

themselves, sometimes lack the ability to make cross-agency comparisons. The American Bar Association's Administrative Law Section, while a fine institution, cannot call upon the time and resources of agency staff members and agency heads as readily as can the Administrative Conference. Congressional staffs cannot as easily conduct the technical research necessary to develop many of the Conference's more technical proposals. The Office of Management and Budget does not normally concern itself with general procedural proposals.

All this is to explain why I believe the Administrative Conference performs a necessary function, which, in light of the cost, is worth maintaining. I recognize that the Conference is not the most well known of government agencies; indeed, it is widely known only within a fairly small (administrative practice oriented) community. But, that, in my view, simply reflects the fact that it does its job, developing consensus about change in fairly technical areas. That is a job that the public, whether or not it knows the name "Administrative Conference," needs to have done. And, for the reasons I have given, I believe the Administrative Conference well suited to do it.

I hope these views will help you in your evaluation of the Conference.

Yours sincerely,

STEPHEN BREYER.

SUPREME COURT OF THE  
UNITED STATES,  
Washington, DC, July 31, 1995.

Hon. CHARLES E. GRASSLEY,  
Chairman, Subcommittee on Administrative  
Oversight and the Courts, U.S. Senate,  
Committee on the Judiciary, Washington,  
DC.

DEAR SENATOR GRASSLEY: Thank you for the invitation to appear at the hearing on "The Reauthorization of the Administrative Conference" scheduled for August 2. I will be unable to do so, but your staff has advised me that a letter would be appropriate.

I am not a good source of information concerning recent accomplishments of the Conference. I have not followed its activities closely since stepping down as its Chairman in 1974. I can testify, however, concerning the nature of the Conference, and its suitability for achieving its objectives.

The Conference seeks to combine the efforts of scholars, practitioners, and agency officials to improve the efficiency and fairness of the thousands of varieties of federal agency procedures. In my judgment, it is an effective mechanism for achieving that goal, which demands change and improvement in obscure areas where bureaucratic inertia and closed-mindedness often prevail. A few of the Conference's projects have had major, government-wide impact—for example, its recommendation leading to Congress's adoption of Public Law 94-574, which abolished the doctrine of sovereign immunity in suits seeking judicial review of agency action. For the most part, however, each of the Conference's projects is narrowly focused upon a particular agency program, and is unlikely to attract attention beyond the community affected by that program. This should be regarded, not as a sign of ineffectiveness, but evidence of solid hard work: for the most part, procedural regimes are unique and must be fixed one-by-one.

One way of judging the worth of the Conference without becoming expert in the complex and unexciting details of administrative procedure with which it deals, is to examine the roster of men and women who have thought it worthwhile to devote their time and talent to the enterprise. Over the years, the academics who have served as consultants to or members of the Conference have

been a virtual Who's Who of leading scholars in the field of administrative law; and the practitioners who have served as members have been, by and large, prominent and widely respected lawyers in the various areas of administrative practice.

I was the third Chairman of the Administrative Conference. Like the first two (Prof. Jerre Williams of the University of Texas Law School, and Prof. Roger Cramton of the University of Michigan Law School), and like my successor (Prof. Robert Anthony of Cornell Law School) I was an academic—on leave from the University of Virginia Law School. The Conference was then, and I believe remains, a unique combination of scholarship and practicality, of private-sector insights and career-government expertise.

I would not presume to provide the Subcommittee advice on the ultimate question of whether, in a time of budget constraints, the benefits provided by the Administrative Conference are within our Nation's means. But I can say that in my view those benefits are substantial: the Conference has been an effective means of opening up the process of government to needed improvement.

Sincerely,

ANTONIN SCALIA.

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

Madam Speaker, I rise in strong support of H.R. 3564. I would like to, first of all, thank the gentlewoman from California for her leadership on this issue. I appreciate working with her.

I am delighted that H.R. 3564, which would reauthorize the Administrative Conference of the United States, is being considered on the floor today. I urge support of this measure. I also urge the Appropriations Committee to appropriate funds to ACUS so that this organization can once again become a living, breathing reality.

Madam Speaker, I am a believer in the adage that the government that governs best governs least; but when the government does govern, it must govern as its best. ACUS is just the organization to help us achieve that goal. Before its funding ceased some years ago, it laid down a decades-long track record of productive activity that was remarkable, unmistakable, and probably unparalleled.

Over the course of its 28-year existence, the conference issued more than 200 recommendations, some of which were governmentwide and others that were agency specific. It issued a series of recommendations eliminating a variety of technical impediments to the judicial review of agency action and encouraging less costly consensual alternatives to litigation.

The fruits of these efforts include the enactment of the Administrative Dispute Resolution Act of 1990, which established a framework for the use of Alternative Dispute Resolution. In addition to this legislation, ACUS served as the key implementing agency for the Negotiated Rulemaking Act, the Equal Access to Justice Act, the Congressional Accountability Act, and the Magnusson-Moss Warranty-Federal Trade Commission Improvement Act. The Conference also made rec-

ommendations regarding implementation of the Congressional Accountability Act and played a key role in the Clinton administration's National Performance Review with respect to improving regulatory systems.

Madam Speaker, time and again, ACUS took the small amount of taxpayer funds that we appropriated and produced enormous savings in the costs incurred and imposed by Federal regulatory agencies. That record is so clear that I can say with absolute confidence that, if we were not to authorize ACUS, we would effectively authorize waste in the rest of the Federal Government. I can say with equal confidence that if the Appropriations Committee were not to appropriate funds to ACUS after the Congress passes this bill, it would effectively appropriate waste by the Federal Government to the tune of millions upon millions of dollars.

Many of you may know my enthusiasm for ACUS, and it will not surprise you that hordes of experts, officials and stakeholders outside of these walls, share that same enthusiasm as well, including Justices Scalia and Breyer, both of whom worked with ACUS in an earlier part of their careers.

To quote just one legal luminary, "If the conference didn't exist, it would have to be invented." Thankfully, we don't need to invent it. We did that long ago. We know it was a great invention. All we need to do is to reauthorize it today and to appropriate funds for it.

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

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, regulations play a critical role in virtually every aspect of our daily lives, yet there is no independent, nonpartisan entity that Congress can utilize to scrutinize and approve the regulatory process. Accordingly, it is critical that we reauthorize the Administrative Conference of the United States as soon as possible so that it can fill this serious void.

I realize that this may not be the sexiest issue on the docket today, but I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 3564.

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.

#### RECOGNIZING THE 60TH ANNIVERSARY OF THE MENDEZ V. WESTMINSTER DECISION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend

the rules and agree to the resolution (H. Res. 721) recognizing the 60th anniversary of the Mendez v. Westminster decision which ended segregation of Mexican and Mexican American students in California schools, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 721

Whereas Mendez v. Westminster was a 1947 Federal court case that challenged racial segregation in California schools;

Whereas in its ruling, the United States Court of Appeals for the Ninth Circuit, in an en banc decision, held that the segregation of Mexican and Mexican American students into separate "Mexican schools" was unconstitutional;

Whereas on March 2, 1945, a group of Mexican-American fathers (Thomas Estrada, William Guzman, Frank Palomino, and Lorenzo Ramirez), led by Gonzalo Mendez on behalf of his daughter Sylvia, challenged the practice of school segregation in the U.S. District Court in Los Angeles;

Whereas the fathers claimed that their children, along with 5,000 other children of "Mexican and Latin descent", were victims of unconstitutional discrimination by being forced to attend separate "Mexican" schools in the Westminster, Garden Grove, Santa Ana, and El Modena school districts of Orange County;

Whereas Judge Paul J. McCormick ruled in favor of Mendez and his co-plaintiffs on February 18, 1946;

Whereas the Westminster school district appealed the decision of the district court;

Whereas when the district appealed Judge McCormick's decision, several organizations joined the appellate case as amicus curiae, including the NAACP, represented by Thurgood Marshall;

Whereas more than a year later, on April 14, 1947, the Ninth Circuit Court of Appeal affirmed the district court's ruling;

Whereas the Ninth Circuit ruled only on the narrow grounds that, although California law provided for segregation of students, it only did so for "children of Chinese, Japanese or Mongolian parentage" and did not provide for "the segregation of school children because of their Mexican blood," therefore it was unlawful to segregate the Mexican children;

Whereas later in 1947, California Governor and future Chief Justice of the United States Earl Warren signed into law a repeal of the last remaining school segregation statutes in the California Education Code and thus ended "separate but equal" in California schools and with it school segregation;

Whereas seven years later, Brown v. Board of Education held "separate but equal" schools to be unconstitutional, ending school segregation throughout the United States; and

Whereas on April 14, 2007, the Mendez family celebrated the 60th anniversary of the Mendez v. Westminster decision: Now, therefore, be it

*Resolved*, that the House of Representatives—

(1) recognizes the 60th anniversary of the Mendez v. Westminster decision which ended segregation of Mexican and Mexican American students in California schools;

(2) honors the Mendez family and congratulates Sylvia Mendez for her continued efforts to keep alive the importance of this case and the impact it had on her future; and

(3) encourages the continued fight against school segregation and the education of the

people of the United States of the civil right implications of the Mendez v. Westminster case.

The SPEAKER pro tempore (Mr. GORDON of Tennessee). Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SANCHEZ) and the gentleman from Utah (Mr. CANNON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks and include extraneous materials for the RECORD.

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

There was no objection.

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 721 recognizes the 60th anniversary of the Mendez v. Westminster School District decision which ended segregation of Mexican and Mexican American students in California schools and honors the Mendez family. I want to commend the gentleman from Texas (Mr. GONZALEZ) for introducing this important resolution, which I am proud to co-sponsor.

As the daughter of Mexican immigrants, this decision has special meaning for me. Like the parents in the Mendez case, my parents understood the importance of education in the realization of the American Dream. Thanks to their efforts and encouragement, all seven of their children have excelled, earning college and advanced degrees.

The Mendez decision really marked a turning point in the effort to win full rights for all Californians of Mexican descent. While the court ruled on narrow grounds that California law did not authorize the school district to create separate so-called "Mexican schools," the importance and effect of that decision went much further.

The words of the U.S. Court of Appeals for the Ninth Circuit are worth repeating. "By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, the school district may have violated the Federal law as provided in the 14th amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the law."

Seven years later, the Supreme Court would finally put an end to the discredited doctrine which allowed school segregation based on the fiction of "separate but equal" schools in the landmark decision Brown v. Board of Education. The author of that decision, Chief Justice Earl Warren, had, as Governor of California, responded to the Mendez decision by signing into law a

repeal of the last remaining school segregation statutes in the California Education Code.

This resolution also honors the Mendez family and congratulates Sylvia Mendez for her continued efforts to keep alive the importance of this case and the impact it had on her future. It is important that we not forget the courage of this family. They took a stand against the prevailing system of segregation in the public schools and won a tremendous victory, not just for themselves, but for many others.

I am a beneficiary of their courage and their achievement. The story of the Mendez family struggle against segregation took place in Westminster, Orange County, just a few miles from where my siblings and I grew up, played soccer, and attended schools. If the Mendez family had not challenged the status quo, and if I had not grown up in a post-Mendez Orange County, it would have taken me many more years to reach the floor of this House, if I ever reached it at all.

School segregation in California was just one facet of the widespread discrimination that Americans of Mexican descent faced across the Southwest, from the Gulf coast to the Pacific coast. Hotels, restaurants, barbershops, public pools, movie theaters, and even maternity wards were segregated for those of Mexican heritage. It was very common to see signs that said "No Mexicans served," or "Mexicans and dogs not allowed."

The injustice of discrimination was most appalling in public education. In the 1930s, more than two-thirds of the Orange County students of Mexican descent were considered mentally retarded. When the Mendez children were turned away from the 17th Street white school in their hometown, they were sent to the Hoover Elementary School, which was the Mexican school, a rickety, wooden building on a dirt lot. Adding insult to injury, many of such Mexican schools operated half days during walnut picking season to accommodate local agribusiness demand for child labor.

□ 1630

Mr. Speaker, there are forces in our society today who believe that the causes of school integration, of diversity, no longer matter. Some believe that fighting segregation might even violate our Constitution. That is just plain wrong.

The Supreme Court in Brown correctly found that separate cannot be equal. As we reflect on this anniversary of the Mendez decision, we must renew our determination to fight injustice and the forces of intolerance. Our Nation will continue to benefit from our diversity.

I join the Members of this House in commemorating this important milestone in our Nation's history and honoring the Mendez family for their courage, their strength, and their contribution to the American Dream.

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

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

Mr. Speaker, I rise in support of H. Res. 721, which recognizes the 60th anniversary of *Mendez v. Westminster* decision, which ended the segregation of Mexican and Mexican American students in California schools.

I would like to take a moment to thank the gentlewoman and chairman of the Commercial and Administrative Law Subcommittee for her statement. She and her sister, who is also on the floor with us today, are remarkable people. They may have come to Congress under even different circumstances, but it is good for America that this impediment was removed from their lives and the lives of many other people of Mexican and Mexican American descent here in the United States.

All Americans should understand that, along with *Brown v. Board of Education*, many Federal court decisions signaled our country's shift away from the obnoxious principle of "separate but equal." One such decision was *Mendez v. Westminster* in which the United States Court of Appeals for the Ninth Circuit, in a decision by the full court, held that the segregation of Mexican and Mexican American students into separate so-called "Mexican schools" was unconstitutional.

That decision in 1945 vindicated the rights of a group of children of Mexican American fathers, Thomas Estrada, William Guzman, Frank Palomino, Lorenzo Ramirez, led by Gonzalo Mendez, who challenged the practice of school segregation in the U.S. District Court in Los Angeles and began a journey that led Mexican Americans nationwide to greater equality.

Those courageous and loving fathers stood for themselves and for some 5,000 others, all citizens of the United States of Mexican descent. As the court held: "By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, respondents have violated Federal law as provided in the 14th amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the laws."

Following that decision, in 1947 California Governor and future Chief Justice of the United States Earl Warren signed into law a repeal of the last remaining school segregation statutes in the California Education Code.

Before those loving fathers brought the case of *Mendez v. Westminster*, there was a crack in the American melting pot. Their courageous actions repaired that crack, brought all Americans closer, and brought America closer to her most cherished ideals.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I would like to

thank the distinguished gentleman from Utah for his kind words, and at this time I would like to yield 5 minutes to the distinguished gentleman from Texas and the author of this bill, Mr. GONZALEZ.

Mr. GONZALEZ. Mr. Speaker, I want to thank my colleague.

Mr. Speaker, it is a momentous day. Sixty years ago, there was a brave young lawyer named David Marcus who took a very unpopular case to court that basically was the dress rehearsal for *Brown v. Board of Education*.

This whole situation was borne of discrimination which was sanctioned and promoted and recognized by the government. You would say, what does that all mean?

The family of the Munemitsu, Japanese Americans, owned a certain piece of property. They grew asparagus on about 40 acres in Westminster, California. They were absent from that property as a result of a government directive. They were Japanese Americans; and, of course, we had the Japanese American internment camps. They were shipped off, dispossessed. The Gonzalo and Felicitas Mendez family were given an opportunity to then lease the properties, a great opportunity, borne of a discriminatory act. Gonzalez had fled the Mexican Revolution in 1916, and like many of our grandparents, came to this country seeking a new life. Their daughter, Sylvia, as my colleague, Congresswoman LINDA SÁNCHEZ has already pointed out, wanted to go to a certain school but California law specifically prohibited Japanese Americans, Mongolian Americans, and Asian Americans from attending school with white children.

But it left out African American and Mexican American children; and believe it or not, that really is what the court did hang its hat on. So we have a Japanese American family and a Mexican American family, and Earl Warren comes into the picture because he is Governor of the great State of California. As Ms. SÁNCHEZ pointed out, a few years later he did away with those particular laws of separate but equal. Thurgood Marshall actually has a little-known role in this case because he filed a brief in support of Dave Marcus' brief seeking that this law would be held unconstitutional. But as I pointed out, it was held invalid for another reason, as far as it pertained to Sylvia and the other Mexican American children.

The lesson for all of us here is when you discriminate against one, you discriminate against all. Whether it is Japanese Americans, Mexican Americans, it does not matter. One country under God. And we hear this often enough when we pledge our allegiance. But really, truly, 60 years ago it took the Gonzalo and Felicitas Mendez family to give true meaning and breathe life into that dream. And because of them, I truly believe you see Members of Congress here today with the names of SANCHEZ and GONZALEZ.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield 5 minutes to the gentlewoman and my sister, LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. I thank the chairwoman for the 5 minutes.

Mr. Speaker, this historic case took place in my hometown and I get to represent that area of central Orange County. The case is really about many families. The Mendez family was the first family in the brief. It was also about many areas of Orange County, not just Westminster. It covered the central portion because in those days, of course, there were the white schools and there were the Mexican schools.

Now the Mexican schools were interesting because it wasn't just Mexicans who went there. It was anybody who looked different. Japanese Americans went there. Native Americans went there. Black Americans went there.

And the case in point was that when the Japanese family was interned and was able to hold onto their property by having Gonzalo Mendez farm it, he began to make more money and so he was in a position to hire lawyers, a lawyer out of Texas and a lawyer out of Los Angeles, to come and fight the issue of why do some children go to the white school and some go to the Mexican school.

You see, when Sylvia's aunt took her children and Sylvia down to the school that day, now that they had moved to a new property where they could farm, when they went down the block to the local school, the children of the aunt were allowed to go to the school because they were lighter in skin. But Sylvia was darker in her complexion, and she was told that those children must go to the Mexican school across town. And having taken these children back with her and saying that was not fair, the discussion went on in the family. And Felicitas, I know, like any mother and any wife would do, sat up all night and shook her husband Gonzalo and said: You're making money now, this isn't fair, do something about it. And that is how they came together as families to put forward such an important decision. And Thurgood Marshall was part of that, representing the NAACP at the time. And, in turn, when we were able to change the law in California, that law was part of the basis for *Brown v. Board of Education* at the national level.

Why do we pass such a resolution today? Because we have to keep reminding ourselves of our history and of the importance of change and what that means. I will tell you why. Sylvia Mendez, the darker daughter who was not allowed in the school, the very case around her, she didn't even know that this had occurred. Sylvia read it in college in a history book. And as she was reading it, she said, Could that be me and could that be my parents? And why didn't they ever tell me about it?

This is the reason we remember, so that all children across our Nation will

understand that all of them will get the opportunity that is America.

Mr. CANNON. Mr. Speaker, I would like to associate myself with the remarks of Ms. LORETTA SANCHEZ as she spoke of the importance of this remembrance today. It is important as Americans that we look back and understand. Life was not always as it is now. It has been different. America is a better place, and this bill is one that commemorates what we are a much better place today. I urge support of the resolution.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, in closing, I would like to say H. Res. 721 appropriately honors the courage of the Mendez family to challenge discrimination and help open the doors of opportunity to all nonwhites through education.

I want to thank the gentleman from Texas (Mr. GONZALEZ) and the gentleman from Utah (Mr. CANNON) for their work on this resolution recognizing the 60th anniversary of the historic Mendez v. Westminster decision, a decision that laid the groundwork for the Supreme Court ruling of Brown v. Board of Education. Again, I urge my colleagues to support this bill.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Res. 721. This resolution recognizes the 60th anniversary of the landmark Mendez v. Westminster decision.

I want to thank my friend, Congressman CHARLIE GONZALEZ, for sponsoring this bill and championing the continued fight for civil and equal rights for the Latino community.

The Mendez v. Westminster decision ended segregation of Mexican American students in the state of California, and set the precedent for the history making Brown v. Board of Education decision of 1954.

I stand here today, a Mexican American serving in Congress, because of the courage of people like Sylvia Mendez and her father, Gonzalo Mendez.

They, along with other brave individuals, stood up for the 5,000 Hispanic-American children who were victims of unconstitutional discrimination, by being forced to attend separate "Mexican" schools in the school districts of Orange County.

This resolution recognizes the significance of this anniversary, and honors Sylvia Mendez for her continued efforts to fight for equality. It also encourages our schools to teach students about the historical significance of the Mendez v. Westminster case, and the positive impact it had on the future of America.

I urge my colleagues to show their support in the continuing fight against school segregation, and to cast a vote in favor of H. Res. 721.

Ms. LINDA T. SÁNCHEZ of California. 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 California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and agree to the resolution, H. Res. 721.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

### ENERGY STORAGE TECHNOLOGY ADVANCEMENT ACT OF 2007

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3776) to provide for a research, development, and demonstration program by the Secretary of Energy to support the ability of the United States to remain globally competitive in energy storage systems for vehicles, stationary applications, and electricity transmission and distribution, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3776

*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 "Energy Storage Technology Advancement Act of 2007".*

#### SEC. 2. DEFINITIONS.

*For purposes of this Act—*

(1) the term "Department" means the Department of Energy;

(2) the term "electric drive vehicle" means—

(A) a vehicle that uses an electric motor for all or part of its motive power, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, and rail transportation vehicles; or

(B) mobile equipment that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment;

(3) the term "islanding" means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source;

(4) the term "microgrid" means an integrated energy system consisting of interconnected loads and distributed energy resources, including generators and energy storage devices, which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode;

(5) the term "Secretary" means the Secretary of Energy;

(6) the term "self-healing grid" means a grid that is capable of automatically anticipating and responding to power system disturbances, including the isolation of failed sections and components, while optimizing its own performance and service to customers; and

(7) the term "spinning reserve services" means an amount of electric generating capacity in excess of the amount needed to meet peak electric demand.

#### SEC. 3. BASIC RESEARCH PROGRAM.

(a) *IN GENERAL.*—The Secretary shall conduct a basic research program to support the development of energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution, including research on—

(1) materials design;

(2) materials synthesis and characterization;

(3) electrolytes;

(4) surface and interface dynamics;

(5) modeling and simulation; and

(6) thermal behavior and life degradation mechanisms.

(b) *FUNDING.*—For activities carried out under this section, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary for carrying out this section \$50,000,000 for each of the fiscal years 2009 through 2014.

#### SEC. 4. APPLIED RESEARCH PROGRAM.

(a) *IN GENERAL.*—The Secretary shall conduct an applied research program on energy storage systems to support electric drive vehicle, stationary application, and electricity transmission and distribution technologies, including research on—

(1) ultracapacitors;

(2) flywheels;

(3) batteries and battery systems (including flow batteries);

(4) compressed air energy systems;

(5) power conditioning electronics;

(6) manufacturing technologies for energy storage systems;

(7) thermal management systems; and

(8) hydrogen as an energy storage medium.

(b) *FUNDING.*—For activities carried out under this section, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary for carrying out this section \$80,000,000 for each of the fiscal years 2009 through 2014.

#### SEC. 5. ENERGY STORAGE SYSTEMS DEMONSTRATIONS.

(a) *IN GENERAL.*—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems. These demonstrations shall be regionally diversified and shall expand on the Department's existing technology demonstration program. These demonstrations should include the participation of a range of stakeholders, such as rural electric cooperatives, investor owned utilities, municipally owned electric utilities, energy storage systems manufacturers, electric drive vehicle manufacturers, the renewable energy production industry, State or local energy offices, the fuel cell industry, and universities. Each of the demonstrations shall include one or more of the following objectives:

(1) Energy storage to improve the feasibility of "micro-grids" or "islanding", or the transmission and distribution capability to improve reliability in rural areas.

(2) Integration of an energy storage system with a self-healing grid.

(3) Use of energy storage to improve security to emergency response infrastructure.

(4) Integration with a renewable energy production source, either at the source or away from the source.

(5) Use of energy storage to provide ancillary services, such as spinning reserve services, for grid management.

(6) Advancement of power conversion systems to make them smarter, more efficient, able to communicate with other inverters, and able to control voltage.

(7) Use of energy storage to optimize transmission and distribution operation and power quality, which could address overloaded lines and maintenance of transformers and substations.

(8) Use of advanced energy storage for peak load management of homes, businesses, and the grid.

(9) Use of energy storage devices to fill up nonpeak generation periods for electricity demand to make better use of existing grid assets.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary for carrying out this section \$30,000,000 for each of the fiscal years 2009 through 2014.

#### SEC. 6. VEHICLE ENERGY STORAGE DEMONSTRATION.

(a) *IN GENERAL.*—The Secretary shall carry out a program of electric drive vehicle energy