BRENT B. LAPP  
JOSHUA LASKY  
GARY W. LAUCK  
ERIC J. LEDNICKY  
HEATHER B. LEE  
STEVEN S. LEE  
CHRISTOPHER L. LEGRAND  
CHRIS W. LEWIS  
CARL M. LIBERMAN  
ERIC C. LINDFORS  
HOWARD B. LINK, JR.  
DANIEL A. LINQUIST  
JONATHAN D. LIPPS  
JOSEPH A. LISTOPAD  
KEVIN D. LONG  
ROBERT E. LOUGHAN, JR.  
JAMES P. LOWELL  
MICHAEL D. LUCKETT  
LANCE J. LUKSIS  
JONATHAN D. MACDONALD  
GERALD J. MACENAS II  
LLOYD B. MACK  
DANIEL L. MACKIN  
MICHAEL D. MACNICHOLL  
DANIEL P. MALLATESTA  
WILLIAM H. MALLORY  
SHAWN K. MANGRUM  
MICHAEL R. MANSISIDOR  
NORMAN E. MAPLE  
DONALD W. MARKS  
TIMOTHY S. MARKS  
WILLIAM D. MARKS, JR.  
CHRISTOPHER D. MARSH  
JAMES J. MARSH  
RAYMOND B. MARSH II  
ANDREW S. MARSHALL  
VINCENT S. MARTIN  
ANTHONY P. MASSLOFSKY

STUART M. MATTFIELD  
DAVID R. MATZAT  
JAY A. MATZKO  
MICHAEL D. MAXWELL  
MICHAEL A. MCABEE  
DARREN F. MCCLURG  
CHRISTOPHER R. MCDOWELL  
EARL L. MCDOWELL  
SEAN G. MCKAMEY  
JOHN M. MCKEON, JR.  
KEVIN M. MCCLAUGHLIN  
GREGORY E. MCRAE  
ROBERT F. MEDVE  
LAWRENCE E. MEEHAN  
RICHARD M. MEYER  
KEVIN P. MEYERS  
MARC J. MIGUEZ  
ANDREW S. MILLER  
JAMES B. MILLER  
JAMES E. MILLER  
JEFFREY A. MILLER  
MATTHEW A. MILLER  
MICHAEL J. MILLER  
PHILIP S. MILLER  
STEVEN L. MILLER  
DENNIS I. MILLS  
THOMAS P. MONINGER  
CHRISTOPHER T. MONROE  
JOHN F. MONTGOMERY  
JAMES E. MOONER III  
ANTHONY D. MOORE  
KENT W. MOORE  
DAVID A. MORALES  
PATRICK J. MORAN  
EDGARDO A. MORENO  
CHARLES D. MORGAN, JR.  
WALTER S. MORGAN  
DANIEL B. MORIO  
DANIEL MORITZSCH  
JOEL E. MOSS  
MARTIN J. MUCKIAN  
KEVIN M. MULLANEY  
THOMAS P. MURPHY  
WILLIAM J. P. MURPHY  
JAMES MUSGRAVES  
CHRISTOPHER A. NASH  
STEVEN T. NASSAU  
DARREN W. NELSON  
CHRISTOPHER A. NERAD  
BENJAMIN R. NICHOLSON  
MARK A. NICHOLSON  
MATTHEW R. NIEDZWIECKI  
PETER K. NILSEN  
ERIK R. NILSSON  
CHRISTOPHER P. NODINE  
BRUCE D. NOLAN  
MICHAEL E. NOONAN  
CASSIDY C. NORMAN  
MICHAEL B. ODRISCOLL  
JAMES E. OHARRAH, JR.  
RUDOLPH M. OHME III  
DAVID J. OHRA  
MICHAEL A. OLEARY  
GERALD B. OLIN  
BRIAN J. OLSWOLD  
BARRY C. PALMER, JR.  
BRADY R. PALMERINO  
TIMOTHY V. PARKER  
JAMES B. PARKERSON  
GREGORY R. PARKINS  
CHESTER T. PARKS  
CHASE D. PATRICK  
ERIK R. PATTON  
SAMUEL D. PENNINGTON  
WILLIAM A. PERKINS  
JOHN E. PERRONE  
DAVID R. PERRY  
GEORGE M. PERRY  
MATTHEW J. PERUN  
CHRISTOPHER L. PESILE  
ROBERT E. PETERS  
BRIAN M. PETERSON  
TODD O. PETTIBON  
MICHAEL PFARRER  
MATTHEW A. PHILLIPS  
THOMAS E. PLOTT II  
STEPHEN R. POLK  
MATTHEW R. POTHIER  
PHILLIP E. PURNELLE  
STEVEN A. PRESCOTT  
JOB W. PRICE  
PAUL G. PROKOPOVICH  
BRIAN K. PUMMILL  
KENNETH N. RADFORD  
ARMANDO RAMIREZ, JR.  
BRIAN H. RANDALL  
CAMERON P. RATKOVIC  
WERNER J. RAUCHENSTEIN  
WILLIAM K. RAYBURN  
NATHANIEL R. REED  
JOHN K. REILLEY  
MARK C. REYES  
JAMES P. REYNOLDS  
THOMAS S. REYNOLDS  
RICHARD G. J. RHINEHART  
JOHN S. RICE  
JUSTIN B. RICHARDS  
MATTHEW S. RICK  
JOSEPH J. RING  
MICHAEL J. RIORDAN IV  
RONALD RIOS  
JESS V. RIVERA  
RAYMOND A. RIVERA  
RICHARD A. RIVERA  
TRISTAN G. RIZZI  
ANTHONY C. ROACH  
MATTHEW P. ROBERTS

DENNIS A. ROBERTSON  
MICHAEL P. ROBLES  
JOSE L. RODRIGUEZ  
ERICH P. ROETZ  
DOUGLAS W. ROSA  
ANTHONY E. ROSSI  
KENNETH S. ROTHARMEL  
AARON P. ROULAND  
MICHAEL R. ROYLE  
JONATHAN C. RUSSELL  
MICHAEL D. RUSSO  
DANIEL K. RYAN, JR.  
BRENT D. SADLER  
LUIS E. SANCHEZ, JR.  
THOMAS M. SANTOMAURO  
CHRISTOPHER P. SANTOS  
ANTHONY M. SAUNDERS  
MARK A. SCHAFFER  
JASON B. SCHEFFER  
DAVID J. SCHLESINGER  
JOHN P. SCHULTZ  
KEVIN P. SCHULTZ  
JAYSON W. SCHWANTES  
MARC S. SCOTCHLAS  
DAVID C. SEARS  
MICHAEL S. SEATON  
CHRISTOPHER M. SENENKO  
SHANTI R. SETHI  
ERIC L. SEVERSEIKE  
DANIEL A. SHAARDA  
WILLIAM K. SHAFLEY III  
JULIE H. SHANK  
BLANE T. SHEARON  
THOMAS A. SHEPPARD  
SCOTT H. SHERARD  
MATTHEW B. SHIPLEY  
WILLIAM C. SHOEMAKER  
THOMAS E. SHULTZ  
CRAIG C. SICOLA  
DAVID W. SIMMONS  
TYREL T. SIMPSON  
STEPHEN D. SIMS  
LEE P. SISCO  
TRAVIS D. SISK  
CHARLES W. SITES  
JAMES C. SLAIGHT  
GREGORY A. SLEPPY  
CARL C. SMART  
BENJAMIN F. SMITH  
CHARLES R. SMITH  
COLIN S. G. SMITH  
ERIC B. SMITH  
ROBERT S. SMITH  
RYAN C. SMITH  
WILLIAM A. SMITH IV  
WILLIAM H. SNYDER III  
WILLIAM E. SOLOMON III  
GABRIEL E. SOLTNERO  
ERNEST L. SPENCE  
CHAD W. SPENCER  
JULIE A. SPENCER  
MICHAEL T. SPENCER  
AXEL W. SPENS  
LOUIS J. SPRINGER  
SCOTT S. SPRINGER  
BRUCE R. STANLEY, JR.  
HARRY F. STATA  
MARK O. STEARNS  
PAUL J. STEINBRENNER  
JEFFREY C. STEVENS  
JONATHAN L. STILL  
MARK G. STOCKFISH  
CHRISTOPHER D. STONE  
JAMES L. STORM  
NATHANIEL J. STRANDQUIST  
TABB B. STRINGER  
CHRISTOPHER P. STUART  
MARK G. STUFFLEBEEM  
MICHAEL D. STULL  
NATHAN B. SUKOLIS  
JOHN D. SULLIVAN  
EDMUND E. SWEARINGEN  
TIMOTHY E. SYMONS  
SHANE P. TALLANT  
ERIC D. TAYLOR  
JON M. TAYLOR  
RHONDA J. TAYLOR  
BRADLEY B. TERRY  
CRAIG R. TESSIN  
ROBERT W. THOMAS, JR.  
ROBERT S. THOMPSON  
MICHAEL K. TIBBS  
JOHN D. TINNETTI  
JEFFREY S. TODD  
JOHN D. TOLG  
JAMES H. TOOLE  
RICHARD A. TREVISAN  
STEPHEN O. ULATE  
DAVID A. URSINI  
RICHARD A. VACCARO  
CHRISTOPHER E. VANAVERY  
RUSSELL J. VANDIEPEN  
DANIEL L. VANMETER  
LARRY P. VARNADORE  
JANA A. VAVASSEUR  
CHRISTOPHER R. VEGA  
HAROLD A. VIADO  
JIANCARLO VILLA  
SHANE C. VOUDREIN  
JOHN J. VOURLIOTTIS  
ALEXIS T. WALKER  
PHILIP W. WALKER  
MICHAEL E. WALLACE  
DAVID P. WALT  
KJELL A. WANDER  
MICHAEL P. WARD II  
CHARLOS D. WASHINGTON

MICHAEL J. WEAVER  
RICHARD M. WEEDEN  
HERSCHEL W. WEINSTOCK  
MICHAEL C. WELDON  
JOHN M. WENKE, JR.  
STEWART M. WENNERSTEN  
CHRISTOPHER C. WESTPHAL  
TODD E. WHALEN  
JENNIFER L. WHEREATT  
WILLIAM WHITE  
ULYSSES V. WHITLOW  
WILLIAM C. WHITSITT  
JENNIFER K. WILDERMAN  
STEVEN R. WILKINSON  
AMAH K. WILLIAMS  
CHRISTIAN B. WILLIAMS  
MICHAEL J. WILLIAMS  
IAN O. WILLIAMSON  
BRIAN A. WILSON  
THOMAS A. WINTER  
ROBERT E. WIRTH  
JONATHAN R. WISE  
JEFFREY P. WISSEL  
CHRISTOPHER C. WOHLFELD  
ALAN M. WORTHY  
STACEY K. WRIGHT  
MATTHEW J. WUKITCH  
STEVEN A. WYSS  
DAVID J. YODER  
STACEY W. YOPP  
NATHAN S. YORK  
DAVID A. YOUTT  
PHILIP W. YU  
RANDY ZAMORA  
GREGORY M. ZETTLER  
EDMUND L. ZUKOWSKI  
MARK T. ZWOLSKI

### DISCHARGED NOMINATIONS

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination and the nomination was held at the desk:

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

NANCY M. ZIRKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

KERRY KENNEDY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were held at the desk:

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012.

### CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, June 4, 2008:

#### UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2014.

#### TENNESSEE VALLEY AUTHORITY

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012.

#### DEPARTMENT OF STATE

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY WITH THE RANK OF AMBASSADOR.

#### POSTAL REGULATORY COMMISSION

NANCI E. LANGLEY, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2012.

#### DEPARTMENT OF COMMERCE

WILLIAM J. BRENNAN, OF MAINE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

LILY FU CLAFFEE, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

#### DEPARTMENT OF STATE

MARCIA STEPHENS BLOOM BERNICAT, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

MARIANNE MATUZIC MYLES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

LINDA THOMAS-GREENFIELD, OF LOUISIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

JOSEPH EVAN LEBARON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

STEPHEN JAMES NOLAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALLI.

DONALD GENE TEITELBAUM, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

PETER WILLIAM BODDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

PATRICIA MCMAHON HAWKINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

JANICE L. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (BUREAU OF CONSULAR AFFAIRS).

#### DEPARTMENT OF HOMELAND SECURITY

PAUL A. SCHNEIDER, OF MARYLAND, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012.

HYEPIN CHRISTINE IM, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

LAYSHAE WARD, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2012.

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

**UNITED STATES INSTITUTE OF PEACE**

NANCY M. ZIRKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

KERRY KENNEDY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

**IN THE AIR FORCE**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

*To be major general*

COL. KIMBERLY A. SINISCALCHI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MARK D. SHACKELFORD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF AIR FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8038:

*To be lieutenant general*

MAJ. GEN. CHARLES E. STENNER, JR.

**IN THE ARMY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

BRIG. GEN. JOHN F. MULHOLLAND, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIGADIER GENERAL STEPHEN E. BOGLE  
BRIGADIER GENERAL JAMES G. CHAMPION  
BRIGADIER GENERAL JOSEPH J. CHAVES  
BRIGADIER GENERAL MYLES L. DERRING  
BRIGADIER GENERAL MARK E. ZIRKELBACH

*To be brigadier general*

COLONEL ROMA J. AMUNDSON  
COLONEL MARK E. ANDERSON  
COLONEL ERNEST C. AUDINO  
COLONEL DAVID A. CARRION-BARALT  
COLONEL JEFFREY E. BERTRANG  
COLONEL TIMOTHY B. BRITT  
COLONEL LAWRENCE W. BROCK III  
COLONEL MELVIN L. BURCH  
COLONEL SCOTT E. CHAMBERS  
COLONEL DONALD J. CURRIER

COLONEL CECILIA I. FLORES  
COLONEL SHERYL E. GORDON  
COLONEL PETER C. HINZ  
COLONEL ROBERT A. MASON  
COLONEL BRUCE E. OLIVEIRA  
COLONEL DAVID C. PETERSEN  
COLONEL CHARLES W. RHOADS  
COLONEL RUFUS J. SMITH  
COLONEL JAMES B. TODD  
COLONEL JOE M. WELLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

*To be general*

LT. GEN. PETER W. CHIARELLI

**IN THE NAVY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. HARRY B. HARRIS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) JULIUS S. CAESAR  
REAR ADM. (LH) WENDI B. CARPENTER  
REAR ADM. (LH) GARLAND P. WRIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. WILLIAM H. MCRAVEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MICHAEL C. VITALE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) RAYMOND E. BERUBE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) RICHARD R. JEFFRIES

REAR ADM. (LH) DAVID J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. DAVID F. BAUCOM  
CAPT. VINCENT L. GRIFFITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. DAVID C. JOHNSON  
CAPT. THOMAS J. MOORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. MAUDE E. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. MICHAEL H. ANDERSON  
CAPT. WILLIAM R. KISER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. NORMAN R. HAYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. WILLIAM E. LEIGHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. WILLIAM E. GORTNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. MELVIN G. WILLIAMS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. (LH) KEVIN M. MCCOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. WILLIAM D. CROWDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. PETER H. DALY

**DEPARTMENT OF JUSTICE**

ELISEBETH C. COOK, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

WILLIAM WALTER WILKINS, III, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

**IN THE AIR FORCE**

AIR FORCE NOMINATIONS BEGINNING WITH LONNIE B. BARKER AND ENDING WITH JERRY P. PITTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC L. BLOOMFIELD AND ENDING WITH DEBORAH L. MUELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MARY J. BERNHEIM AND ENDING WITH KELLI C. MACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES E. OSTRANDER AND ENDING WITH FRANK J. NOCILLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

**IN THE ARMY**

ARMY NOMINATION OF CHERYL AMYX, TO BE MAJOR.  
ARMY NOMINATION OF DEBORAH K. SIRRATT, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MARK A. CANNON AND ENDING WITH MICHAEL J. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH GENE KAHN AND ENDING WITH JAMES D. TOWNSEND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH LOZAY FOOTS III AND ENDING WITH MARGARET L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATIONS BEGINNING WITH PHILLIP J. CARAVELLA AND ENDING WITH PAUL S. LAJOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

ARMY NOMINATION OF JIMMY D. SWANSON, TO BE COLONEL.

ARMY NOMINATION OF RONALD J. SHELDON, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRIAN M. BOLDT AND ENDING WITH CHRISTOPHER L. TRACY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 8, 2008.

ARMY NOMINATION OF JAMES K. MCNEELY, TO BE MAJOR.

**FOREIGN SERVICE**

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CRAIG LEWIS CLOUD AND ENDING WITH KIMBERLY K. OTTWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CARMINE G. D'ALOISIO AND ENDING WITH JUDY R. REINKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2008.

**IN THE NAVY**

NAVY NOMINATIONS BEGINNING WITH STANLEY A. OKORO AND ENDING WITH DAVID B. ROSENBERG, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2008.

NAVY NOMINATION OF ROBERT S. MCMASTER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER S. KAPLAFKA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID R. EGGLESTON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KATHERINE A. ISGRIG AND ENDING WITH JASON C. KEDZIERSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

NAVY NOMINATIONS BEGINNING WITH ROBERT D. YOUNGER AND ENDING WITH JEFFREY W. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2008.

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#### WITHDRAWAL

Executive message transmitted by the President to the Senate on June 4, 2008 withdrawing from further Senate

consideration the following nomination:

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.



## EXTENSIONS OF REMARKS

HONORING GEORGE FREDERICK  
"FRITZ" JEWETT, JR.

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Ms. PELOSI. Madam Speaker, on Friday, May 23, San Francisco lost one of its extraordinary citizens with the passing of George Frederick "Fritz" Jewett, Jr. I sadly enter into the RECORD excerpts from his obituary in the San Francisco Chronicle.

Mr. Jewett a Prominent San Francisco businessman, philanthropist and sailing buff whose support of the sport led to his induction into the America's Cup Hall of Fame in 2005, died in San Francisco on Friday of a cerebral hemorrhage. He was 81.

Mr. Jewett had a long career in the forest products industry as a director of the Potlatch Corp. He retired as vice chairman of the board in 1999. He was also renowned in sailing circles for chairing five America's Cup Syndicated for three yacht clubs from 1973 through 2000.

Mr. Jewett was known for his civic activism, generosity and gentle demeanor. Fritz's love of competition and his personal sportsmanship made him a Hall of Famer. His love of friends and kindness to them made him a world class gentleman.

Mr. Jewett is survived by his wife of 54 years, Lucy; his son, George Jewett, III of Hillsborough; his daughter Betsy Jewett of Spokane; his sister, Margaret Greer of Chevy Chase, MD; and four grandchildren.

He had known his wife-to-be Lucille McIntyre since childhood, and reconnected while he was working in a Tacoma sawmill. They were engaged 6 weeks later, and would have celebrated their 55th wedding anniversary in July of this year.

In all of life's endeavors Fritz and Lucy were a team. Their love for each other and their family was a model to us all. They were enormously generous in their philanthropy and hospitality. They touched the lives of so many with their quiet and significant support of the arts, education, science, medicine, conservation and sports. Their interests ranged from their patronage, of the San Francisco Ballet to cheering for the San Francisco 49ers. The grace of the ballet and the competitiveness of sports came together in the beauty of sailing which they enjoyed personally and at the America's Cup level.

I hope that it is a comfort to Lucy and the Jewett Family that so many people mourn their loss and are praying for them. Fritz brought the same dignity, spirit and humor to dealing with his physical challenges in his last year as he did throughout his life. My husband Paul and I send our deepest sympathy to Lucy, George, III, and Betsy at this sad time.

FIRST BAPTIST CHURCH OF GARY  
100TH ANNIVERSARY

**HON. PETER J. VISCLOSKEY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. VISCLOSKEY. Madam Speaker, it is with great enthusiasm and sincerity that I take this time to congratulate First Baptist Church of Gary, Indiana, as they join together in celebration of their 100th anniversary. The church, which has seen tremendous growth and progress since its humble beginning, will be celebrating this exceptional milestone with festivities beginning on Friday, June 6, and continuing through Sunday, June 8, 2008. The theme for this extraordinary event is "Anchored in Faith: Yesterday, Today, and Forever."

The celebration of First Baptist Church's 100th anniversary, "Dedicated to the Glory of God and the Service of Man," will begin on Friday, June 6, 2008, with a banquet at the Genesis Convention Center in Gary, Indiana, and will continue on Saturday, June 7, with a community event featuring vendors, a petting zoo, and a museum dedicated to the history of the church. Finally, on Sunday, June 8, a very special worship service will take place, followed by a musical concert featuring the First Baptist choirs, former musicians and soloists, and other special guests.

From its modest beginnings, First Baptist Church has emerged as a pillar of the Gary community. Although First Baptist, the oldest African-American congregation in the City of Gary, has seen immense growth, not only in the size of its congregation but also in the depth of the services and programs available to its members, the clergy and congregation have remained dedicated to the fundamental ideal of serving God by serving each other.

Only 2 years after the City of Gary, Indiana, was founded, three individuals, Raymond Rankins, Samuel Duncan, and Samuel Clay, realizing the need for a church of their own in Gary, called upon Dr. Elijah John Fisher, pastor of Olivet Baptist Church in Chicago, for assistance in making this dream a reality. Through their efforts, First Baptist emerged in Gary, with the first services being held in the home of Mr. Rankins. Soon after, membership in the church began to increase, and the first house of worship was constructed at 1617 Washington Street in Gary. After various reconstructions and relocations First Baptist finally settled in its current location at 626 West 21st Avenue in 1955, under the leadership of the Reverend Dr. Robert E. Penn, who served as pastor for more than 20 years. During his tenure, Reverend Penn was focused on being involved in the community, resulting in the creation of a foreign missionary project, a college scholarship fund, and a housing development program. Reverend Penn's vision has continued through today, and he continues to resonate as a shining example of selfless service and unwavering commitment to the community.

Since taking over as pastor on March 30, 1996, the Reverend Dr. Bennie T. Henson, Sr., has continued to spearhead projects aimed at improving not only the church but the community as well. Under Reverend Henson's direction, the Images of Hope initiative was created, which is designed to improve the human condition of the needy and underserved people of Gary. During his tenure, the congregation of First Baptist also witnessed the emergence of Saturday Night Alive, an alternative worship service, and Friday Night Out, a community movie night. In addition, numerous advances have been made during this time in the area of technology, allowing the congregation and the community access to First Baptist Church via the Internet.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Reverend Dr. Bennie T. Henson, Sr., and First Baptist Church of Gary on their 100th anniversary. Throughout the years, the clergy and members of First Baptist Church have dedicated themselves to providing spirituality and guidance through their service to their community. Their constant dedication and commitment is worthy of our deepest admiration.

HONORING DERRICK MOSS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derrick Moss of Liberty, Missouri. Derrick is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 2418, and earning the most prestigious award of Eagle Scout.

Derrick has been very active with his troop, participating in many scout activities. Over the many years Derrick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derrick Moss for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE 2008 HISPANIC  
HERITAGE YOUTH AWARD RECIPIENTS

**HON. RAHM EMANUEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. EMANUEL. Madam Speaker, I rise today to congratulate the 2008 Hispanic Heritage Youth Award Recipients. This award has

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grown into the most prestigious Hispanic honor and event for Latino youth in the United States.

Since 1998 the Hispanic Heritage Foundation has been celebrating Hispanic pride, culture, and accomplishment in the community and in classrooms throughout the United States.

Latinos are our Nation's largest minority and the Hispanic Heritage Foundation works to make sure that our Nation's Latino youth are prepared for the challenges to come. Through leadership, cultural, educational, and work programs, these future role models are identified, inspired, and instilled with the knowledge and experience to succeed.

Over 1,500 students have been awarded more than three million dollars in educational grants through the Hispanic Heritage Youth Awards. There are seven categories for these students to demonstrate their ability to excel in their areas of focus, with three finalists in each category from the Chicago area.

I am proud to recognize two winners from the Fifth Congressional District, Thalia Urbina and Estefanie Garcia. Thalia Urbina from East Lyden High School has earned a gold medalion for her commitment to education and Estefanie Garcia from Notre Dame High School for Girls has earned a bronze medalion for her excellence in journalism. These winners of the 2008 Hispanic Heritage Youth Award are part of the best and brightest in the Chicago Region.

This year's Chicago Regional award recipients will be honored with a special ceremony hosted by local businesses and community leaders to pay tribute to their accomplishments at the University of Chicago tonight.

Madam Speaker, Thalia and Estefanie have earned tonight's honors through hard work and dedication. I am proud to serve as their representative in Congress, and I wish them the best of luck tonight and in all of their future endeavors.

HONORING THE CHARITY EVENT,  
CRUISIN' MICHIGAN

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge an event, Cruisin' Michigan, which will be held in Wayne County, Michigan.

Cruisin' Michigan is a charity event created by Don Nicholson, an avid community serviceman. On July 12, 2008, classic automobiles will be cruising Michigan Avenue from 12 p.m. until 8 p.m. This is the first multi-city Michigan Avenue cruise where classic beauties will be traveling through Dearborn, Dearborn Heights, Inkster, Wayne, and Westland, Michigan. Cruisin' Michigan will benefit many non-profit organizations, the Wayne Rotary Club, service groups and supports the City of Inkster's Summer Jazz Festival. This special occasion is expected to bring more than 50,000 visitors to the area, which will increase the sales for local businesses and stimulate the economy.

Madam Speaker, Cruisin' Michigan will encourage travel, create economic growth, and benefit numerous organizations. This event is also expected to promote future charitable

events produced by Mr. Nicholson including, the Don Nicholson Charity Car Show and EnjoyWayne.com Charity Car Show, which raise money for adults with special needs and for scholarship funds. Today, I ask my colleagues to join me in supporting the Cruisin' Michigan event and acknowledging Mr. Don Nicholson for his loyal service to the community and our country.

TRIBUTE TO DR. BILL LAHUE

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. SKELTON. Madam Speaker, let me take this means to recognize the long and selfless career of Dr. Bill LaHue of Lexington, Missouri. Dr. LaHue has spent over 35 years as a dedicated general practitioner in the field of medicine.

Dr. LaHue received his BA and MD Degrees from the University of Missouri before completing his internship at Kansas City General Hospital and his residency at Tampa (FL) General Hospital and St. Luke's Hospital in Kansas City. He began his practice in general surgery in Lexington, Missouri, in 1972, and has served the needs of his community and the surrounding area since that time.

Dr. LaHue was recently named Presiding Chief of the Tribe of Mic-O-Say, an honorary Boy Scout Organization of the Heart of America Council, which serves over 45,000 youth. This honor is the highest recognition within the Scouting Organization. This prestigious award comes with the responsibilities of conducting council meetings and presiding over council ceremonies for the course of one year, after which Dr. LaHue will remain a chief, but no longer the presiding officer.

Dr. Bill LaHue continues to practice medicine in Lexington and remains an active member of his church and community. I trust that the Members of the House will join me in thanking Dr. LaHue for his devotion to the youth of our Nation.

CONGRATULATING THE  
UNIVERSITY OF IDAHO

**HON. BILL SALI**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. SALI. Madam Speaker, I rise today to recognize and congratulate the University of Idaho for their re-designation as a National Center of Academic Excellence (CAE) in Information Assurance Education (IA).

The National Security Agency and Department of Homeland Security has bestowed this distinguished recognition on only ninety-three schools across 37 states and the District of Columbia.

In order to be considered a CAE high academic standards must be in place. A CAE is required to have a full-time faculty dedicated to teaching IA, academic courses focused on IA and students involved in IA research projects. CAE students are trained to play a critical role in protecting our national information infrastructure.

The University of Idaho will now be eligible to apply for scholarships and grants through both federal and Department of Defense Information Assurance Scholarship Programs.

Congratulations to the University of Idaho for this fine distinction and commitment to cultivating the minds of our future leaders.

PERSONAL EXPLANATION

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. UDALL of Colorado. Madam Speaker, I was unable to be present for votes during the late afternoon and evening of May 22, 2008. For the information of our colleagues and my constituents, below is how I would have voted on the following votes I missed that day.

On rollcall 355, on the Akin amendment to H.R. 5658, I would have voted "no."

On rollcall 356, on the Franks amendment to H.R. 5658, I would have voted "no."

On rollcall 357, on the Tierney amendment to H.R. 5658, I would have voted "no."

On rollcall 358, on the Pearce amendment to H.R. 5658, I would have voted "no."

On rollcall 359, on the Lee amendment to H.R. 5658, I would have voted "yes."

On rollcall 360, on the Braley amendment to H.R. 5658, I would have voted "yes."

On rollcall 361, on the Price amendment to H.R. 5658, I would have voted "yes."

On rollcall 362, on the Holt amendment to H.R. 5658, I would have voted "yes."

On rollcall 363, on the McGovern amendment to H.R. 5658, I would have voted "yes."

On rollcall 364, on the Motion to Recommit with instructions the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (H.R. 5658), I would have voted "no."

I would have done so because the Motion to Recommit—as written—would have effectively killed the bill by sending it back to Committee. I also objected to what the Motion attempted to do. It would have repealed Section 526 of the Energy Independence and Security Act, which ensures that federal agencies do not procure or promote alternative fuels that emit, on a lifecycle basis, more greenhouse gas emissions than equivalent conventional fuels produced from conventional petroleum sources. This provision relates primarily to efforts of the Department of Defense to obtain half of its domestically used fuel from domestic synthetic sources by 2016. Specifically, the Air Force is pursuing 'coal-to-liquid' fuel (CTL). According to both the EPA and DOE, liquid coal produces double the global warming emissions compared to conventional gasoline.

An amendment adopted on the floor clarified Section 526 to ensure that federal agencies could procure conventional fuels that contain incidental amounts of unconventional fuels. With the passage of this amendment, it is my belief that there is no reason to repeal Section 526, since the Department of Defense has said that it intends to pursue CTL with carbon capture and sequestration. In addition, the Defense Science Board Task Force on Energy recommended that if DOD decides to provide financial backing to synthetic fuel production plants, it should avoid investing in processes that exceed the carbon footprint of petroleum.

On rollcall 365, on Passage of the Duncan Hunter National Defense Authorization Act for

Fiscal Year 2009 (H.R. 5658), I would have voted "yes."

On rollcall 366, on the Motion to Suspend the Rules and Agree, as Amended, to H. Res. 986, a resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, I would have voted "yes."

The resolution recognizes the 35th anniversary of "Operation Homecoming," when the first wave of the longest-held POWs from Vietnam left that country to return to the United States. We honor those POWs, but we also honor those brave heroes who fought and died for our country but never returned home.

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LOCAL 1010 50TH ANNIVERSARY

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to recognize the United Steelworkers Local 1010 on the 50th anniversary of their union hall in East Chicago, Indiana. They will be celebrating this occasion by rededicating the hall in honor of four members who selflessly gave their lives in the "Memorial Day Massacre" in 1937. This event will take place at the Local 1010 United Steelworkers Hall in East Chicago, Indiana, on Saturday, June 7, 2008.

Local 1010 has a long history of selfless sacrifice for the advancement of workers' rights, which in 1937 culminated with the "Memorial Day Massacre." After a picnic and rally on May 30, 1937, hundreds of members of Local 1010 picketed with members of other local unions at the plant gates of the Republic Steel Company in a show of solidarity against "Little Steel." While the strikers were protesting for union and worker's rights, Chicago police officers opened fire on the crowd, wounding over 100 union members and killing ten individuals, including four members of Local 1010. The four courageous Local 1010 members who gave their lives were: Earl Handley, Sam Popovich, Kenneth Reed, and Alfred Causey.

These selfless individuals will be honored at this milestone event with a workers' memorial, which will be displayed in the union hall. The memorial will bear the engraved names of these four men, as well as all 387 members of Local 1010 who have lost their lives while working for the union. This will ensure they will be remembered forever.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending Local 1010 President, Mr. Thomas Hargrove, and all members of the United Steelworkers Local 1010 for their loyalty and devotion to workers' rights.

HONORING MATTHEW PERRY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Perry of Liberty, Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1247, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Perry for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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RECOGNIZING THE CHICAGO SHAKESPEARE THEATER

**HON. RAHM EMANUEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. EMANUEL. Madam Speaker, I rise today to congratulate the Chicago Shakespeare Theater on earning the 2008 Outstanding Regional Theatre Tony Award. The honor, presented annually to a non-profit professional theater company in the United States, recognizes the hard work and dedication of Chicago Shakespeare artistic director and founder Barbara Gaines and the entire Chicago Shakespeare Theater staff.

The Tony Award for outstanding regional theatre was first presented to the Virginia Barter Theatre in 1946 and has been presented annually since 1976 to a theater company that maintains an unrelenting level of artistic achievement while advancing the development of theater nationally.

From its home on Chicago's Navy Pier, the Chicago Shakespeare Theater meets and exceeds that high standard. With over 600 annual performances during its 50-week season, the Chicago Shakespeare Theater reaches an audience of 225,000 per year. The theater has 20,500 subscribers and is the largest employer of Chicago actors.

Founded by Ms. Gaines in 1986, the theater staged its first performance, of "Henry V," on the rooftop of the Red Lion Pub in Chicago's Lincoln Park neighborhood. Since that show, the theater has grown into one of Chicago's leading cultural establishments.

In addition to its award-winning Shakespeare adaptations, the Chicago Shakespeare Theater reaches out to over 50,000 students and teachers yearly through a program entitled "Team Shakespeare." This program aims to make Shakespeare more accessible to a whole new generation and will reach its millionth student this year.

The Chicago Shakespeare Theater becomes the fourth theater based in Chicago, Illinois to earn the outstanding regional theatre

title. Along with previous Chicago-area winners the Steppenwolf Theater Company, the Goodman Theater, and the Victory Gardens Theater, these theaters and others throughout Chicago make up an artistic ensemble that rivals any group of theaters throughout the world. Their work is a testament to the quality and commitment of those who write, produce, and perform theater in Chicago.

Madam Speaker, I once again congratulate the Chicago Shakespeare Theater on this accomplishment, and I hope my colleagues will watch as the Chicago Shakespeare Theater receives their award on June 15th at the 62nd Antoinette Perry "Tony Awards" from Radio City Music Hall in New York.

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HONORING THE LIFE OF MS. DOROTHY THOMAS

**HON. THADDEUS G. McCOTTER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Ms. Dorothy Thomas, a remarkable Michigan citizen, upon her 100th birthday on May 27, 2008.

Ms. Thomas was born on May 25, 1908, in Detroit, Michigan. Dorothy grew up surrounded by an affectionate and giving family. Dorothy attended Craft Grade School and Condon Junior High. While attending Western High School, Ms. Thomas completed a business course, which included shorthand and led to her first job after graduation as a stenographer with Ford Motor Truck Company.

Ms. Thomas has been alone since age 58 after her husband passed away in 1966, and both children passed away at an early age. Dorothy continued to press on in spite of her loneliness. She worked as a Kelly girl, was a secretary at Art Center Hospital, and retired at age 67 from working in a business office at Mercy College. Ms. Thomas has filled her life with personal interests such as playing the piano, spending time with family, and her new pastime favorites: crafts and bingo. Dorothy has also been a devoted member of the church and continues to attend regularly. Dorothy's two nephews, two nieces, 12 great nephews and nieces, five great-great nephews, and five great-great nieces, all look to Dorothy for strength and inspiration as she reaches this amazing milestone.

Madam Speaker, for 100 years Ms. Dorothy Thomas has graced the world with her kindness, hard work, and spirit. Ms. Thomas's claim to a long life is a wonderful upbringing, athletics, strength under tragedy, and her dedication to work and church. Today, I ask my colleagues to join me in congratulating Ms. Dorothy Thomas upon reaching her 100th birthday on May 27, 2008, and for being an upstanding citizen to her community and country.

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TRIBUTE TO JANET FAGAN-McNULTY

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. SKELTON. Madam Speaker, let me take this means to recognize the distinguished

service of Janet Fagan-McNulty, as her career comes to an end. Mrs. Fagan-McNulty has spent more than 39 years dedicated to the Department of Agriculture and the Department of the Army.

In 1972, Mrs. Fagan-McNulty began her career with the Federal Government working for the Department of Agriculture and eventually joining Army's Office of the Chief of Legislative Liaison. In 1988, Mrs. Fagan-McNulty was appointed Deputy Chief of the Congressional Inquiry Division tasked with a number of special missions directed by the Secretary of the Army, including Operation Quick Look. From these successes she was ultimately promoted to Chief of the Congressional Inquiry Division.

During her tenure, Mrs. Fagan-McNulty has guided the division and organization through numerous major events. Some of these events consist of the period during the Cold War, Grenada, Panama, Operations Desert Shield and Desert Storm, the tragedy of September 11th, and Operations Enduring and Iraqi Freedom.

Currently, Mrs. Janet Fagan-McNulty is leading a dedicated team as Chief of the Congressional Inquiry Division, Office of the Chief of Legislative Liaison. I am certain that Members of the House will join me in thanking Janet Fagan-McNulty for her commitment and contributions to our Nation.

#### PERSONAL EXPLANATION

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Ms. CASTOR. Madam Speaker, for the information of our colleagues and my constituents, I want the RECORD to reflect how I would have voted on the following votes I missed this session.

On rollcall 338, on ordering the previous question on H. Res. 1212 providing for consideration of H.R. 6049, Energy Production and Conservation and Individual Income Tax Relief I would have voted "yes."

On rollcall 339, on agreeing to the resolution providing consideration of H.R. 6049, Energy Production and Conservation and Individual Income Tax Relief, I would have voted "yes."

On rollcall 340, on ordering the previous question providing for consideration of H.R. 5658, the National Defense Authorization of 2009, I would have voted "yes."

On rollcall 341, on ordering the previous question providing for consideration of the conference report to accompany S. Con. Res. 70, the Congressional Budget Act, I would have voted "yes."

On rollcall 342, on agreeing to the resolution providing for consideration of the conference report to accompany S. Con. Res. 70, the Congressional Budget Act, I would have voted "yes."

On rollcall 343, on the motion to recommit with instructions H.R. 6049, the Renewable Energy and Job Creation Act, I would have voted "no."

On rollcall 344, passage of H.R. 6049, The Renewable Energy and Job Creation Act, I would have voted "yes."

On rollcall 345, to suspend the rules and pass as amended H.R. 1771, The Crane Conservation Act of 2008, I would have voted "yes."

On rollcall 346, passage of H.R. 2419, the Farm, Nutrition, and Bioenergy Act objections of the President notwithstanding, I would have voted "yes."

On rollcall 347, to suspend the rules and pass, as amended H.R. 3819, Veterans Emergency Care Fairness Act of 2008, I would have voted "yes."

On rollcall 348, to suspend the rules and pass H.R. 5826, Veterans Compensation Cost-of-Living adjustment, I would have voted "yes."

On rollcall 349, to suspend the rules and pass H.R. 5856, Department of Veterans Affairs Medical Facility Authorization and Lease Act, I would have voted "yes."

On rollcall 350, on ordering the previous question on H. Res. 1218, providing for consideration of H.R. 5658, Department of Defense Authorization, I would have voted "yes."

On rollcall 351, on agreeing to the resolution providing for consideration of H.R. 5658, Department of Defense Authorization, I would have voted "yes."

On rollcall 352, on motion to table H. Res. 1221, I would have voted "yes."

On rollcall 353, to suspend rules and pass H.R. 6124 to provide for the continuation of agricultural and other programs of the Department of Agriculture through 2012, I would have voted "yes."

On rollcall 354, to suspend rules and pass H. Res. 1194, reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon, under Prime Minister Fouad Siniora, I would have voted "yes."

On rollcall 355, on the Akin amendment to H.R. 5658, to cut military pay, benefits, and healthcare by \$163 million. I would have voted "no."

On rollcall 356, on the Franks amendment to H.R. 5658, that would take \$719 million from high priority R&D programs outside of the Missile Defense Agency, in order to eliminate the committee's targeted reductions to the missile defense budget, I would have voted "no."

On rollcall 357, on the Tierny amendment to H.R. 5658, to reduce funding for the Missile Defense Agency by an additional \$996.2 million beyond the \$719 million already reduced, I would have voted "no."

On rollcall 358, on the Pearce amendment to H.R. 5658, to cut \$10 million from the Department of Defense Energy Conservation Improvement Program in order to restore RRW funding, I would have voted "no."

On rollcall 359, on the Lee amendment to H.R. 5658, requiring that any security guarantee, arrangement, or assurance between the US and Iraq would have to be ratified by the Senate or approved by the full Congress, I would have voted "yes."

On rollcall 360, on the Braley amendment to H.R. 5658, requiring an extensive report on current and future war costs, including direct war costs and veterans payments, to try to capture the full cost of the wars in Iraq and Afghanistan, I would have voted "yes."

On rollcall 361, on the Price amendment to H.R. 5658, prohibiting agencies under the Department of Defense from using contractors to perform interrogations, I would have voted "yes."

On rollcall 362, on the Holt amendment to H.R. 5658, requiring that strategic intelligence interrogations of Department of Defense de-

tainees being conducted in theater interment facilities, and not on the battlefield, are videotaped or otherwise electronically recorded and stored according to guidelines that the Secretary of Defense will promulgate, I would have voted "yes."

On rollcall 363, on the McGovern amendment to H.R. 5658, requiring the secretary of defense to remove recently imposed secrecy and return to the previous practice of releasing the names, upon request, of the students and instructors at the Western Hemisphere Institute for Security Cooperation, I would have voted "yes."

On rollcall 364, on the motion to recommit with instructions H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, I would have voted "no."

On rollcall 365, on passage of H.R. 5658 Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, I would have voted "yes."

On rollcall 366, to suspend the rules and agree, as amended H. Res. 986, recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, I would have voted "yes."

On rollcall 367, to suspend rules and agree to H. Con. Res. 138 supporting National Men's Health Week, I would have voted "yes."

On rollcall 368, to suspend rules and agree on H. Res. 923 recognizing the State of Minnesota's 150th Anniversary, I would have voted "yes."

On rollcall 369, to suspend rules and agree to H. Res. 1114 supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day, I would have voted "yes."

#### TRIBUTE TO RICHARD AND LORETTA VEADER

### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. MCGOVERN. Madam Speaker, I rise today to congratulate Richard and Loretta Veader of Seekonk, Massachusetts, on the occasion of their 50th wedding anniversary. Mr. and Mrs. Veader's life together exemplifies the finest qualities of the institution of marriage, and I applaud their commitment to their family, their faith, their community and to each other.

Richard and Loretta were married on June 7, 1958 in Swansea, Massachusetts. The young couple soon established their roots in Seekonk, with the purchase of their first home. As they settled into their new community, they were blessed to welcome three beautiful daughters: Lou-Anne, Pamela and Kimberly.

Despite the demands of a young family, Richard and Loretta always found time to give themselves to their church and to their community. Over the years, as their beloved church, Our Lady of Mount Carmel, underwent structural transitions, Richard and Loretta served as two of the church's first Eucharistic ministers and, to this day, continue to honor their weekly commitment to the Adoration. Together, they have also been dedicated members of the Saint Vincent DePaul Society. For

more than 40 years, Richard has actively been involved with the Knights of Columbus, and from 1983–84 he was honored to hold one of the highest positions of distinction as Grand Knight.

Richard and Loretta's friendly faces are a welcome sight throughout the tight-knit community of Seekonk. Their contributions to their hometown are invaluable and serve as examples to us all of how to make our world a better place. Both Richard and Loretta have spent countless hours working in the Seekonk Public Schools. Richard worked in various custodial positions at both the Pleasant Street School and the George C. Martin School while Loretta worked as a kindergarten teacher's aide at the Anne C. Greene School. Over the years, Loretta has also become a familiar face in the Seekonk Town Assessor's office and now, even after her retirement, continues to work part-time in the office of the Veterans' Agent. Along the way, Richard and Loretta have made many lasting and loving friendships, always keeping their family close at hand.

Richard and Loretta's life together truly has been an inspiration to all who have had the pleasure to be in their company, especially their 3 daughters and their beloved grandchildren, Amy Lynn, Robert, Michaela, Joshua, Brittania and Chase. On June 7, Richard and Loretta's family and friends will gather together in celebration to honor this tremendous milestone in their remarkable life together.

Madam Speaker, it is with great pleasure that I humbly ask that the United States House of Representatives join me in congratulating Richard and Loretta Veader on the occasion of their 50th wedding anniversary and wish them many more years of continued happiness and prosperity.

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#### HONORING BRIAN CLEEK

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#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Cleek of Liberty, Missouri. Brian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Cleek for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF MS.  
MAMIE D. FOLINO

#### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. McCOTTER. Madam Speaker, today I rise to honor Ms. Mamie D. Folino, a valued member of the Northville community, and mourn her upon her passing at age 77.

Ms. Mamie D. Folino was known in the Northville community for her service work and her efforts to preserve heritage in the area. Mamie Folino was born on August 24, 1930, in Detroit, Michigan and was a proud graduate of Fordson High School and Cleary College. Ms. Folino was an extremely active member of her community. Mamie participated in the Mainstreet '78 Project, which revitalized the landscaping along the downtown area. Mamie also volunteered at International Festivals after she had retired as an office manager at her late husband's State Farm Insurance Agency. Ms. Folino became a prevalent member of the community when she became a dynamic component of the Northville Chamber of Commerce, which helped the community prosper. Mamie was also involved with the Northville Historical Society to conserve the culture of the area. Furthermore, Mamie Folino was a devoted member of Our Lady of Victory Catholic Church.

Sadly, Ms. Mamie Folino passed away on May 13, 2008. Mamie was highly regarded in the community for her involvement, but her love for her family and her pets always came first in her life. To her daughters, Teresa and Paula (Gary); her granddaughter, Domenica; her siblings, Charles, Domenic, Prudy, Mary (Jim), and Frank (Charlyn); and to everyone that knew and loved her, Ms. Mamie D. Folino was a woman who tended to the preservation of culture and history and was a dedicated member of the community.

Madam Speaker, during her lifetime, Ms. Mamie D. Folino enriched the lives of everyone around her by exhibiting kindness, cooperation, and dedication. As we bid farewell to this outstanding individual, I ask my colleagues to join me in mourning her passing and honoring her many years of loyal service to the community and our country.

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#### A TRIBUTE TO ANNE D'HARNONCOURT

#### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a great Philadelphian and a giant of America's cultural community, Anne d'Harnoncourt. Ms. d'Harnoncourt came to the Philadelphia Museum of Art in 1967 and became curator of 20th century art in 1972. She became the museum's director in 1982, beginning a renaissance at the venerable institution.

Ms. d'Harnoncourt has been justifiably credited with being responsible for launching Philadelphia's modern concept of cultural tourism with a blockbuster 1996 Cezanne retrospective that drew a record 800,000 viewers. She

provided the drive and the vision needed to launch a \$590 million expansion and renovation of the museum and completed the opening of the architecturally and historically significant Perelman annex.

Most recently Miss d'Harnoncourt had landed the Art Museum an enviable spot at the Venice Biennale, curating the American Pavilion with a major Bruce Nauman show. And, perhaps most importantly, she led our city's unprecedented effort to keep The Gross Clinic in the city.

Anne d'Harnoncourt had an unmatched impact on the world of art. Through her pioneering of the blockbuster exhibit, she had an equally unmatched impact on Philadelphia's economy. But, her true impact was most felt in the lives of Philadelphia's children.

Under Ms. d'Harnoncourt's leadership, the Philadelphia Museum of Art has devoted significant staff and monetary resources to exciting and innovative educational efforts for our kids. The museum has developed curricula and exhibits designed to teach children the arts, math and history. Every exhibit in the museum is welcoming to kids and the sight of busloads of delighted, beaming faces brings joy to everyone who sees them.

Madam Speaker, Anne d'Harnoncourt is one of those once in a lifetime people who can never be replaced. She will be sorely missed. But, because of her work, her legacy will live forever.

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#### IN HONOR OF MARIANNE VITTARDI

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Marianne Vittardi, as her friends and family gather in celebration of her 80th birthday.

Mrs. Vittardi was born in 1928 in Cleveland Ohio to Regina and Jack Zuccola. Marianne's mother and second dad, Ed Krumheuer, raised Marianne, her brother Larry and their beloved sister Carol Jean in Parma on Maplecrest Ave.

Marianne is the loving wife of over 50 years to her husband Jerry, devoted mother to her children, Richard, Renee, Gerianne, Marty, Mickey and Ed. Marianne is the grandmother of thirteen and great-grandmother of eleven. She is awaiting the arrival of her twelfth great-grandchild this year and prays for many more in the future. Great Grandma Vittardi and her family hold a very special place in their hearts for baby Jack and baby Blake.

Parma would remain the city in which Jerry and Marianne would raise their own family. It is also where they became interested in local government. In 1961, Marianne stood by her husband's side during his successful bid for city council. It was the beginning of a lifetime of civic duty for the Vittardi family. It was also where Marianne's reputation for being hard working, knowledgeable and dependable was gained for organizing political campaigns. Marianne was called upon to be the chairperson of campaigns by Governor Richard Celeste, Senator Howard Metzenbaum, Congressman Ron Mottl, Attorney General Lee Fisher, Parma Mayor Michael Ries and for her son Councilman Martin Vittardi.

Marianne served as the President of the Parma Women's Democratic Club, Parma Women's Democratic City Leader and Treasurer of the Parma Democratic Party. Throughout her life, Marianne volunteered on committees for club picnics, dances and steak roasts. Marianne was recognized for her service and volunteerism when she was named 1989's Parma Democratic of the Year.

Jerry and Marianne took their family on vacations to Florida, Ruggles Beach, and Washington, DC. Their summers were spent with family and friends at Country Club Camp Grounds. In the 1980s, Jerry and Marianne went on a three-week trip of a lifetime to Italy. Keeping their Italian heritage alive through each new generation, the Vittardis celebrate their Italian heritage on Christmas Eve with a traditional Italian dinner of Marianne's homemade spaghetti sauce and seven courses of fish. Her mother's recipe for German potato salad, a family favorite, has been passed down to each new generation. Jerry and Marianne became Snowbirds traveling to Cape Coral and Fort Myers where they spent fifteen Cleveland winters in the Florida sun. They attended their children and grandchildren's school and sporting events. Marianne was always one of the most spirited cheerleaders in the crowd, whose voice could be heard on Byers Field or on the court! Their shared commitment to family, faith, and community is reflected throughout the Parma community and also within their parish, St. Bridget Church.

Madam Speaker and Colleagues, please join me in honor of my dear friend, Marianne Vittardi. I wish Mrs. Vittardi a joyous birthday and many blessings of peace, health and happiness today and always.

CENTRAL KENTUCKY YOUTH  
ORCHESTRAS (CKYO)

**HON. BEN CHANDLER**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. CHANDLER. Madam Speaker, it is my distinct privilege to recognize and celebrate the Central Kentucky Youth Orchestras' (CKYO) 60 years of excellence. I am honored that the oldest independently chartered youth orchestra in the United States is located right in the heart of the 6th Congressional District of Kentucky.

CKYO consists of 4 orchestras including the Symphony, Concert, Preparatory and Jazz Orchestras, with plans to add a fifth orchestra in the near future due to high demand. Over 255 students come to CKYO from 14 counties and 65 area schools throughout the Commonwealth of Kentucky.

Under the direction of Mr. William Prinzing Briggs, the CKYO have performed not only throughout the Commonwealth of Kentucky, but also around the world in countries such as Austria, Hungary and the Czech Republic. This cultural and musical exchange can build strong ties that can last a lifetime and allow youth from all over the world to be ambassadors of the arts.

Madam Speaker, please join me in congratulating the Central Kentucky Youth Orchestras on 60 years of beautiful music.

HONORING KAREN FITZSIMMONS

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. BRALEY of Iowa. Madam Speaker, I rise today to remember and celebrate the life of Karen Fitzsimmons. Karen passed away on April 2, 2008, after serving as the Scott County, Iowa, auditor for over 32 years.

Karen was elected auditor in 1976 and held that position until her untimely death this spring. From her first day in office to her last she brought integrity and professionalism to government. Under Karen's leadership Scott County elections were fair, transparent, and inclusive. Citizens trusted Karen because they were confident she would count and report every vote in every election. She set a standard for ethics and integrity in elections to which other counties in Iowa aspire.

Karen was a trailblazer for women in Iowa public life. She is one of the longest serving female elected officials in Iowa history. She was a 27-year-old professional and single-mother when she won her first election. She thrived as a public official and was never afraid to challenge "old boys club" attitudes at any level of government.

Madam Speaker, Karen was an admired leader who defended the principle at the heart of our democracy: the right to vote. Her memory will be cherished.

INTRODUCTION OF THE INVESTING  
IN CLIMATE ACTION AND PRO-  
TECTION (ICAP) ACT

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. MARKEY. Madam Speaker, I rise today to introduce the "Investing in Climate Action and Protection Act"—or "iCAP Act"—a bill to reduce global warming pollution to levels sufficient to avoid catastrophic climate change and to invest in America's transition to a secure and prosperous low-carbon future.

The iCAP Act is founded on three fundamental principles:

First, science solves problems. The scientific consensus is now unequivocal that global warming is happening, that manmade greenhouse gas emissions are largely responsible, and that we must reduce those emissions substantially over the coming decades if we are to avert a climate catastrophe. We have a moral obligation to listen to that scientific consensus and act upon it, by starting today to reduce global warming pollution to levels that will keep our planet safe for generations to come.

Second, investing solves problems. We must invest in the American economy and in American workers, and launch an energy technology renaissance that will rival the information technology revolution of the past decade. We all benefited from the Industrial Age, and we have watched the dawn of the Information Age. Today, we must start the Clean Energy Age. This bill will provide a market-based push that will trigger an explosion of energy technology development that will give us the same

"Wow" feeling that we get from our information technology—bringing robust economic growth while meeting our climate goals.

Third, American leadership solves problems. We must ensure America is the world leader in confronting our climate crisis, giving us the credibility and the technology to bring China, India, and the rest of the developing world under one large, climate-saving tent. In so doing, America will help protect vulnerable communities around the world from the dangers of global warming, including drought, famine, and flood. We will meet our international responsibilities while at the same time gaining global good will and protecting our national security interests.

The iCAP bill implements these principles by establishing a "cap-and-invest" system, which caps pollution, requires polluters to buy 100 percent of the tradable pollution allowances at auction, and invests the auction proceeds in American consumers and in technologies and practices that save the climate while also saving costs.

The core title of the bill amends the Clean Air Act to establish an EPA-administered cap-auction-and-trade program that covers 87 percent of U.S. greenhouse gas emissions. This program will begin to cut these emissions immediately and will reduce them to 85 percent below 2005 levels by 2050—the U.S. contribution necessary to protect the global climate against dangerous warming.

The cap covers all the major sources of greenhouse gases. These include the nearly 10,000 power plants and large industrial facilities that produce the majority of global warming pollution—facilities that are already regulated for other pollutants. Other covered entities include companies that produce or import petroleum- or coal-based liquid or gaseous fuels (like gasoline), companies that produce fluorinated gases (found in everything from air conditioners and refrigerators to the electronics industry), and companies that distribute natural gas to consumers.

The iCAP bill creates the market-based incentive to reduce global warming pollution by establishing a gradually declining budget of tradable pollution allowances for each year from 2012 through 2050, and by requiring polluters to surrender a sufficient number of allowances to cover their heat trapping emissions each year. Under iCAP, EPA will auction virtually all of these allowances, instead of giving them away for free to polluters. This approach reflects what we have learned over the past two decades.

For many years, our environmental laws were based on performance standards. Every polluter was told how much or how little they could pollute. Everyone was given a standard and they all had to meet it. That approach can work for some pollutants, but it also can be very expensive.

In 1990, Congress came up with a novel approach to address the acid rain problem caused by sulfur dioxide and nitrogen oxide emissions. This idea, sometimes called "cap and trade," embraces the notion that all reductions are helpful but that some parties can achieve those reductions for much less. So if one party can reduce pollution relatively cheaply, then another party that finds it more expensive can trade money for the extra pollution reduction achieved by the more efficient party.

The European Union adopted this approach in enacting their carbon dioxide emission reduction program, but it made some mistakes along the way from which the world has learned. One of those mistakes was to give the pollution allowances away to polluters for free. Economic theory and the EU experience have shown that only by implementing full 100 percent auctions can we ensure that polluters do not receive windfall profits and that all energy sources are competing on a level playing field.

The iCAP bill begins by auctioning 94 percent of the emission allowances from 2012 to 2019, and transitions to 100 percent auctions in 2020. Recognizing that some American industries—such as iron and steel, aluminum, cement, glass, and paper—face intense international trade competition, the bill provides transitional assistance to these industries. U.S. manufacturers in these industries will receive six percent of emission allowances from 2012 to 2019 before they, too, have to bid at auction for allowances. But note that, in order to stay competitive, these industries will need to begin innovating on day one.

To reduce program costs, the iCAP bill permits unlimited trading of pollution allowances and banking of allowances for future use. It also allows a regulated party to satisfy up to 15 percent of its yearly compliance obligation with allowances “borrowed” from future years, provided the loan is repaid with interest within 5 years. A regulated entity can meet up to 15 percent of its yearly obligations using EPA-approved domestic offset credits, based on greenhouse gas reductions achieved outside the cap. A regulated entity also may satisfy up to 15 percent of its yearly obligations using foreign allowances or offset credits that meet rigorous EPA standards.

The cap-auction-and-trade system established by the bill will give rise to a large and vigorous new “carbon market,” on which pollution allowances, offset credits, and derivatives such as futures and option contracts are traded. To ensure fairness, transparency, and stability in this new market, the bill establishes an Office of Carbon Market oversight within the Federal Energy Regulatory Commission, which is charged with prevention of fraud or market manipulation.

Alongside the cap-auction-and-trade system, the iCAP bill adopts mandatory performance standards for certain other sources that cannot easily be included in the cap—such as coal mines, landfills, wastewater treatments, and large animal feeding operations. It also provides financial incentives to farmers and forest managers to adoption of practices that will further reduce global warming pollution and sequester carbon. Together with the cap, these measures will cover over 94 percent of U.S. greenhouse gas emissions—as much of the economy as is practicable to reach.

The bill also establishes measures to encourage the coal industry to invest in new technology to adapt to the new low-carbon future. The International Energy Agency recently warned that, for the coal industry, “a huge amount of investment and unprecedented technological breakthroughs such as in carbon capture and storage” will be needed to meet the greenhouse gas reduction targets that scientists believe we most achieve by 2050. The iCAP bill will help us meet this challenge by requiring that any new coal-fired power plant use carbon capture and sequestration tech-

nology, and we give companies assistance to use this technology until 2020. To the extent that the coal industry, with plenty of support from the Federal Government, can make carbon capture and sequestration work, then it will be part of the energy portfolio in the future.

Pollution allowance auctions under iCAP will generate a substantial amount of money. How should it be invested?

The first investment is back into the pockets of working- and middle-class Americans. Under this bill, half of the proceeds from polluter auctions flow directly back to consumers in the form of refundable tax credits and rebates, protecting 80 percent of America’s families from increased energy costs while our economy transitions. In fact, over 60 percent of U.S. households—those earning under \$70,000—will be fully compensated, while benefits will be extended up to those making \$110,000. In addition, substantial funds will go to job training for the hundreds of thousands of green collar jobs that our country will need filled, and to adjustment assistance to any workers who need help transitioning from carbon-intensive industries to the new low-carbon economy.

The iCAP bill also invests heavily in technologies that will drive that low-carbon economy. The best, brightest, and cheapest source of clean energy is efficiency. That is why the iCAP bill devotes tens of billions of dollars each year—in partnership with State and local governments—to making our homes, buildings, and transportation systems more efficient. The bill invests tens of billions more in research, development, and deployment of the cutting-edge low-carbon energy technologies that will power America’s future—including renewable energy, cellulosic ethanol, advanced hybrid vehicles, and carbon capture and sequestration.

Unfortunately, even if we act now to avert catastrophic global warming, some climate change is already inevitable. Accordingly, the iCAP bill devotes substantial funding to increasing resilience—both here in the United States and in the most vulnerable developing countries—to those impacts.

Finally, the bill sets up a system of carrots and sticks to encourage other countries to take action to combat global warming. The bill establishes an international forest protection fund to reduce heat trapping emissions from tropical deforestation. It also gives major developing countries that take “comparable action” to reduce global warming pollution access to an international clean technology fund, to promote deployment of low-carbon energy technologies. Only countries that take comparable action—or those that are among the least developed countries or that have very low emissions—will be able to sell offset credits into the U.S. market. And countries that fail to take comparable action by 2020 will have to buy special reserve allowances to cover the emissions generated by any covered primary goods—like iron and steel, aluminum, cement, glass, or paper—that they import into the United States. These incentives will help to ensure that all countries band together to combat global warming—as we must if we are to preserve our precious planet.

Climate change represents the single greatest threat now facing humanity, but it also presents an unprecedented opportunity. The iCAP Act represents a bold and comprehen-

sive response to that challenge and opportunity. I urge my colleagues to support this bill—to take action now to avert a climate catastrophe, to protect our national security, and to unleash a green energy revolution that will bring prosperity and robust economic growth to America. I am confident that after this bill reaches its goal in 2050—long after many of us have shuffled off our mortal coils—historians will look back on the beginning of this new millennium and say that it was an era of technological development that in the course of a generation changed the course of the planet.

HONORING CHAD ROBERTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chad Roberts of Liberty, Missouri. Chad is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1135, and earning the most prestigious award of Eagle Scout.

Chad has been very active with his troop, participating in many Scout activities. Over the many years Chad has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Chad Roberts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING LYNDON BAINES JOHNSON

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GENE GREEN of Texas. Madam Speaker, later this year the Department of Education will formally be renamed after a former teacher, who became president and made equal opportunity to education a national priority. President Lyndon Baines Johnson pioneered many issues such as civil rights, voting rights, but his education leadership stands out even among those accomplishments. President Johnson was a very human figure but his legacy is with us in many major ways today. Lyndon Johnson’s first priority in life was education, and he was the first “Education President.” As we approach President Johnson’s 100th birthday on August 27, I would like to submit the following article which appeared in the Austin-American Statesman highlighting the profound legacy President Johnson had on America’s education system, and the renaming of the Department of Education Building.

[From the Austin American Statesman, October 28, 2007]

LBJ FINALLY GETS HIS DUE IN WASHINGTON  
(By David H. Bennett)

Washington is a city of monuments; the Mall hosts buildings, statues and walls commemorating big achievements (saving the

union) and small ones (inventing the screw propeller). But until now, Washington had no monument to a man who left an enormous mark, not only on American government, but on the lives of our people: Lyndon Baines Johnson.

Until this year, the only thing named for LBJ in the capital area was a Memorial Grove, a clump of trees on the Potomac in Virginia. But when the Department of Education building is formally renamed for LBJ on September 18, it will finally provide Washington recognition for the man who fundamentally reshaped the role of government in the United States.

On one level, ignoring LBJ in Washington simply replicates what has happened in politics and academia. For Republicans and those on the right, the Johnson years have always been anathema. He promised to be the "education president," the "health president" and the "poor people's president." He did all of that and more, earning the enduring hatred of those who loathe government.

But more surprising is that the man who presided over that spectacular legislative run of victories for activist government that he called the "Great Society" has been the forgotten man by the party he once led. At Democratic conventions, FDR, Truman, and Kennedy are the iconic figures to whom speakers pay homage; LBJ goes unmentioned.

Historians too seemed to look past LBJ—textbooks and history classes often pay little heed to the achievements of Johnson's domestic agenda. For many, it seems, the shadow of Vietnam obscures everything else about LBJ's career and accomplishments.

That is a serious misreading of history, as a brief review of Johnson's legacy makes clear. It is his educational agenda that will be deservedly memorialized in the naming ceremony. The 1965 Elementary and Secondary Education Act was landmark legislation. It did not have a fancy title like "No Child Left Behind," but the ESEA marked the first time the federal government committed to helping local school districts—and with funding, not directives. The 1965 Higher Education Act provided scholarships, grants, loans and work study programs—hundreds of billions of dollars worth—that made college possible for millions who could not afford it before. In addition, LBJ, himself once a school teacher in a desperately poor Texas district, was the president who first recognized and funded bilingual and special education.

But education is only part of the story. Medicare transformed the health delivery system for older Americans, having helped almost 50 million citizens stay out of poverty and live longer. Medicaid has served over 200 million needy people since its creation. The Heath Professions Act helped to double the number of doctors graduating from medical school.

LBJ's "War on Poverty" would later become a whipping boy for right-wing critics, but Head Start, Upward Bound, VISTA, the Job Corps and other poverty programs made their mark across the years, despite diminished resources and lack of commitment in some subsequent administrations.

And it was the political genius of the man who "knew the deck on Capitol Hill" that played a critical role in pushing through the landmark Civil Rights and Voting Rights Acts in 1964 and 1965.

There is much more. In a nation which no longer seems to address infrastructure needs, Johnson's White House gave us the Urban Mass Transit Act, bringing MARTA to Atlanta, BART to the San Francisco Bay and, of course, Metro to Washington. And Johnson was truly a pioneer of environmentalism, spearheading the Clean Air, Water Quality,

Clean Water Restoration, Solid Waste Disposal and Motor Vehicle Air Pollution Control Acts. Johnson also gave us regulatory protections like product and child safety, truth in packaging and truth in lending legislation, as well as the creation of OSHA.

LBJ promised that the Great Society would be concerned with the quality of our lives as well as the quantity of our goods. The Corporation for Public Broadcasting and the Endowments for the Arts and the Humanities were the result. There would be hundreds of playhouses, opera companies, professional orchestras and dance companies created or supported with federal dollars.

With the possible exception of FDR's first term, there was never anything like this record of legislative accomplishment. It is clear why the political right wants to bury the memory of LBJ. But why progressives have chosen to disregard his extraordinary domestic achievement is something else. The naming of the education building is a start in redressing this act of historical amnesia.

#### RECOGNIZING JESSICA RAE HERRERA-FLANIGAN

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize Jessica Rae Herrera-Flanigan, Staff Director and General Counsel of the Committee on Homeland Security, for her dedication to the security of the Nation. As the chairman of the committee, it is with sadness that I report that on Friday, June 6, she will be leaving us for the private sector. I speak for all the committee's members and staff in saying that she will be missed.

Jessica has the distinction of being the longest serving Democratic staffer on the committee, having joined it in 2003 when it was merely a select committee. She has played a pivotal role, first as Counsel under former Ranking Member Jim Turner, and then as my top aide, in the committee's development and growth over the last 5 years.

Jessica was a well-respected cybercrime prosecutor and former Department of Justice official before coming to the Hill. With the attacks of September 11, her knowledge of cybersecurity and critical infrastructure protection put her on the frontlines of homeland security, before it was known as that. She came to the House for the right reasons shortly thereafter—because she believed we could do better to secure our Nation.

I truly believe that Jessica symbolizes the future of our Nation's national security leaders. Leaders that look more like America. The daughter of Leonel and the late Virginia Ann Herrera, she grew up in the southeast Texas oil-refining town of Port Arthur, Texas, which she saw struck by Hurricane Rita during her tenure on the committee. With the help of student loan and work-study programs, she graduated from Yale University and Harvard Law School. She is, I've been told, the first and only Latina to ever serve as a staff director of a full committee in the House. And don't let her 4'11" frame fool you—she is a 1st degree blackbelt and a sharpshooter.

Any recognition would be incomplete if I did not thank Tom Flanigan for lending us so much of his wife's time and energy. He not only stood by her, but by the committee as we

tackled its creation, Hurricanes Katrina, Rita, and Wilma, the 9/11 implementation bill, and countless other homeland security issues over the last 5 years.

In sum, I welcome this opportunity to recognize Jessica Herrera-Flanigan for her tireless work, patriotism, and professional dedication to Congress, the Committee of Homeland Security, and the Nation.

#### SALUTING OUR SOLDIERS OF TOMORROW

#### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. JOHNSON of Texas. Madam Speaker, I rise this morning to salute our soldiers, sailors, airmen and marines of tomorrow, the service-bound academy students of the Third District of Texas. This district of Texas is home to some of the best and the brightest young people. It is always an honor to recommend such high caliber students to our Nation's service academies.

These students represent the future of our Armed Forces. Each one is a leader and will do a superb job serving in the finest military in the world. My thoughts and prayers are with each student as they pursue their dreams and serve their country.

I know each student is ready to join the premier military force of the world and wish them all the best.

The 8 appointees and their hometowns are as follows:

Allen High School: Ji, (Daniel), Hun Hong, Allen, TX, U.S. Naval Academy; Ji, (Alex), Hyuk Hong, Allen, TX, U.S. Naval Academy.

McKinney High School: Sean Gent, McKinney, TX, U.S. Air Force Academy.

McKinney North High School: Colton Floyd, McKinney, TX, U.S. Air Force Academy.

Plano East Senior High School: Justin Aguilar, Richardson, TX, United States Air Force Academy; Mark Carrion, Plano, TX, U.S. Naval Academy.

Plano Senior High School: Junqin Li, Plano, TX, U.S. Military Academy.

Plano West Senior High School: Alexa Ramsier, Dallas, TX, U.S. Air Force Academy.

To these 8 appointees I say, God bless you. God bless America. I salute you.

#### TRIBUTE TO BEVERLY LARGENT

#### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. WHITFIELD. Madam Speaker, I rise in recognition of Beverly Largent, a Pediatric Dentist who practices in the City of Paducah located in my District, the First Congressional District of Kentucky. On May 25, 2008, Dr. Largent became the first female President of The American Academy of Pediatric Dentistry (AAPD) after proudly serving the AAPD for 20 years.

Founded in 1947, the AAPD is a not-for-profit membership association representing the specialty of pediatric dentistry. The AAPD's 7,300 members are primary oral health care



providers who offer comprehensive specialty treatment for millions of infants, children, adolescents, and individuals with special health care needs. The AAPD also represents general dentists who treat a significant number of children in their practices.

Dr. Largent practices in Paducah, Kentucky and is a past president of the Kentucky Society of Pediatric Dentistry and diplomate of the American Board of Pediatric Dentistry, has served on the ADA's Council of Ethics, Bylaws and Judicial Review, and is a past president of the Kentucky Dental Association. Dr. Largent attended dental school and received her pediatric dental certification from the University of Kentucky. She resides in Paducah with her husband of 40 years, Tom, and is the mother of two and grandmother of three.

Madam Speaker, it is with great pride that I bring to the attention of this House the historical significance and sense of this notable achievement. Dr. Beverly Largent's commitment to children's oral health is evident in everything she does—whether it is in her office treating patients, educating parents and caregivers or on Capitol Hill advocating for children. I'm confident she will be a fine leader of this organization and help raise awareness of the importance of pediatric dentistry.

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#### PERSONAL EXPLANATION

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. COURTNEY. Madam Speaker, on Tuesday, June 3, 2008, I was necessarily absent from House business as I celebrated the high school graduation of my son in Connecticut.

Had I been present, I would have voted "yea" on rollcall 367, H. Con Res 138, Supporting National Men's Health Week; voted "yea" on rollcall 368 H. Res 923, Recognizing the State of Minnesota's 150th Anniversary; and voted "yea" on rollcall 369, H. Res 1114, Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day. My vote would not have changed the outcome of any rollcall.

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#### RECOGNIZING THE 40TH WEDDING ANNIVERSARY OF FRED AND BARBARA MCFAUL

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. MILLER of Florida. Madam Speaker, I rise today on the occasion of the 40th Wedding Anniversary of Fred and Barbara McFaul. As the love between Fred and Barbara grew throughout their forty years of marriage, so did their love for the people and the communities of Northwest Florida.

A native of Baltimore, Maryland, Fred McFaul devoutly served his country and Northwest Florida as a Special Agent with the Federal Bureau of Investigation (FBI). In fact, it was just down Pennsylvania Avenue at the

Old Post Office where Fred first met his future wife. After more than thirty years of service, he retired from the FBI and served as the Director of Public Safety at Okaloosa Walton College and later as the Director of Training at the Santa Rosa County Sheriff's Office.

The youngest daughter of a coal miner from laeger, West Virginia, Barbara was working as an administrative assistant at the FBI when she first met Fred. After getting married and raising two children, Barbara decided to attend nursing school at Pensacola Junior College to pursue a career in health care. She became a Registered Nurse and proudly served at West Florida Hospital in Pensacola.

Fred and Barbara continue to demonstrate their strong family values and unwavering faith in God as loving parents and grandparents. They have stood as a shining inspiration for their son, Dan; daughter, Lori; son-in-law, Chris; and grandchildren, Caroline and Christopher.

Through their leadership and dedication, Fred and Barbara honorably served as an inspiration to us all. Now settled in Santa Rosa County in retirement, Northwest Florida is truly blessed to have them as our own. Together, they have touched and saved a number of lives, and the impact they have made on the community will leave a lasting impression.

Madam Speaker, on behalf of the United States Congress, it is a great honor for me to congratulate Fred and Barbara McFaul on their forty years together and their love and dedicated service to the communities of Northwest Florida.

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#### PERSONAL EXPLANATION

### HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. PLATTS. Madam Speaker, my vote was not recorded for rollcall No. 365. The vote should have been recorded as a "yea" vote.

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#### HONORING PAUL JAMESON

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Paul Jameson of Kearney, Missouri. Paul is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1135, and earning the most prestigious award of Eagle Scout.

Paul has been very active with his troop, participating in many Scout activities. Over the many years Paul has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Paul Jameson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### INTRODUCTION OF THE ABC ACT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mrs. MALONEY of New York. Madam Speaker, today I am pleased to re-introduce the Access to Books for Children, ABC, Act, which would amend the Child Nutrition Act of 1996 to provide vouchers to mothers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants and children, WIC.

The American Academy of Pediatrics recommends daily reading to a child beginning when the child is 6 months old. Children who are exposed to books and reading before they start school are much more likely to graduate from high school than those who are not. The ABC Act will make it easier for children in the WIC program to develop literacy skills by placing books in the hands of children who may not otherwise have their own books in the home. With the ABC Act, we have an opportunity to provide nourishment for both the body and the mind to children who need it most.

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#### PERSONAL EXPLANATION

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. ELLISON. Madam Speaker, on Tuesday June 3, 2008, I inadvertently failed to vote on rollcall No. 367, 368 and 369. If I were present, I would have voted "aye" on all three rollcalls.

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#### PERSONAL EXPLANATION

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, June 3, 2008, I was unable to cast my votes on H. Con. Res. 138, H. Res. 923, and H. Res. 1114, and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 367 on suspending the rules and passing H. Con. Res. 952, Supporting National Men's Health Week, I would have voted "aye."

Had I been present for rollcall No. 368 on suspending the rules and passing H. Res. 923, Recognizing the State of Minnesota's 150th anniversary, I would have voted "aye."

Had I been present for rollcall No. 369 on suspending the rules and passing H. Res. 1114, Supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day, I would have voted "aye."

HONORING THE MEMORY OF  
MARGARET BENJAMIN

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. BRADY of Texas. Madam Speaker, I rise today to honor the memory of Margaret Benjamin, who died on August 15, 2007 at the age of 93.

Living a life that spanned most of the 20th century, Margaret Montgomery was born in Cincinnati, Ohio, to Robert Montgomery, a veteran of the Spanish-American War, and his wife, Agnes Stern Montgomery. But her parents did not live to see her and her younger sister, Roberta, grow up, as they passed away when Margaret was only 13. Being orphans in the years leading up to the Stock Market Crash of 1929 was hard enough, but in the Depression that followed, it could have been ruinous were it not for the girls' father having supported the Junior OUAM National Orphans Home in Tiffin, Ohio, where they were sent to live.

Growing up without parents and feeling responsible for her younger sister gave Margaret a mission in life based on community service and caring for others without ever feeling sorry for herself. Reaching her prime in an era when women did not generally work outside the home, Margaret took on numerous volunteer activities. Not the glamorous, fundraising kind, but the ones where she saw a need and stepped in to fill it. These included helping to organize a volunteer ambulance corps in the town where she lived but where the nearest hospital was far away. Later, she volunteered at a nearby state mental hospital, working one-on-one with patients struggling to overcome addiction to drugs and alcohol.

Her volunteer activities also included helping her husband, Roy, in his successful political career. She loved the heat of battle in campaigns, seething with passion underneath the veneer of cool professionalism. By the time he was ready to retire from politics, she had become so good at identifying issues, communicating with constituents, driving change, and embodying commitment to public service, that she was asked to run for office in her own right. And she won. Even in retirement, Margaret stayed active in politics. At the age of 86, she managed her son-in-law's successful campaign for local office, showing up at the polls and chasing down voters with the assistance of her walker. Despite old age and failing health, she loved Election Day and treasured the freedom that the privilege to vote entailed.

Until the last year of her life, Margaret was active in volunteer activities related to her lifelong passion for music. She sang in the Woodlands Sweethearts chorus, making appearances at local events and nursing homes so that others could be touched by the music that was a constant source of inspiration and comfort in her life.

Indeed, she passed peacefully from this earth while listening to the music of J.S. Bach that she always found so calming and inspiring.

I had the privilege to know Margaret in her retirement years when she moved to Texas to be closer to her daughter. One of her last endeavors was helping my staff to organize a Social Security workshop at the senior citizens

housing complex where she lived. To the end of her life, Margaret encouraged people to participate in government, to let officials like me know their thoughts, and to be accountable. We could do worse than to follow her motto formed in the crucible of politics, "just be gracious, no matter what."

Madam Speaker, it is the dedication, faith, and commitment of individuals such as Margaret Benjamin who make our country strong and who bring out the best in our communities. Thank you for the opportunity to recall her spirit and her service.

HONORING THE HOME OF THE  
INNOCENTS

**HON. RON LEWIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to Home of the Innocents, an innovative nursing facility and children's village for vulnerable children and at-risk families located in Louisville, Kentucky.

For 128 years, Home of the Innocents has provided loving and therapeutic care to children who are victims of abuse, neglect, and abandonment, as well as treatment services for medically fragile, and special needs children, and youth diagnosed with autism. The Home serves approximately 300 children a day and more than 2,220 children and at-risk families per year throughout Kentucky and southern Indiana.

Home of the Innocents is operated by a team of dedicated professionals deeply invested in the health, security, and advocacy for children and families in crisis. Through its two service divisions, the Kosair Charities Pediatric Convalescent Center and the Childkind Center, the home offers a wide range of specialized residential, medical, and community-based services to improve the lives of children.

It is my great privilege to recognize the exceptional staff of Home of the Innocents today before the entire U.S. House of Representatives for all that they do to promote health, stability, and hope among vulnerable children and their families. The objectives and collective achievements of this special organization are worthy of our honor and respect.

IN SUPPORT OF THE MEMBERS OF  
THE INTERNATIONAL LONG  
SHORE AND WAREHOUSE UNION

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Ms. RICHARDSON. Madam Speaker, I rise today to support the members of the International Longshore and Warehouse Union, who exercised their first amendment right to voice opposition to the ongoing war in Iraq by stopping work at 29 West Coast ports on Thursday, May 1, 2008. Although the union leadership was not involved in this action, a Longshore Caucus resolution called on all locals to honor May 1 by taking action to end the war and bring troops home safely from Iraq.

I add my voice to those of the workers who attended rallies along the coast, demanding that the American presence in Iraq could come to an end. It is my understanding that the ILWU employers, the Pacific Maritime Association, were able to easily schedule changes with little or no disruption and therefore, these voluntary actions did not pose any hardship to the industry. Yet, the action sent a strong and important message to Washington, DC, indicating the ILWU members' opposition to the war.

The ILWU has a long history of activism in the pursuit of social and international justice, including the refusal to load vessels bound for apartheid-era South Africa and El Salvador in the midst of a civil war. On May 1, ILWU members used their voices at work to express their frustration—shared by the overwhelming majority of Americans—that politicians have failed to bring troops home.

PERSONAL EXPLANATION

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. CROWLEY. Madam Speaker, on June 3, 2008, I was absent for three rollcall votes. If I had been here, I would have voted: "yea" on rollcall vote 367; "yea" on rollcall vote 368; and "yea" on rollcall vote 369.

HONORING CODY BARTHOLOME

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Bartholome of Kansas City, Missouri. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1460, and earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many Scout activities. Over the many years Cody has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cody Bartholome for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent on June 3, 2008. Had I been present, I would have voted "yea" on rollcall votes 367, 368, and 369.

A TRIBUTE TO GREG NELSON ON  
THE OCCASION OF HIS RETIRE-  
MENT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Ms. ESHOO. Madam Speaker, it is my privilege to honor Greg Nelson, a resident of your Congressional District who retires today, June 4, 2008, from the teaching of history for over 40 years.

Greg earned his BA in political science and history at San Francisco State in 1967, and soon after began his career at Arcata High School teaching government and geography. He also worked as a volunteer for Vista, a grassroots organization that worked for school and community relations in his hometown of Detroit, Michigan, before earning a master's degree in secondary education from the University of San Francisco in 1972. It was that autumn that Greg began teaching history at Lick-Wilmerding High School in San Francisco.

During his 35 years in the history department at Lick, Greg has built his reputation as an accomplished scholar of history and government, and a devoted mentor and advisor to students. His senior seminar in constitutional law remains one of the most popular offerings and helped spawn Constitution Day, which includes competitions and games for the entire student body to celebrate that glorious document. Greg possesses encyclopedic knowledge of U.S. history, to be sure, but always will be best known for his passion for teaching this history to his students year after year. During his tenure at Lick-Wilmerding, he has inspired over 2,500 students to become civically engaged and to take action in order to preserve the best in our democracy. How fitting, then, that the last student project that Greg led was an 8-day immersion in the workings of city government at San Francisco City Hall, which included opportunities for current students to work with many of his former students who now work in public service. What a gift!

Over the years, Greg also has been a beloved student advisor, a happy and willing chaperone, and retreat leader. He has served as Department Chair, and has been a caring mentor to new faculty. His contributions to the school and the larger community truly are legendary. And most of all, his gentle nature and generous nature will be missed.

Madam Speaker, I ask the entire House of Representatives to join me in congratulating Greg Nelson for an extraordinary teaching career and thank him for honoring our Constitution, for enhancing our democracy, and for strengthening our community and our country.

IN MEMORY OF LT. GEN. WILLIAM  
ODOM

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Ms. WOOLSEY. Madam Speaker, I ask that the following article be inserted into the RECORD.

A SENSIBLE PATH ON IRAN

(By Zbigniew Brzezinski and William Odom)

Current U.S. policy toward the regime in Tehran will almost certainly result in an Iran with nuclear weapons. The seemingly clever combination of the use of "sticks" and "carrots," including the frequent official hints of an American military option "remaining on the table," simply intensifies Iran's desire to have its own nuclear arsenal. Alas, such a heavy-handed "sticks" and "carrots" policy may work with donkeys but not with serious countries. The United States would have a better chance of success if the White House abandoned its threats of military action and its calls for regime change.

Consider countries that could have quickly become nuclear weapon states had they been treated similarly. Brazil, Argentina and South Africa had nuclear weapons programs but gave them up, each for different reasons. Had the United States threatened to change their regimes if they would not, probably none would have complied. But when "sticks" and "carrots" failed to prevent India and Pakistan from acquiring nuclear weapons, the United States rapidly accommodated both, preferring good relations with them to hostile ones. What does this suggest to leaders in Iran?

To look at the issue another way, imagine if China, a signatory to the nuclear Non-Proliferation Treaty and a country that has deliberately not engaged in a nuclear arms race with Russia or the United States, threatened to change the American regime if it did not begin a steady destruction of its nuclear arsenal. The threat would have an arguable legal basis, because all treaty signatories promised long ago to reduce their arsenals, eventually to zero. The American reaction, of course, would be explosive public opposition to such a demand. U.S. leaders might even mimic the fantasy rhetoric of Iranian President Mahmoud Ahmadinejad regarding the use of nuclear weapons.

A successful approach to Iran has to accommodate its security interests and ours. Neither a U.S. air attack on Iranian nuclear facilities nor a less effective Israeli one could do more than merely set back Iran's nuclear program. In either case, the United States would be held accountable and would have to pay the price resulting from likely Iranian reactions. These would almost certainly involve destabilizing the Middle East, as well as Afghanistan, and serious efforts to disrupt the flow of oil, at the very least generating a massive increase in its already high cost. The turmoil in the Middle East resulting from a preemptive attack on Iran would hurt America and eventually Israel, too.

Given Iran's stated goals—a nuclear power capability but not nuclear weapons, as well as an alleged desire to discuss broader U.S.-Iranian security issues—a realistic policy would exploit this opening to see what it might yield. The United States could indicate that it is prepared to negotiate, either on the basis of no preconditions by either side (though retaining the right to terminate the negotiations if Iran remains unyielding but begins to enrich its uranium beyond levels allowed by the Non-Proliferation Treaty); or to negotiate on the basis of an Iranian willingness to suspend enrichment in return for simultaneous U.S. suspension of major economic and financial sanctions.

Such a broader and more flexible approach would increase the prospects of an international arrangement being devised to accommodate Iran's desire for an autonomous nuclear energy program while minimizing the possibility that it could be rapidly transformed into a nuclear weapons program.

Moreover, there is no credible reason to assume that the traditional policy of strategic deterrence, which worked so well in U.S. relations with the Soviet Union and with China and which has helped to stabilize India-Pakistan hostility, would not work in the case of Iran. The widely propagated notion of a suicidal Iran detonating its very first nuclear weapon against Israel is more the product of paranoia or demagoguery than of serious strategic calculus. It cannot be the basis for U.S. policy, and it should not be for Israel's, either.

An additional longer-range benefit of such a dramatically different diplomatic approach is that it could help bring Iran back into its traditional role of strategic cooperation with the United States in stabilizing the Gulf region. Eventually, Iran could even return to its long-standing and geopolitically natural pre-1979 policy of cooperative relations with Israel. One should note also in this connection Iranian hostility toward al-Qaeda, lately intensified by al-Qaeda's Web-based campaign urging a U.S.-Iranian war, which could both weaken what al-Qaeda views as Iran's apostate Shiite regime and bog America down in a prolonged regional conflict.

Last but not least, consider that American sanctions have been deliberately obstructing Iran's efforts to increase its oil and natural gas outputs. That has contributed to the rising cost of energy. An eventual American-Iranian accommodation would significantly increase the flow of Iranian energy to the world market. Americans doubtless would prefer to pay less for filling their gas tanks than having to pay much more to finance a wider conflict in the Persian Gulf.

PERSONAL EXPLANATION

**HON. ALBIO SIRES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. SIRES. Madam Speaker, I would like to state for the RECORD my position on the following votes I missed on June 3, 2008. Had I been present, I would have voted "yes" on rollcall 367 on H. Con. Res. 138; "yes" on rollcall 923 on H. Res. 923; and "yes" on rollcall 369 on H. Res. 1114.

TRIBUTE TO CAPT. AMY BARKIN  
FOR 30 YEARS OF SERVICE WITH  
THE UNITED STATES PUBLIC  
HEALTH SERVICE

**HON. JOHN W. OLVER**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. OLVER. Madam Speaker, it is with great pleasure that I rise today to recognize CAPT Amy C. Barkin, who is retiring from the United States Public Health Service after a distinguished 30 year career. Her unique contributions as a nationally recognized clinician, public health expert, and skilled administrator have had a profound impact on health care in this country.

During her career, she made numerous contributions to the State of Massachusetts. CAPT Barkin planned and implemented three health care programs for retarded and mentally ill patients in state facilities in western Massachusetts (Belchertown, Monson and

Northampton State Hospitals), using resources gained at the University of Massachusetts Medical Center. She established on-site specialty health care clinics, recruited on-site medical, health, and support staff and brought health care to a disenfranchised population. Additionally, she designed and opened a 25-bed inpatient psychiatric unit at the then new University of Massachusetts Medical Center.

CAPT Barkin worked with community mental health centers in Massachusetts and New England. She introduced the concept of mental health to Boston's Italian speaking community of the North End and drafted a grant for mental health center funding. As the only bilingual clinical counselor at the time, CAPT Barkin designed and implemented a program that would be accepted by the residents. The mental health program, located in Boston's North End Health Center, has been in operation for over 30 years and plays a vital role in the community.

The State of Massachusetts is particularly indebted to CAPT Barkin for her focus on teenage alcohol abuse prevention and drunk driving that resulted in the increased delivery of comprehensive, coordinated substance abuse care in Massachusetts and other New England states.

Please join me in congratulating CAPT Amy Barkin on her retirement after a 30 year career with the United States Public Health Service. Her focus on access to alcohol, drug abuse, mental health and primary health care services is commendable and laudable and although she is retiring, her legacy will continue to make the Nation a healthier and safer place.

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HONORING AARON ROCHEN

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron Rochen of Kansas City, Missouri. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1900, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron Rochen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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THE AMERICAN HOUSING RESCUE  
AND FORECLOSURE PREVENTION  
ACT

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. RUSH. Madam Speaker, I rise today in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act.

This legislation provides much needed mortgage refinancing assistance to combat the symptoms of our stressed, strained, and stagnant economy. H.R. 3221 provides relief and stability to hard working Americans who find themselves threatened with losing their homes.

Specifically H.R. 3221 authorizes the Federal Housing Administration to provide lower cost government-backed mortgages for borrowers to avoid foreclosure. This bill is not intended to bail out borrowers; instead, it is a surefire way to sustain our economy by giving homeowners a chance to pay their loans in a reasonable and responsible manner. And provides financial counseling for families to remain in their homes and expands home loan opportunities for low-income families and veterans in high cost areas.

This bill is what our communities need. Just in the great state of Illinois; out of 1.7 million serviced loans in 2007, already over 500,000 are seriously delinquent or more than 90 days past due. It will insulate our neighborhoods from the effects of widespread foreclosures and crime. It will prevent our residents from experiencing the crippling hardships that are strongly associated with our struggling economy. And it will make the American dream of homeownership for all a reality instead of a nightmare.

Madam Speaker, H.R. 3221 is critical at this time of economic uncertainty. I urge my colleagues to join me in support of this important legislation.

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EARMARK DECLARATION

**HON. RICK RENZI**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. RENZI. Madam Speaker, I submit the following:

Requesting Member: Congressman RICK RENZI.

Bill Number: H.R. 5658.

Account: Operation and Maintenance, Navy (OMN).

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps.

Address of Requesting Entity: U.S. Naval Sea Cadet Corps, 2300 Wilson Blvd., North, Suite 200, Arlington, VA 22201.

Description of Request: The request is \$300,000 for a program that is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets managed by adult volunteers. The U.S. Naval Sea Cadet Corps promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment.

Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to "buy down" the out-of-pocket expenses for training to \$85 per week.

The Naval Sea Cadet Corps instills in every Cadet a sense of patriotism, courage and the foundation of personal honor. A significant percent of Cadets join the Armed Services often receiving accelerated advancement, or

obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S. where these Services have little presence, such as Ganado, Arizona, where there is a thriving Naval Sea Cadet Corps program. Accessions related to this program are a significant asset to the Services: Over 2,000 ex-Sea Cadets enlist annually and an average of over 10 percent of U.S. Naval Academy Midshipmen are ex-Cadets.

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WILD PRATT RIVER ACT

**HON. JAY INSLEE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. INSLEE. Madam Speaker, at an early age, my dad and mom taught me to walk on the rocks, not the alpine meadows they helped restore in Mount Rainier National Park. It is in that tradition that I have worked in Congress and the Natural Resources Committee to preserve the natural beauty of the Northwest for my children, grandchildren and generations to come.

After 6 years of hard work and community input, wilderness supporters last Friday celebrated the newly designated Wild Sky Wilderness Area near my district in Washington state. It contains over 106,000 acres of national forest in east Snohomish County. Senator MURRAY and Congressman LARSEN exercised great leadership to build such a wide consensus for this effort and have set the gold standard for how to write wilderness legislation in this country.

In this same spirit of preserving our State's pristine old growth and mature forests, rivers, and mountain peaks, today I added my name as a cosponsor to the Alpine Lakes Wilderness Additions and Wild Pratt River Act of 2007 (H.R. 4113). I did so because it is my hope that at some point we are successful in crafting a final bill that is as full and complete as this wilderness deserves. In its present form, the bill would add 22,000 acres of wilderness area to the Alpine Lakes Wilderness Area that first was established in 1976.

As we learned with Wild Sky, getting a wilderness bill to the president's desk and signed into law takes a significant amount of effort from stakeholders, consensus from community members and widespread support from lawmakers. Therefore, we must get wilderness area designation right the first time, doing as much as possible to avoid piecemeal efforts to slowly add to wilderness time and again. I do have some concerns that this bill may not yet have reached the maturity and completeness necessary to bring the wilderness area to fruition, in two ways.

First, the boundaries of the wilderness need full consideration. For example, we need to look at whether the absence of the inclusion of the north portion of the Pratt River Valley reduces the ecosystem benefits that this wilderness could accomplish. Areas southeast of the present boundaries deserve similar consideration for comparable reasons.

Second, the success of the Wild Sky Wilderness Act of 2007 demonstrated the importance of being as open and inclusive early in the process in developing the boundaries of the area, as well defining all other aspects of

the proposal. I would like to see an even greater effort to engage the full participation of the public.

I look forward to working with my colleagues to add to Washington's prized wilderness areas in the tradition of the Wild Sky.

#### A TRIBUTE TO DR. RANDY PAUSCH

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to Dr. Randy Pausch, a courageous and charismatic Carnegie Mellon professor with pancreatic cancer, who has chosen to dedicate his last months to raising congressional awareness about the importance of research for this deadly disease.

Dr. Pausch is an award winning educator, researcher, and computer scientist at Carnegie Mellon University. Considered one of the Nation's foremost teachers of virtual-reality technology, he helped develop a software program called "Alice" that encourages kids, particularly young girls, to become interested in programming. This 47-year-old husband and father of three young children became accidentally famous when his motivational Last Lecture at Carnegie Mellon was leaked onto the Internet and inspired more than six million people.

Dr. Pausch is the epitome of a professor—never turning away from an opportunity to educate others. In his Last Lecture, which he titled "How to Really Achieve Your Childhood Dreams," he gives wise advice on how to accomplish even those seemingly impossible childhood wishes, and ultimately, how to live a full and happy life. Most importantly, this lecture was an opportunity for Dr. Pausch to leave a message for his children that he will not live to tell them himself.

I had the good fortune to meet Dr. Pausch in January of this year when he came with the Pancreatic Cancer Action Network to advocate for a National Plan to Advance Pancreatic Cancer Research. This research is critical given the disturbing statistics showing that only five percent of pancreatic cancer patients remain alive after 5 years of diagnosis. According to Dr. Pausch, he is a "rock star" because he has been living with a disease for over 8 months that claims the lives of most patients within 4 to 6 months of diagnosis. While the survival rates for this lethal disease have remained fairly constant over the last 30 years, few resources have been dedicated to researching new treatments.

With what little time he has left, Dr. Pausch is doing his best to make a meaningful contribution to pancreatic cancer research. In addition to coming to lobby Congress in January, Dr. Pausch returned on March 13 to testify before the House Subcommittee on Labor, Health and Human Services, and Education during the public witness hearings. Although he will not benefit from the awareness he is raising for this disease, he has taken time to educate Congress about this disease and ask us to take the necessary steps to begin to change the horrifying statistics.

A man who believes in honesty above all else, Dr. Pausch does not sugarcoat his situation. In spite of his prognosis, he continues to

see himself as a "Tigger" instead of an "Eeyore." He sees each day as another opportunity to impact the lives of others and to share his sage advice about living. He encourages us to "always wait for people to show their good side, no matter how long it takes." He challenges us to "never give up" and to "remember that brick walls are there to make you realize how badly you want something." Faced with the seemingly insurmountable brick wall of pancreatic cancer, Randy seizes every opportunity to create precious memories with his wife, Jai, and their three young children: Dylan, 6, Logan, 3, and Chloe who is almost 2.

As a Member of the House Appropriations Committee, I have had the privilege of meeting many impressive people—but Dr. Pausch has been one of the most memorable. My hope is that he will be able to continue to delay the progress of the disease and that his days of good health will continue. Most of all, I hope that Dr. Pausch and his family know that he is an inspiration to us all. Through his lecture and his advocacy, he has not only left behind a legacy for his children, but for the millions of people he has touched with his story.

#### RECOGNIZING THE ARIZONA STATE UNIVERSITY SOFTBALL TEAM 2008 WOMEN'S COLLEGE WORLD SERIES CHAMPIONS

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Arizona State University Softball team, the winners of the 2008 Women's College World Series.

After finishing an excellent regular season and earning a spot in the WCWS under the leadership of Coach Clint Myers, the Sun Devils reached the cusp of a National Championship on Monday, June 2nd in a best-of-three series against the Texas A&M Aggies. In front of a record crowd of over 7,000 people at ASA Hall of Fame Stadium in Oklahoma City, star pitcher Katie Burkhart threw an opening-game shutout and Krista Donnenwirth drove in all three of the Sun Devils' runs in a 3-0 win. The Sun Devils then clinched the title Tuesday, June 3rd in a game that made the NCAA record books. They started off strong in the third inning, building a 3-0 lead, and did not let up until they had trounced the Aggies 11-0.

Not only did the Sun Devils set a record for the highest margin of victory in Women's College World Series history, but this win marked the first national title for ASU in softball. Arizonans and a national television audience shared in the excitement, pride and sportsmanship ASU's players displayed both on the field and in the dugout during this inspiring victory.

As an alumnus of Arizona State, I am honored and excited to see a team from my alma mater accomplish this feat. This is truly a victory for Sun Devils everywhere. The championship title has been a long time coming for this team, and these women showed that true dedication and persistence can indeed pay off.

Madam Speaker, please join me in celebrating the remarkable success of this team,

whose achievements and camaraderie should be models for other teams across the country.

#### HONORING THE MEMORY OF JOHN LAUTHLIN MOORE, III

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. BONNER. Madam Speaker, the city of Mobile and the state of Alabama recently lost a dedicated community leader, and I rise today to honor Judge John Lauthlin Moore, III and pay tribute to his memory.

A native of Porterville, Mississippi, Judge Moore received an undergraduate degree from the University of Mississippi and a law degree from the University of Alabama. After practicing law in Mobile for a number of years, he became the Probate Judge of Mobile County in 1963, a position he held until 1982. After which time, Judge Moore served for 20 years as Supernumerary Probate Judge of Mobile County until his retirement in 2003.

Judge Moore was a lifelong Baptist and a member of Spring Hill Baptist Church. He was a past president of the Alabama Probate Judges Association. He served on the board of directors of the Alabama Archives, and he was a George F. Hixson Fellow of the Kiwanis Club.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout Alabama, as well as a wonderful husband and devoted father. Judge John L. Moore, III will be dearly missed by his family—his wife, Mary Anne Grieme Moore; his daughter, Anne Moore Patton; his son, John L. Moore, IV and his wife Anne; and his grandchildren, James Moore Patton, John Thurman Moore, Thomas Ware Moore and Lauthlin Anne Patton—as well as the many countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

#### RECOGNIZING DOUGLAS AND ESTELLE ROGERS

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Douglas and Estelle Rogers for their exemplary dedication to the city of Laurel Hill, Florida.

For years Douglas and Estelle Rogers have been serving the city of Laurel Hill, Florida. With resumes stocked with civil service positions and community outreach, the Rogers have helped advance their burgeoning city and, subsequently, have become engrained in the city's history.

Both Mr. and Mrs. Rogers have served on the Laurel Hill City Council. In addition to being the city's mayor for a year, Mr. Rogers was also the chief of Laurel Hill's Fire Department. He is also an honored veteran, having served in WWII from 1944 to 1946. Mr. Rogers' accomplishments are rivaled only by

those of his wife who established the "Citizen of the Year" program and authors the "Up on the Hill" column which appears in the local paper.

After countless hours of working behind the scenes, the Rogers are being recognized for their outstanding commitment to the area. The First District of Florida is incredibly fortunate to have received the services provided by the Rogers and they will be remembered for their philanthropic efforts.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Doug and Estelle Rogers for their exemplary service to the community of Laurel Hill.

#### PERSONAL EXPLANATION

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. ROTHMAN. Madam Speaker, I would like to state for the record my position on the following votes I missed on June 3, 2008. On Tuesday, June 3, 2008, I was unable to be present in the Capitol and missed rollcall votes Nos. 367 through 369. Had I been present, I would have voted in the following manner:

On rollcall vote No. 367, on H. Con. Res. 138, a resolution supporting National Men's Health Week, I would have voted "aye."

On rollcall vote No. 368, on H. Res. 923, a resolution recognizing the state of Minnesota's 150th anniversary, I would have voted "aye."

On rollcall vote No. 369, on H. Res. 1114, a resolution supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day, I would have voted "aye."

#### DEDICATION OF THE SARASOTA VA NATIONAL CEMETERY

### HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. BUCHANAN. Madam Speaker, I rise today to thank the Sarasota National Veterans Cemetery Advisory Committee, which played a valuable role in the recent groundbreaking and dedication ceremony for the Sarasota VA National Cemetery.

I also recognize cemetery director Sandra Beckly and VA Under Secretary William F. Tuerk for their involvement in the planning and celebration of this tremendous event. Furthermore, I want to express my deep appreciation to the estimated 3,000 people who gathered to celebrate this important milestone.

The Sarasota VA National Cemetery is an honor to the sacrifices of the many soldiers who have made the ultimate sacrifice and died on behalf of a grateful nation and to the accomplishments of all veterans whose service has allowed us to enjoy our American way of life.

The people of Florida's 13th District have been closely monitoring the progress we have made to establish a new national cemetery in Sarasota County. The timely completion of this project is a primary concern for area veterans and is one of my highest priorities.

We have 97,000 veterans in my congressional district and nearly 400,000 veterans

within the 75-mile radius that will be served by the new cemetery. Currently, the closest available VA cemetery is Florida National Cemetery in Bushnell, Florida, which is about 110 miles from the City of Sarasota.

I look forward to the day when area veterans and qualified family members can be memorialized with the honor and respect they deserve close to home at the Sarasota VA Cemetery in Sarasota.

#### PERSONAL EXPLANATION

### HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. HERGER. Madam Speaker, on May 21, 2008, I inadvertently missed rollcall vote No. 347, which was on consideration of the Veterans Emergency Care Fairness Act of 2008. Had I been present, I would have voted "yea."

#### IN RECOGNITION OF THE CLEVELAND METROPOLITAN BAR ASSOCIATION

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Cleveland Metropolitan Bar Association, and in recognition of the individual and collective dedication and service of the Cuyahoga County Bar Association (CCBA) and the Cleveland Bar Association (CBA).

The CBA and the CCBA joined this year to create the Cleveland Metropolitan Bar Association, which has a collective membership of over six thousand attorneys. The Cleveland Bar Association, founded in 1873, was one of the oldest bar associations in the country and was the largest provider of legal seminars in Ohio. The CCBA was founded in 1928 in protest of the exclusionary practices in Cleveland's legal profession at that time. The breakaway CCBA drew its members from smaller firms and solo practices and reflected a diverse ethnic mix which included Jewish attorneys and others from the influx of attorneys from the Irish, Italian, Eastern European, and African-American southern migrations to Cleveland.

The unification of the CBA and CCBA in 2008 was a historic event which reflects the breaking down of ethnic, religious, racial, and socio-economic barriers which were so prevalent in Cleveland 80 years ago. The merger was made possible under the leadership of each bar association after 80 years of operating separately. Together the leadership of the former CBA and CCBA will ensure that the new Cleveland Metropolitan Bar Association will be one of the largest and most successful bar associations in the country, providing the Greater Cleveland area with an even greater variety of services and community work.

Madam Speaker and colleagues, please join me in honor and appreciation of the Cleveland Metropolitan Bar Association, and in recognition of the collective and individual efforts of the former CBA and CCBA, for their dedication and service to the Greater Cleveland community.

#### HAITI, BACK TO THE CRISIS STAGE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. RANGEL. Madam Speaker, the time has come to call attention to the food crisis which threatens to have a worldwide impact; I want to enter into the RECORD an editorial from the New York CaribNews for the week ending April 22, 2008, "Haiti, Back to the Crisis Stage, Food Crisis and Riots Underscore Dire Economic and Social Conditions that Require Urgent Attention."

Rising food prices are fueling the global hunger crisis. Haiti is the poorest country in the Western Hemisphere and oldest black sovereign state. It is sad to think of Haitians demonstrating and taking to the streets in order to call the world's attention to the fact ordinary people cannot afford to buy food. The World Bank estimates that food prices have gone up by 83 percent globally over the last 3 years. The country is struggling to stabilize itself and now rising food prices threaten the progress that has been made.

Haiti's need for assistance is a result of joblessness, high infant mortality, and dependence on imported food, inadequate health care services and poor educational opportunities. It is time for the international donor community to live up to the promises made to Haiti. The World Bank has outlined a strategy for the Government of Haiti, which includes helping the country to deliver rapid results, through jobs and basic services to foster development over the long term.

This article points out the critical need for not only long term solutions but short and interim term solutions to rush assistance to those in greatest need. The right type of assistance is paramount in maintaining stability in Haiti, allowing the country to continue to make progress towards self sufficiency, which will help bring an end to the suffering.

Haiti serves a wake up call to the potential looming global food crisis. It is taking an immense toll on the world's poorest people, who typically spend up to 80 percent of their income on food. After many years of working to end hunger and poverty, the United States and other developed nations must put forth bolder efforts to ensure progress is not lost in resolving global hunger.

HAITI, BACK TO THE CRISIS STAGE: FOOD CRISIS AND RIOTS UNDERSCORE DIRE ECONOMIC AND SOCIAL CONDITION THAT REQUIRES URGENT ATTENTION

Just when people in different parts of the world, especially the Caribbean and the Haitian Diaspora, dared to dream that Haiti was on the mend and making progress, food riots broke out in the capital of Port au Prince a few days ago and they cost the Prime Minister, Jacques Edouard Alexis, his job.

And if some members of the Senate get their way, the next on the list would be President Rene Preval, the duly elected chief of state, who has brought a measure of stability to the French-speaking Caribbean nations, the oldest Black sovereign state in the Western Hemisphere.

Any attack on the President would be a tragedy.

Few people, if any at all, could get angry with the demonstrators for taking to the streets to let the world know that they are

hungry and need food at affordable prices. After all, as Michael Hess, a senior administrator of the United States Agency for International development, explained it, "people are making two dollars a day and we're seeing food prices go up around the world."

In other words, what do you expect when people are pushed up against the wall and don't have anywhere else to turn.

The dire food situation in Haiti and the social upheaval it caused have not only dramatized the crisis confronting developing countries as imported food and fertilizers go through the roof in the Caribbean, Latin America, Asia, the Middle East and other regions of the world but it points to the unstable economic and social conditions in Haiti.

Here's a country that is among the poorest of the poor and it is feeling the full force of escalating global food prices. It is clear that the current situation if not remedied soon can lead to mass starvation and undermine its government. In a country which has had more than its fair share of economic and social problems for more than two hundred years, the specter of widespread hunger should be enough to convince donor nations and development institutions that Haiti's problems can't be ignored any longer.

According to estimates by reputable international organizations, Haiti has enough food to satisfy its people's needs but the problem is that millions of nationals can't afford to buy it. That reflects both the chronic long-term poverty picture and the current nightmare of rising food costs. It is as if Haitians are caught between two crushing pinchers.

Obviously time is not on the side of Haitians, a nightmare that's evident in the prediction of aid organizations that the nutritional crisis can lead to further impoverishment. That would be a crying shame for several reasons.

First, the international donor community has promised much to Haiti but has often failed to live up to its word. Last weekends riots underscore the people's plight and the obvious need for prompt international action, a point made by Robert Zoelick, President of the World Bank.

We couldn't agree more.

Secondly, the pace of improvement has been too slow. There is a need to accelerate the rate of overall national development and not simply treat the food crisis as if it were an isolated phenomenon.

Haiti is the poorest country in the Western Hemisphere and its unstable political and economic picture is the result of indifference of some of its former leaders and exploitation by foreign governments and interests, especially the U.S. whose role in the country often ignored what's best for the people.

The country cries out for assistance. It has chronic problems of joblessness, high infant mortality, dependence on imported food, inadequate education and health care services and the like.

The riots which left at least seven people, including a Nigerian soldier attached to the United Nations military force, dead and millions of dollars in damage can erupt again if people become convinced that their appeals

for a long-term solution are falling on deaf ears.

So, it's important that a short, medium and long-term solution be implemented with the involvement of Haitians. Far too often tens of millions of dollars were set aside for the country's development but in the end the country remains poor. That's because the average Haitian was never the intended beneficiary. That has perpetuated a cycle of poverty that must be ended so that people there can enjoy the kind of economic success that we know is possible.

But Haitians too have a responsibility to push the process forward. The Haitian Diaspora has played its part, sending back more than \$4 billion to relatives since 2002 and many of the improvements in housing, for instance can be traced directly to the remittances. But the flow of that money is being threatened by the economic slowdown in the United States. It would be a pity because a reduction would heighten suffering. Coupled with the 50 percent rise in food prices since the middle of last year a cut in assistance and remittances would be a triple whammy, widening hunger, social upheaval and desperation.

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FOREIGN INTELLIGENCE  
SURVEILLANCE ACT (FISA) OF 2008

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. RUSH. Madam Speaker, I would like to voice my support for H.R. 3773, the FISA Amendments Act of 2008. There is no more important responsibility that Congress is charged with than protecting the American people. H.R. 3773 seeks to find that most critical balance between protecting our security and protecting our liberty.

Without the proposed amendments, FISA Act creates a new "blanket" warrant program that would allow the government to conduct surveillance on groups of foreign targets who may contact U.S. persons, including surveillance of communications to and by such U.S. persons. The new blanket surveillance program authorized in H.R. 3773 allows the Director of National Intelligence and the Attorney General to apply for authority to conduct surveillance of foreign targets, or groups of foreign targets for up to 1 year or longer if necessary.

Additionally, the FISA Act allows the DNI and the Attorney General to begin surveillance activities without a warrant if they jointly believe that there is an emergency situation requiring surveillance to commence before a warrant could be issued.

This legislation allows our intelligence agencies to do their job effectively without trampling on the civil liberties that are the bedrock

of our great society. I hold the principles outlined in our Constitution dear and I will not give up those freedoms easily for a false sense of security. It is time for Congress to stand up for the morals and values that have made this country great, instead of rubber-stamping the policies of the current Administration, which have already cost this country enormously.

I urge all of my colleagues to end the political posturing and join me in support of H.R. 3773 so we can ensure that our national security and our civil liberties are protected.

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CONGRATULATING ASU FOR WINNING THE 2008 NCAA WOMEN'S COLLEGE WORLD SERIES

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 4, 2008*

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Arizona State University softball team, winners of the 2008 Women's College World Series.

After finishing an excellent regular season and earning a spot in the WCWS under the leadership of Coach Clint Myers, the Sun Devils reached the cusp of a national championship on Monday, June 2, in a best-of-three series against the Texas A&M Aggies. In front of a record crowd of over 7,000 people at ASA Hall of Fame Stadium in Oklahoma City, star pitcher Katie Burkhart threw an opening-game shutout and Krista Donnenwirth drove in all three of the Sun Devils' runs in a 3-0 win. The Sun Devils then clinched the title Tuesday, June 3, in a game that made the NCAA record books. They started off strong in the third inning, building a 3-0 lead, and did not let up until they had trounced the Aggies 11-0.

Not only did the Sun Devils set a record for the highest margin of victory in Women's College World Series history, but this win marked the first national title for ASU in softball. Arizonans and a national television audience shared in the excitement, pride and sportsmanship ASU's players displayed both on the field and in the dugout during this inspiring victory.

As an alumnus of Arizona State, I am honored and excited to see a team from my alma mater accomplish this feat. This is truly a victory for Sun Devils everywhere. The championship title has been a long time coming for this team, and these women showed that true dedication and persistence can indeed pay off.

Madam Speaker, please join me in celebrating the remarkable success of this team, whose achievements and camaraderie should be models for other teams across the country.

## SENATE COMMITTEE MEETINGS

JUNE 10

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 5, 2008 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JUNE 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment-unemployment situation for May 2008.

SD-562

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To continue hearings to examine the organizational structures of the Department of State responsible for arms control, counterproliferation, and non-proliferation, focusing on the processes they have in place for optimizing national efforts.

SD-342

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine U.S. credit markets, focusing on the securities underwriting practices at investment banks.

SD-538

Finance

To hold hearings to examine issues relative to the 47 million Americans without healthcare insurance, focusing on the current health care marketplace.

SD-215

Judiciary

To hold hearings to examine the efficacy of coercive interrogation techniques, focusing on the Federal Bureau of Investigation's (FBI) role.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine national strategies for efficient freight movement.

SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 11

9:30 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine imbalance in the United States-Korea automobile trade.

SR-253

10 a.m.

Judiciary

To hold hearings to examine short-change for consumers and short-shrift for Congress, focusing on the Supreme Court's treatment of laws that protect Americans health, safety, jobs, and retirement.

SD-226

2 p.m.

Judiciary

To hold hearings to examine the nominations of Paul G. Gardephe, and Cathy Seibel, both to be a United States Dis-

trict Judge for the Southern District of New York, Kiyo A. Matsumoto, to be United States District Judge for the Eastern District of New York, and Glenn T. Suddaby, to be United States District Judge for the Northern District of New York.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the impact and policy implications of spyware on consumers and businesses.

SR-253

JUNE 12

10 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine supply chain security, focusing on the secure freight initiative and the implementation of 100 percent scanning.

SR-253

Joint Economic Committee

To hold hearings to examine the future costs of funding the war in Iraq.

SD-106

JUNE 19

10 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine cruise ship safety, focusing on potential steps for keeping Americans safe at sea.

SR-253

JUNE 24

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change impacts on the transportation sector.

SR-253

JUNE 26

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending calendar business.

SR-418



# Daily Digest

## HIGHLIGHTS

Senate agreed to the conference report to accompany S. Con. Res. 70, Budget Resolution.

## Senate

### Chamber Action

*Routine Proceedings, pages S4993–S5126*

**Measures Introduced:** Five bills and two resolutions were introduced, as follows: S. 3079–3083, and S. Res. 582–583. **Pages S5039–40**

#### Measures Reported:

H.R. 781, to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the “Colonel Charles D. Maynard Lock and Dam”.

H.R. 1019, to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the “Rafael Martinez Nadal United States Customhouse Building”.

H.R. 3986, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, with an amendment in the nature of a substitute.

H.R. 4140, to designate the Port Angeles Federal Building in Port Angeles, Washington, as the “Richard B. Anderson Federal Building”.

S. 2403, to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the “Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse”.

S. 2837, to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the “Theodore Roosevelt United States Courthouse”.

S. 2942, to authorize funding for the National Advocacy Center.

S. 3009, to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the “J. James Exon Federal Bureau of Investigation Building”. **Page S5039**

#### Measures Passed:

*American Eagle Day:* Senate agreed to S. Res. 583, designating June 20, 2008, as “American Eagle Day”, and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States. **Pages S5119–20**

#### Measures Considered:

**Climate Security Act:** Senate began consideration of S. 3036, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, after agreeing to the motion to proceed to its consideration, and taking action on the following amendment proposed thereto: **Pages S5014–20**

##### Pending:

Reid (for Boxer) Amendment No. 4825, in the nature of a substitute. **Pages S5014–15**

Reid Amendment No. 4826 (to Amendment No. 4825), to express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments. **Page S5017**

Reid Amendment No. 4827 (to Amendment No. 4826), to express the sense of the Senate that the United States should address global climate change through the negotiation of fair and effective international commitments. **Pages S5017–18**

Reid Amendment No. 4828 (to the language proposed to be stricken by Reid (for Boxer) Amendment No. 4825), to provide for the enactment date. **Page S5018**

Reid Amendment No. 4829 (to Amendment No. 4828), to change the enactment date. **Page S5018**

Reid Motion to Commit the bill to the Committee on the Committee on Environment and Public Works with instructions to report back forthwith, with Reid Amendment No. 4830, to provide for the enactment date. **Page S5019**

Reid Amendment No. 4831 (the instructions of the Reid motion to commit), to change the enactment date. **Page S5019**

Reid Amendment No. 4832 (to Amendment No. 4831), to change the enactment date. **Page S5019**

A motion was entered to close further debate on Reid (for Boxer) Amendment No. 4825, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 6, 2008. **Page S5019**

During consideration of this measure today, Senate also took the following action:

By 27 yeas to 28 nays (Vote No. 143), Senate rejected the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

**Page S5015**

**Consumer-First Energy Act:** Senate began consideration of the motion to proceed to consideration of S. 3044, to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices. **Page S5020**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 6, 2008. **Page S5020**

Subsequently, the motion to close further debate was withdrawn. **Page S5020**

A unanimous-consent agreement was reached providing that Senate continue consideration of the motion to proceed to consideration of the bill at approximately 11:30 a.m. on Thursday, June 5, 2008. **Page S5120**

### Conference Reports:

**Budget Resolution Conference Report:** By 48 yeas to 45 nays (Vote No. 142), Senate agreed to the conference report to accompany S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013. **Pages S5005–08**

**Food, Conservation, and Energy Act—Agreement:** A unanimous-consent-time agreement was reached providing that at 4:00 p.m., on Thursday, June 5, 2008, Senate begin consideration of H.R. 6124, to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012; that there be 60 minutes of debate divided in the following manner: Senator DeMint, 30 minutes, Senator Coburn, 20 minutes, and 10 minutes to be controlled by the Chairman and Ranking Member of the Committee on Agriculture, Nutrition, and Forestry; provided further, that upon the use or yielding back of time,

Senate vote on passage of the bill; and that no amendments be in order to the bill. **Pages S5020–21**

**Signing Authority-Agreement:** A unanimous-consent agreement was reached providing that the Majority Leader, be authorized to sign duly enrolled bills and joint resolutions through Monday, June 9, 2008. **Page S5120**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaty:

Tax Convention with Bulgaria with Proposed Protocol of Amendment (Treaty Doc. No. 110–18).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S5120**

**Nominations Confirmed:** Senate confirmed the following nominations:

Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service for a term expiring December 8, 2014.

William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

Eric J. Tanenblatt, of Georgia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

James K. Glassman, of Connecticut, to be Under Secretary of State for Public Diplomacy with the rank of Ambassador.

Marcia Stephens Bloom Bernicat, of New Jersey, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister,

for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

William J. Brennan, of Maine, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Elisebeth C. Cook, of Virginia, to be an Assistant Attorney General.

Marianne Matuzic Myles, of New York, to be Ambassador to the Republic of Cape Verde.

Linda Thomas-Greenfield, of Louisiana, to be Ambassador to the Republic of Liberia.

Hyepin Christine Im, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Layshae Ward, of Minnesota, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 27, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar.

Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana.

Donald E. Booth, of Virginia, to be Ambassador to the Republic of Zambia.

Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Mali.

Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.

Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2012.

Donald Gene Teitelbaum, of Texas, to be Ambassador to the Republic of Ghana.

Nancy M. Zirkin, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

J. Robinson West, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Kerry Kennedy, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Ikram U. Khan, of Nevada, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Stephen D. Krasner, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Lily Fu Claffee, of Illinois, to be General Counsel of the Department of Commerce.

Robert Stephen Beecroft, of California, to be Ambassador to the Hashemite Kingdom of Jordan.

Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Kazakhstan.

Janice L. Jacobs, of Virginia, to be an Assistant Secretary of State (Bureau of Consular Affairs).

Peter William Bodde, of Maryland, to be Ambassador to the Republic of Malawi.

Patricia McMahon Hawkins, of Virginia, to be Ambassador to the Togolese Republic.

Steven C. Preston, of Illinois, to be Secretary of Housing and Urban Development. (Prior to this action, Committee on Banking, Housing, and Urban Affairs was discharged from further consideration.)

William Walter Wilkins III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

4 Air Force nominations in the rank of general.

27 Army nominations in the rank of general.

24 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, Navy.

**Pages S5024–26, S5124–26**

**Nominations Received:** Senate received the following nominations:

William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

Routine lists in the Air Force, Army, Navy.

**Pages S5120–24**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011 (Recess Appointment), which was sent to the Senate on January 9, 2007.

**Page S5126**

**Messages from the House:**

**Page S5037**

**Measures Referred:**

**Page S5037**

**Measures Read the First Time:**

**Page S5120**

**Executive Communications:**

**Pages S5037–39**

**Additional Cosponsors:** Pages S5040–41  
**Statements on Introduced Bills/Resolutions:**  
 Pages S5041–48  
**Additional Statements:** Pages S5034–37  
**Amendments Submitted:** Pages S5048–S5118  
**Notices of Hearings/Meetings:** Pages S5118–19  
**Authorities for Committees to Meet:** Page S5119  
**Privileges of the Floor:** Page S5119  
**Quorum Calls:** One quorum call was taken today.  
 (Total—2) Page S5015  
**Record Votes:** Two record votes were taken today.  
 (Total—143) Pages S5007–08, S5015  
**Adjournment:** Senate convened at 9:30 a.m. on Wednesday, June 4, 2008 and adjourned at 12:18 a.m. on Thursday, June 5, 2008, until 9:30 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S5120.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine the nominations of Walter Lukken, of Indiana, who was introduced by Senator Lugar, to be Chairman, and Bartholomew H. Chilton, of Delaware, and Scott O'Malia, of Michigan, who was introduced by Senators Domenici and Stabenow, each to be a Commissioner, all of the Commodity Futures Trading Commission, after each nominee testified and answered questions in their own behalf.

### APPROPRIATIONS: DEPARTMENT OF DEFENSE

*Committee on Appropriations:* Subcommittee on Defense received testimony from sundry public witnesses requesting funding for programs in the Department of Defense appropriations bill for fiscal year 2009.

### VEHICLE ROOF STRENGTH

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Affairs, Insurance, and Automotive Safety concluded an oversight hearing to examine passenger vehicle roof strength, after receiving testimony from Senator Coburn; James F. Ports, Jr., Deputy Administrator, National Highway Traffic Safety Administration, Department of Transportation; Stephen L. Oesch, Insurance Institute for Highway Safety, and Michael J. Stanton, Association

of International Automobile Manufacturers, Inc., both of Arlington, Virginia; Robert Strassburger, Alliance of Automobile Manufacturers, Joan Claybrook, Public Citizen, and Jacqueline S. Gillan, Advocates for Highway and Auto Safety, all of Washington, D.C.; and David A. Garcia, Endicott, New York.

### CHINA IN AFRICA

*Committee on Foreign Relations:* Subcommittee on African Affairs concluded a hearing to examine the engagement of China and its expanding role in Africa, focusing on the implications for the policy of the United States, after receiving testimony from Thomas J. Christensen, Deputy Assistant Secretary for East Asian and Pacific Affairs, and James Swan, Deputy Assistant Secretary for African Affairs, both of the Department of State; Elizabeth C. Economy, Council on Foreign Relations, New York, New York; and J. Stephen Morrison, Center for Strategic and International Studies, Washington, D.C.

### TERRORISM DETAINEE POLICY

*Committee on the Judiciary:* Committee concluded a hearing to examine ways to improve the detainee policy, focusing on handling terrorism detainees within the American justice system, after receiving testimony from John C. Coughenour, United States District Judge for the Western District of Washington; James J. Benjamin, Jr., Akin, Gump, Strauss, Hauer and Feld, LLP, New York, New York; Amos N. Guiora, University of Utah S.J. Quinney College of Law, Salt Lake City; and Tom Malinowski, Human Rights Watch, and Benjamin Wittes, Brookings Institution, both of Washington, D.C.

### SYSTEMIC INDIFFERENCE TO INVISIBLE WOUNDS

*Committee on Veterans' Affairs:* Committee concluded an oversight hearing to examine mental health care programs at Department of Veterans Affairs facilities, focusing on treatment for post-traumatic stress disorder, after receiving testimony from Norma Perez, Mental Health Integration Psychologist, Central Texas Veterans Health Care System, Michael J. Kussman, Under Secretary for Health, Ira Katz, Deputy Chief of Patient Care Services, Officer for Mental Health, Rear Admiral Patrick W. Dunne, USN (Ret.), Acting Under Secretary for Benefits, Veterans Benefits Administration, and Brad Mayes, Director, Compensation and Pension Service, all of the Department of Veterans Affairs.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 16 public bills, H.R. 6175–6190; and 8 resolutions, H.J. Res. 90; H. Con. Res. 368; and H. Res. 1236–1241 were introduced. **Pages H4973–74**

**Additional Cosponsors:** **Pages H4975–76**

**Reports Filed:** Reports were filed today as follows:

H.R. 5972, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police (H. Rept. 110–679);

H.R. 1343, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, with an amendment (H. Rept. 110–680);

H.R. 5669, to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States (H. Rept. 110–681);

H.R. 5940, to authorize activities for support of nanotechnology research and development, with an amendment (H. Rept. 110–682);

H.R. 5893, to reauthorize the sound recording and film preservation programs of the Library of Congress, with an amendment (H. Rept. 110–683, Pt. 1);

H.R. 3916, to provide for the next generation of border and maritime security technologies, with an amendment (H. Rept. 110–684, Pt. 1);

H.R. 5770, to provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality (H. Rept. 110–685, Pt. 1); and

H.R. 135, to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs, with an amendment (H. Rept. 110–504, Pt. 2). **Page H4973**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H4879**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby:* H. Con. Res. 311, to authorize the use of the Capitol

Grounds for the Greater Washington Soap Box Derby; **Pages H4882–86**

*Authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated:* H. Con. Res. 335, to Authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated; **Pages H4886–88**

*James M. & Thomas W.L. Ashley Customs Building and United States Courthouse Designation Act:* H.R. 3712, amended, to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the “James M. & Thomas W.L. Ashley Customs Building and United States Courthouse”; **Pages H4888–90**

Agreed to amend the title so as to read: “To designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ‘James M. Ashley and Thomas W.L. Ashley United States Courthouse’.” **Page H4890**

*Thomas Jefferson Census Bureau Headquarters Building Designation Act:* H.R. 5599, to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the “Thomas Jefferson Census Bureau Headquarters Building”; **Pages H4890–91**

*Health Centers Renewal Act of 2007:* H.R. 1343, amended, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, by a  $\frac{2}{3}$  yea-and-nay vote of 393 yeas to 24 nays, Roll No. 372; **Pages H4891–96, H4935–36**

Agreed to amend the title so as to read: “To amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.” **Page H4936**

*Poison Center Support, Enhancement, and Awareness Act of 2008:* H.R. 5669, to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States, by a  $\frac{2}{3}$  yea-and-nay vote of 405 yeas to 10 nays, Roll No. 373; **Pages H4896–99, H4936–37**

*Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of*

2008: H.R. 5893, amended, to reauthorize the sound recording and film preservation programs of the Library of Congress; **Pages H4899–H4901**

*United States Capitol Police Administrative Technical Corrections Act of 2008*: H.R. 5972, amended, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police; **Pages H4901–03**

*Expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority*: H. Con. Res. 366, to express the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority; and **Pages H4911–17**

*Recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother's Day, 2008*: H. Res. 1180, amended, to recognize the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother's Day, 2008. **Pages H4918–19**

Agreed to amend the title so as to read: "Recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world." **Page H4919**

**Suspensions—Proceedings Postponed**: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

*National Nanotechnology Initiative Amendments Act of 2008*: H.R. 5940, amended, to authorize activities for support of nanotechnology research and development and **Pages H4903–11**

*Public Land Communities Transition Act of 2007*: H.R. 3058, amended, to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000. **Pages H4919–27**

**Moment of Silence**: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces. **Page H4935**

**21st Century Green High-Performing Public School Facilities Act**: The House passed H.R.

3021, to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, by a yea-and-nay vote of 250 yeas to 164 nays, Roll No. 379.

**Pages H4927–35, H4937–61**

Rejected the McMorris Rodgers motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House promptly with an amendment, by a recorded vote of 187 yeas to 230 noes, Roll No. 378.

**Pages H4959–60**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H4946**

Agreed to amend the title so as to read: "To direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes." **Page H4948**

Accepted:

Davis (VA) amendment (No. 4 printed in H. Rept. 110–678) that allows for priority consideration to science and technology schools once the funds reach their local educational agencies; **Pages H4952–53**

Visclosky amendment (No. 5 printed in H. Rept. 110–678) that requires a local educational agency to use American steel and iron for modernization, renovation, or repair projects at a public school facility; includes waivers if iron and steel are not produced in the U.S. in sufficient and reasonably available quantities and if iron and steel produced in the U.S. will increase the cost of the overall project by more than 25 percent; **Pages H4953–54**

Reichert amendment (No. 8 printed in H. Rept. 110–678) that provides that local education agencies may use a grant for modernization, renovation, or repair of public school facilities to reduce class size; **Pages H4955–56**

Kildee amendment (No. 1 printed in H. Rept. 110–678) that makes various technical changes in addition to clarifying or adding certain allowable uses of funds, clarifying the Act's green building requirements, and adding certain reporting requirements (by a recorded vote of 260 yeas to 151 noes, Roll No. 374); **Pages H4947, H4956**

Ehlers amendment (No. 2 printed in H. Rept. 110–678) that establishes a moratorium on using federal funds to purchase carbon offsets with the funding authorized in the bill (by a recorded vote of 397 yeas to 17 noes, Roll No. 375);

**Pages H4949–50, H4956–57**

Welch (VT) amendment (No. 3 printed in H. Rept. 110–678) that allows funding authorized by the bill to be used for renewable energy generation and heating systems in schools (by a recorded vote of 409 ayes to 5 noes, Roll No. 376); and

**Page H4950–52, H4957–58**

Matheson amendment (No. 7 printed in H. Rept. 110–678) that provides that schools and local educational agencies receiving grants under this bill shall report, if they installed flooring, whether it was (1) low- or no-VOC (Volatile Organic Compounds) flooring, (2) made from sustainable materials, and (3) cost effective (by a recorded vote of 266 ayes to 153 noes, Roll No. 377).

**Pages H4954–55, H4958**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

**Page H4961**

H. Res. 1234, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 193 nays, Roll No. 371, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 196 nays, Roll No. 370.

**Pages H4934–35**

**Moment of Silence:** The House observed a moment of silence in honor of the victims of the tornado that struck Iowa on May 25, 2008.

**Pages H4960–61**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow, June 5th.

**Page H4961**

**Senate Message:** Message received from the Senate today appears on page H4917.

**Senate Referrals:** S. 2162 was referred to the Committee on Veterans' Affairs and S. 2967 was held at the desk.

**Pages H4917, H4971**

**Quorum Calls—Votes:** Five yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H4934–35, H4935, H4936, H4936–37, H4956, H4956–57, H4957–58, H4958, H4960 and H4961. There were no quorum calls.

**Adjournment:** The House met at 10:00 a.m. and adjourned at 10:15 p.m.

## Committee Meetings

### HEALTH IT AND PRIVACY

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled “Discussion Draft of Health Information Technology and Privacy Legislation.” Testimony was heard from the following officials of the Department of Health and Human Services: Carolyn M. Clancy, M.D., Director, Agency for Healthcare Research and Quality; and Susan D. McAndrew, Deputy Director, Health Information

Privacy, Office for Civil Rights; and public witnesses.

### HUD/FEMA GULF COAST GUARD RESPONSE

*Committee on Financial Services:* Subcommittee on Housing and Community Opportunity and the Subcommittee on Emergency Communications, Preparedness and Response of the Committee on Homeland Security held a joint hearing entitled “Examining the Roles and Responsibilities of HUD and FEMA in Responding to the Affordable Housing Needs of Gulf Coast States following Emergencies and Natural Disasters.” Testimony was heard from Carlos J. Castillo, Assistant Administrator, Disaster Assistance Directorate, FEMA, Department of Homeland Security; Jeffrey H. Riddel, Director, Office of Capital Improvements, Department of Housing and Urban Development; Edward Blakely, Recovery Chief, Office of Recovery and Development Administration, City of New Orleans; and public witnesses.

### FBI's ROLE AT GUANTANAMO BAY

*Committee on Foreign Affairs:* Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on City on the Hill or Prison on the Bay, Part III Guantanamo—the Role of the FBI. Testimony was heard from Glenn A. Fine, Inspector General, Department of Justice.

### BRIEFING—U.S.-IRAQI RELATIONS OUTLOOK

*Committee on Foreign Affairs:* Subcommittee on International Organizations, Human Rights, and Oversight held a briefing on the Future of U.S.-Iraq Relations: The Perspective of the Iraqi Parliament. The Subcommittee was briefed by Kenneth Katzman, Specialist in Middle East Affairs, Foreign Affairs, Defense and Trade Division, CRS, Library of Congress; and representatives of the Council of Representatives of Iraq.

### IMMIGRATION DETAINEE MEDICAL CARE

*Committee on the Judiciary:* Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held a hearing on Problems with Immigration Detainee Medical Care. Testimony was heard from the following officials of Immigration and Customs Enforcement, Department of Homeland Security: Julie Myers, Assistant Secretary; Philip Farabaugh, Acting Director, Division of Immigration Health Services; Richard M. Stana, Director, Homeland Security and Justice, GAO; and public witnesses.

**MISCELLANEOUS MEASURES**

*Committee on Natural Resources:* Subcommittee on Fisheries, Wildlife and Oceans approved for full Committee action, as amended, the following bills: H.R. 2964, Captive Primate Safety Act; H.R. 5350, To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia; H.R. 5451, Coastal Zone Reauthorization Act of 2008; and H.R. 5741, Shark Conservation Act of 2008.

**DISABLED—FEDERAL STATISTICAL DATA**

*Committee on Oversight and Government Reform:* Subcommittee on Information Policy, Census, and National Archives held a hearing on Does Federal Statistical Data Adequately Serve People Living with Disabilities? Testimony was heard from Steven Tingus, Deputy Assistant Secretary, Planning and Evaluation, Department of Health and Human Services; Daniel Bertoni, Director, Education, Workforce and Income Security Issues, GAO; former Representative Anthony Coelho of California; and public witnesses.

**STATE DEPARTMENT'S ANTITERRORISM ASSISTANCE PROGRAM**

*Committee on Oversight and Government Reform:* Subcommittee on National Security and Foreign Affairs held a hearing on Oversight of the State Department's Antiterrorism Assistance Program. Testimony was heard from Charles M. Johnson, Jr., Director, International Affairs and Trade, GAO; and the following officials of the Department of State: Gina Abercrombie-Winstanley, Deputy Coordinator, Programs, Policy, Budget and Operations, Office of the Coordinator for Counterterrorism; and Lynda Tibbetts, Acting Director, Office of Antiterrorism Assistance, Bureau of Diplomatic Security.

**NASA AUTHORIZATION ACT OF 2008**

*Committee on Science and Technology:* Ordered reported, as amended, H.R. 6063, National Aeronautics and Space Administration Authorization Act of 2008.

**OVERSIGHT—PUBLIC ALERT WARNING SYSTEMS**

*Committee on Transportation and Infrastructure,* Subcommittee on Economic Development, Public Buildings, and Emergency Management held an oversight hearing on Assuring Public Alert Systems Work to Warn American Citizens of Natural and Terrorist Disasters. Testimony was heard from Lisa Fowlkes, Deputy Bureau Chief, Public Safety and Homeland Security Bureau, FCC; MG Martha T. Rainville, USAF (Ret.), Assistant Administrator, National Con-

tinuity Program Directorate, FEMA, Department of Homeland Security; and public witnesses.

**COMMITTEE MEETINGS FOR THURSDAY, JUNE 5, 2008**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

*Committee on Banking, Housing, and Urban Affairs:* to continue hearings to examine the state of the banking industry, 10 a.m., SD-538.

*Committee on Energy and Natural Resources:* to hold hearings to examine off-highway vehicle management on public lands, 9:30 a.m., SD-366.

*Committee on Finance:* to hold hearings to examine the choices for small business in advance of tax reform, focusing on Internal Revenue Service Form 1040 Schedule C, Form 1065 Schedule K-1, and Schedule S, 10 a.m., SD-215.

*Committee on Homeland Security and Governmental Affairs:* Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine community preparedness for disasters, 10:30 a.m., SD-342.

*Committee on Indian Affairs:* to hold an oversight hearing to examine predatory lending in Indian country, 9:30 a.m., SD-562.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

**House**

*Committee on Energy and Commerce,* Subcommittee on Health, hearing entitled "Committee Prints on Administration Legislative Proposals on the Animal Drug User Fee Act Amendments of 2008 and the Animal Generic Drug User Fee Act of 2008," 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Examining the Administration's Proposal to Establish a Multilateral Clean Technology Fund," 1:30 p.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on the Middle East and South Asia, hearing on More Than Just Enrichment: Iran's Strategic Aspirations and the Future of the Middle East, 10 a.m., 2172 Rayburn.

*Committee on Homeland Security,* Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled "The Merida Initiative: Examining U.S. Efforts to Combat Transnational Criminal Organizations," 10 a.m., 311 Cannon.

*Committee on the Judiciary,* Subcommittee on Commercial and Administrative Law, hearing on H.R. 3652, Protecting Employees and Retirees in Business Bankruptcies Act of 2007, 9:30 a.m., 2237 Rayburn.

Subcommittee on the Constitution, Civil Rights, and Civil Liberties and the Subcommittee on International Organizations, Human Rights and Oversight of the Committee on Foreign Affairs, joint hearing on U.S. Department of Homeland Security Inspector General Report



OIG-08-18: The Removal of a Canadian Citizen to Syria, 10:30 a.m., 2141 Rayburn.

*Committee on Natural Resources*, hearing on the following bills: H.R. 2306, Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2007; and H.R. 3699, To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe in Minnesota Chippewa Tribe *v.* United States, Docket Nos. 19 and 188 United States Court of Federal Claims, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 573, Indiana Dunes National Lakeshore Corrections Act; H.R. 3702, Montana Cemetery Act of 2007; H.R. 3809, To amend the Delaware and Lehigh National Heritage Corridor Act of 1988 regarding the local coordinating entity of the Delaware and Lehigh National Heritage Corridor; H.R. 4199, To amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park; H.R. 4828, Palo Alto Battlefield National Historic Site Boundary Expansion Act of 2007; and H.R. 5583, Grand Canyon Watersheds Protection Act of 2008, 2 p.m., 1334 Longworth.

*Committee on Oversight and Government Reform*, Subcommittee on Government Management, Organization, and Procurement, hearing on Oversight of Federal Financial Management, 2 p.m., 2154 Rayburn.

*Committee on Science and Technology*, Subcommittee on Energy and Environment, hearing on H.R. 4174, Federal Ocean Acidification Research and Monitoring Act of 2007, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, hearing entitled “The Housing Crisis—Identifying Tax Incentives to Stimulate the Economy,” 10 a.m., 1539 Longworth.

*Committee on Transportation and Infrastructure*, Subcommittee on Highways and Transit, hearing on Maintaining our Nation’s Highway and Transit Infrastructure, 10 a.m., 2167 Rayburn.

Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Historic Preservation of Railroad Property and Facilities, 2 p.m., 2167 Rayburn.

*Committee on Veterans’ Affairs*, Subcommittee on Health, to mark up the following bills: H.R. 2818, To amend title 38, United States Code, to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs; and H.R. 2192, To amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs; followed by a hearing on the following bills: H.R. 4089, To amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans, and for other purposes; H.R. 4463, Veterans Health Care Quality Improvement Act; and H.R. 5888, To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, 10 a.m., 334 Cannon.

## Next Meeting of the SENATE

9:30 a.m., Thursday, June 5

## Next Meeting of the HOUSE OF REPRESENTATIVES

9:30 a.m., Thursday, June 5

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of the motion to proceed to consideration of S. 3044, Consumer-First Energy Act.

## House Chamber

**Program for Thursday:** Consideration of the Conference Report to accompany S. Con. Res. 70—The Concurrent Budget Resolution for 2009 and H.R. 5540—Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act (Subject to a Rule).

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